



## IDAHO SOIL & WATER CONSERVATION COMMISSION

### SPECIAL MEETING WITH BOARD OF IDAHO ASSOCIATION OF SOIL CONSERVATION DISTRICTS

#### MEETING NOTICE & AGENDA

June 8, 2019, 9:30 a.m. to 1:00 p.m. MT

Location: Best Western Burley Inn, 800 N Overland Ave, Burley, ID 83318

TELECONFERENCE # 1-877-820-7831 Passcode: 922837

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

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

#### AMERICANS WITH DISABILITIES ACT COMPLIANCE

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

	1.	<b>WELCOME, SELF-INTRODUCTIONS, AND ROLL CALL</b>	Chairman Wright,
*	2.	<b>AGENDA REVIEW</b> ( <u>potential action item</u> ) The Agenda may be amended by formal Board action if necessary at the meeting. If so, a motion that states the reason for the amendment and the good faith reason the item was not included in the original agenda will be made and approved by the Board.	Chairman Wright, President Becker
<b>NON-ACTION ITEMS</b>			
#	3.	<b>Draft 2019 Local, State, and Federal Conservation Partnership Agreement</b> Review and discuss draft updating 2011 Partnership Agreement and possible Farm Bill program implementation by state and local partners <u>ACTION</u> : None, for information and discussion only	Murrison, Commissioner Roemer
#	4.	<b>FY 2021 Conservation District Funding Request</b> <ul style="list-style-type: none"><li>District Budget Hearing and Unmet Needs for Conservation Project Implementation</li></ul> <u>ACTION</u> : None, for information and discussion only	Beals
#	5.	District Technical Assistance Requests for FY 2020 <ul style="list-style-type: none"><li>District Requests</li><li>Commission Available Staff Hours</li><li>Division Allocation Processes</li><li>Evaluation Process Timeline</li></ul> <u>ACTION</u> : None, for information only	Beals

(\*) Action Item

(#) Attachment

ACTION: Staff recommended action for Commission consideration

Saturday, June 8, 2019 Meeting Agenda

Date of Notice: May 31, 2019

#	6.	District Reference Manual Updates for FY 2020 <u>ACTION</u> : None, for information only	Beals
	7.	Commission Rules Update <u>ACTION</u> : None, for information only	Chapple Knowlton
	8.	<b>Reports</b> <u>ACTION</u> : None, for information only	Commissioners, Directors
	9.	<b>ADJOURN</b> <i>The next Special Commission Meeting is scheduled for July 25, 2019, in Boise, Idaho.</i>	Chairman Wright

(\*) Action Item

(#) Attachment

ACTION: Staff recommended action for Commission consideration

Saturday, June 8, 2019 Meeting Agenda

Date of Notice: May 31, 2019



**SOIL & WATER  
CONSERVATION  
COMMISSION**

H. Norman Wright  
Chairman

Cathy Roemer  
Vice Chairman

Gerald Trebesch  
Commissioner

Erik Olson  
Commissioner

Vacant  
Commissioner

Teri Murrison  
Administrator

**MEMO**

**TO: CHAIRMAN WRIGHT AND COMMISSIONERS ROEMER, TREBESCH,  
AND OLSON**  
**FROM: TERI MURRISON, ADMINISTRATOR**  
**DATE: MAY 29, 2019**  
**RE: DRAFT 2019 LOCAL, STATE, AND FEDERAL CONSERVATION  
PARTNERSHIP**

At the Joint IASCD and ISWCC Board meeting in January, staff was directed to work with a Committee – consisting of Benjamin Kelly, Commissioner Roemer, and IASCD Director Daniels - to prepare a draft update to the 2011 Partnership Agreement. Since that time, Curtis Elke (NRCS) and Joyce Smith/Robbie Taylor (IDEA) have joined the Committee. We didn't initially convene a meeting due to my medical leave but developed an initial draft for your review in May and the Committee's consideration. That draft can be reviewed by examining the attached *Draft-2 2019 Partnership Agreement* (disregarding the Sommerville amendments referred to below). That draft was shared with partners, requesting comments/changes. Curtis Elke, State Conservationist with NRCS, submitted additional bullets (largely related to the delivery of Farm Bill programs which with the exception of a few districts, Idaho has not uniformly done for some time) for consideration (see attached *Elke Comment*). Robbie Taylor of IDEA advised that his Board had no suggested amendments or additions to the initial draft. Ken Stinson, commenting as an individual, opined that the existing 2011 Agreement is still appropriate and satisfactory (see attached *Stinson Comment*).

At your last Board meeting, IASCD Region 3 Director Sommerville requested some amendments to the draft (see attached *Draft-2 2019 Partnership Agreement*) and your Board directed me to make the changes, share them with Director Sommerville, and convene the Committee to begin review and discussions. I haven't heard back but a Committee meeting was held Tuesday, May 28<sup>th</sup> to discuss the issues contained in this memo. Members of the Committee will be at your meeting to discuss the Committee's recommendation for moving forward.

In the meantime, I attended the NASCA Spring Board Meeting where I learned that most state agencies (and districts) are active participants with NRCS in the delivery of technical and other services to implement Farm Bill programs. In the last few years as Idaho NRCS has experienced difficulty filling positions, the Commission, IASCD, and some districts have signed CTA agreements to assist. However, according to my colleagues around the nation and according to Curtis, there is much more we can do.

Coincidentally or not, earlier this week Curtis forwarded a Memo from USDA regarding the *ADS – Implementation of New State-Level Memoranda of Understanding and Agreements for Sharing Resources* (attached). This document clarifies the Farm Bill implementation expectations NRCS has for partners and sets the stage for a meaningful reset to the Idaho Partnership: one where all are able to focus on the traditional intent of the federal, state, and local partnership (and continue working in those areas beyond that partnership as the Commission and districts desire).

There are several different levels of MOU/MOAs between partners, but the pertinent one is the *State-Level MOU/MOA* (attached) signed by NRSC, associations, RC&Ds, tribes or tribal districts, and state agencies, commissions, or Departments of Agriculture. It was previously referred to as a Cooperative Working Agreement. It clarifies that it documents only cooperative relationships, not the transfer or sharing of resources (office space, vehicles, technical assistance, etc.). Such transfers and sharing of

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resources must henceforth be agreed to under a contribution agreement such as the one we currently have for three employees we hire to work in NRCS field offices.

As you know, the USDA has consolidated certain NRCS administrative functions with FSA. The unit that now deals with Partnership agreements is called the Farm Production and Conservation (FPAC) Business Center. The FPAC has developed two agreement templates for NRCS to use to cooperate with partners: State-Level MOUs documenting relationships, shared objectives, and mutual understandings, and Unfunded Cooperative Agreements that facilitate the “appropriate exchange of ‘things of value’”. Obligating or transferring funding (for office space, equipment/supplies, vehicles and associated expenses, computers, software, and technical equipment) can only be accomplished under cooperative, contribution, or reimbursable agreements.

### **STATE-LEVEL MOAs**

The new template has been created for use when resources are shared or exchanged without obligating funds. Such agreements may last up to 5 years. FPAC has set a goal of renewing all State-Level MOUs by the end of 2019. Without amendments to the template the approval time by FPAC is anticipated to be 3-5 business days. If MOUs are amended, FPAC anticipates a significant lag in approval time.

The MOA states that conservation is to be locally led and voluntary. It stresses adherence to NRCS’ technical standards and other unspecified “science-based technical standards”. The template provided does not include state agencies, however according to the above language and to my state agency colleagues around the nation, many states’ agreements include state agencies as co-equal partners with NRCS and districts since they provide technical and financial assistance to allow districts to accomplish their responsibilities (as do we). For example, I have attached *Missouri’s Cooperative Agreement* - for your information. As a separate attachment, I have also included *Missouri’s Roles and Responsibilities Agreement* (also a cooperative agreement) which includes the state agency as a co-equal participant in the agreement.

The State-level MOA template states:

“...common objectives of delivering technical and financial assistance to farmers, ranchers, forest stewards, and other entities to voluntarily protect, restore, and enhance the productivity of American agricultural lands. The Parties recognize the importance of natural resources, the wise use and management of these natural resources, and, as appropriate, the protection and/or development of these natural resources. This agreement is made and entered into with the objectives of:

- Continuing to support the delivery of excellent and innovative customer service
- Recognizing conservation planning as foundational to our work, and working together to meet the conservation planning assistance needs of our cooperators/customers;
- Strengthening and modernizing conservation delivery to optimize efficiency and effectiveness;
- Broadening our outreach to existing and new customers and partners;
- Supporting science-based decision making as close to the resource issue/opportunity as possible;
- Encouraging a voluntary approach as the primary means of accomplishing conservation goals; and
- Using sound approaches to strengthen each Party and its role in the delivery of soil, water, and related natural resource conservation across the nation.”

It centers on conservation planning and covers soil, water, plants, air, animals, and energy. The template/unamended agreement documents expectations of participants (“districts shall”) including:

### **Districts [and supporting partners]**

#### **With regard to locally led, voluntary conservation**

- provide promotional assistance for Farm Bill programs,



- educate and advocate with state and local officials and other key stakeholders for strong natural resources programs,
- assemble, chair, and convene, publicize broadly, agendaize, notice, record, and report to NRCS on local working groups (via education and outreach including to historically underserved communities),
  - “Adhere to local working group responsibilities and standard operating procedures, as documented in NRCS policy (Title 440, Conservation Programs Manual).
- develop conservation needs assessments through “broad-based community participation and in accordance with NRCS policy and procedures” This will provide a comprehensive evaluation of the district’s natural resource base and be the basis for making decisions about local priorities or policies in all local conservation programs. *[I’m not sure if 5-Year Plans developed under Idaho statute would qualify].*
- Recommend local natural resource priorities and criteria for NRCS conservation activities and programs based on the conservation needs assessment and public input.
- Develop a District Long-Range Plan every three (3) years and an Annual Plan of Work each year. These documents must incorporate local and community inputs.
- Identify NRCS program resources, develop and implement conservation plans and natural resource systems, and evaluate/measure the technical and community impacts of solutions.
- Update NRCS on activities of local and state advisory committees and community groups attended by Conservation District board members and staff.
- Cooperate and collaborate across conservation districts, as appropriate.

#### **With regard to adherence to Technical Standards**

- Adhere to Federal, State, Local, and Tribal laws and regulations.
- Adopt NRCS policies and procedures, including the NRCS Field Office Technical Guide (FOTG), and other science-based technical standards.
- Leverage and promote use of USDA technologies and applications, as appropriate.
- Assign conservation practice job approval authority to its personnel based on employee knowledge, skill, and ability level, and within applicable laws and guidelines. Obtain NRCS concurrence for job approval for practices involving USDA authorities or programs.
- Participate in local, state, and national opportunities for policy, program, and project development.

#### **NRCS**

The agreement template states that NRCS “shall”:

#### **With regard to locally led, voluntary conservation**

- Support outreach activities and inform the districts “at least monthly” of NRCS activities, programs, technical and financial assistance opportunities.
- Work cooperatively to invite and leverage community recommendations for NRCS’ Farm Bill programs.
- Designate a rep to attend district meetings and events including local working group meetings (or chair them, if district not able or unwilling).
- Respond within 90 days in writing to local working group recommendations.
- Respond to requests from districts for technical guidance and assistance.
- Partner with local groups to further district goals and objectives related to natural resources.
- Give districts an annual summary of NRCS accomplishments.

#### **With regard to adherence to technical standards**

- Develop, update, and disseminate technical standards, policies, and procedures.
- Seek input and comment from communities on natural resource conservation policies and issues.

- Inform the Conservation District and communities when pending statutes, laws, regulations, policies, or procedures may have a significant impact on the community.
- Develop and provide access to USDA technologies and applications to facilitate shared standards, as appropriate.
- Provide non-NRCS employees job approval authority in accordance with NRCS policy and consistent with State laws.
- Provide engineering job approval, as based on job class and in accordance with NRCS policy and Federal, State, and local laws, regulations and codes.
- Provide conservation planning certifications for non-NRCS employees in accordance with the NRCS policy and Federal, State, and local laws, regulations and codes
- Create and promote opportunities for the Conservation District board members and staff to participate in policy, program, and project development.
- Provide technical or other training for conservation partnership employees in conjunction with its own training, or as separate events. Training must be consistent with and support of NRCS's mission objectives. As such, the principle emphasis will be on the delivery of field-based conservation technical assistance.

The Agreement specifies that “any information” under the agreement is subject to the Freedom of Information Act, and that project/producer confidentiality regarding technical and financial assistance under Farm Bill or other programs can't be disclosed except under deliver of the assistance [to producer].

#### **Unfunded Cooperative Agreements for Sharing Resources (attached)**

The purpose of these agreements is to accelerate Farm Bill program delivery and despite the name, it is specifically for outlining financial/resource dedication agreements. I have attached a copy of *Missouri's Transportation Agreement* for your reference.

Under responsibilities, NRCS might agree to:

- Provide access to vehicles, technology, and technical tools
- Shared office spaces, etc. (*A copy of Space Sharing FAQs is attached*)

The recipient of the agreement might agree to:

- Provide access to NRCS to shared office space, utilize and report vehicles according to FPAC policies and procedures, etc.

In exchange, deliverables and outcomes identified in Local-level MOAs may also be included.

There is a long list of applicable regulations (which must be reviewed and agreed to) which include the designation of unallowable costs, confidentiality provisions, prior approval requirements, payment guidelines, report submittal, financial reporting, performance monitoring, and reporting, audit requirements, cost-sharing requirements (from no-federal funds only) and more.

#### **Timeline for Adoption of New Agreements**

Due by June 15, State Conservationists have been asked to identify (*using the attached Shared Resources Table as a template*) existing MOUs and agreements that are already or soon will expire – these will be prioritized – and MOUs that allow for the transfer of resources such as office space. FPAC has determined that expired and inappropriate MOAs with resource obligations are the highest priority for addressing by December 31, 2019. Curtis may be able to share the timeline for approval of new (amended) agreements.

### **Staff Recommendation**

As a result of Curtis's requested amendments to the Partnership Agreement, it really seems appropriate for the Partnership to pause developing the Partnership Agreement for a brief period and evaluate individual district and the state's willingness and ability to sign on to and meet the responsibilities of the new MOA and Unfunded Cooperative Agreements.

Curtis stated yesterday in a conversation about this that he might fund cost sharing under such agreements at a ratio of 50-75% match. That means that the recipient would designate a minimum of 25% and a maximum of 50% in matching funds to satisfy the agreement terms. For example, say a district decided that their whole or partial state allocation of funding of \$25,000 would go toward supporting the agreement. Curtis could contribute another \$25,000 to \$75,000 to match local funds *IF he had the budget* to do so, making the joint contribution of partners \$50,000-100,000 toward implementing Farm Bill programs. This would enable the hiring of one or two employees to assist NRCS with their workload in that location.

While this sounds encouraging, there are a number of issues that should be fully explored before choosing a path forward. The questions should be asked and answered by state and local partners:

- Do state and local partners as a whole (or part of them) want to focus on assisting NRCS with the implementation of Farm Bill programs or continue leaving that decision up to the IASCD and/or individual districts to work out with NRCS?
- Do some districts have the ability to implement such an agreement prior to FY 2021 by utilizing a portion of their FY 2020 state allocation to help implement Farm Bill programs?
- Will the Governor support early implementation by authorizing a supplemental spending authority to ISWCC to begin working with districts to implement Farm Bill programs?
- Will the Legislature approve the Governor's authorization of that supplemental spending authority next session?
- Should the ISWCC request a FY 2021 line item budget request for funds to match NRCS funding (up to \$1.25M) or should existing state match allocation funds be considered by districts as match?
- Should districts without the necessary capacity have the ability to request the Commission (under Technical Assistance Allocation process) to assist with some administrative duties (i.e. facilitation of local working group meetings, reporting, long range planning, etc.)?
- Should districts with insufficient resources work together to raise match funding and hire one or more persons to serve a region?
- Should the Partners (local, state, federal, and associations) proceed with a new State Level Agreement while keeping the existing 2011 Partnership Agreement intact for the benefit of any districts that may not choose to participate in implementing the Farm Bill programs?

In the interest of inclusion and transparency, these questions must be answered – not just by the Committee or the Joint Boards – but by all members of the Partnership, including and especially conservation districts individually. So doing may add to our ability to insure the long term relevancy of the traditional local, state, and federal Idaho Conservation Partnership.

It will take time to do so, but it is an important conversation to be had. Should the Board desire to do so, staff will work with the Committee to refine these and other questions and together, we will reach out to solicit input from all districts.

**Timeline for Further Consideration**

Should your Board decide to pause the work on the revised Partnership Agreement draft and investigate further the opportunity of rebooting the roots of our original conservation partnership – working on implementation of federal conservation programs - an estimated timeline of Committee and Board efforts is as follows:

TASK	DUE DATE
NRCS to produce a draft letter documenting unmet Farm Bill need in Idaho, ISWCC Board to conduct District Unmet Needs Budget Hearing	6/7
Review of State-Level MOU Template Agreement, suggested edits submitted to Curtis	6/12
Develop initial draft talking points (1 page Fact Sheet) for consideration by full Committee (Teri, Curtis, Benjamin, Robbie)	6/12
Add to and flesh out questions to be asked and answered	6/21
Committee to meet	6/24, 2 pm
Distribute Fact Sheet to districts/ISWCC Commissioners, IASCD Board member, IDEA Board to schedule district meetings to gather feedback in July, utilize Fact Sheet for meetings with Governor and Legislators (dates pending)	6/28
Conduct outreach (in person, Survey Monkey, ISWCC staff, Committee, ISWCC/IASCD/IDEA Board members) to district supervisors, staff, others	7/1-7/12
Convene Committee meeting to prepare recommendation to ISWCC Board at 7/25 Special Meeting	7/19
Convene Special ISWCC and Joint Board meeting to finalize Commission's district budget request in FY 2021.	7/25
ISWCC Board Meeting - including approve FY 2021 Budget Request	8/29

Staff recommends that this Board and all Partners pause in the development of an updated Agreement while the Committee fleshes out what changes might be made to address potential implementation of Farm Bill Programs around the state according to the above timeline.

REQUESTED ACTION: For information and discussion.

Attachments:

The following have been incorporated in the following order into *4g Partnership Committee Mtg Agenda 05282019 and ...Agenda Attachments* files except where indicated.

1. Draft-2 2019 Partnership Agreement (as amended May 11, 2019)
2. Elke Comment Regarding Draft Partnership Agreement
3. USDA Memo re MOU
4. Template for State-Level MOA
5. Missouri Cooperative Working Agreement

6. Missouri's Roles and Responsibilities Cooperative Working Agreement (attached as a separate document)
7. Template for Unfunded Cooperative Agreements
8. Missouri Agreement Transportation
9. USDA Shared Resources Data Table
10. USDA Space Sharing FAQ
11. Stinson Comment (attached as separate document)

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Please note: this memo has been revised (5/29) to reflect the comments of the committee members

MEMO



SOIL & WATER  
CONSERVATION  
COMMISSION

H. Norman Wright  
Chairman

Cathy Roemer  
Vice Chairman

Gerald Trebesch  
Commissioner

Erik Olson  
Commissioner

Vacant  
Commissioner

Teri Murrison  
Administrator

TO: CHAIRMAN WRIGHT AND COMMISSIONERS ROEMER, TREBESCH,  
AND OLSON  
FROM: TERI MURRISON, ADMINISTRATOR *ter*  
DATE: MAY 23, 2019  
RE: DRAFT 2019 LOCAL, STATE, AND FEDERAL CONSERVATION  
PARTNERSHIP

At the Joint IASCD and ISWCC Board meeting in January, staff was directed to work with a Committee – consisting of Benjamin Kelly, Commissioner Roemer, and IASCD Director Daniels – to prepare a draft update to the 2011 Partnership Agreement. Since that time, Curtis Elke (NRCS) and Joyce Smith/Robbie Taylor (IDEA) have joined the Committee. We didn't initially convene a meeting due to my medical leave but developed an initial draft for your review in May and the Committee's consideration. That draft can be reviewed by examining the attached Draft-2 2019 Partnership Agreement (disregarding the Sommerville amendments referred to below). That draft was shared with partners, requesting comments/changes. Curtis Elke, State Conservationist with NRCS, submitted additional bullets (largely related to the delivery of Farm Bill programs which with the exception of a few districts, Idaho has not uniformly done for some time) for consideration (see attached Elke Comment). Robbie Taylor of IDEA advised that his Board had no suggested amendments or additions to the initial draft. *backgrn* ①

At your last Board meeting, IASCD Region 3 Director Sommerville requested some amendments to the draft (see attached Draft-2 2019 Partnership Agreement) and your Board directed me to make the changes, share them with Director Sommerville, and convene the Committee to begin review and discussions. I haven't heard back but have scheduled a Committee meeting next Tuesday, May 28<sup>th</sup> to begin that review. Members of the Committee will be at your meeting or present by phone should you have any questions of them. ②

In the meantime, I attended the NASCA Spring Board Meeting where I learned that most state agencies (and districts) are active participants with NRCS in the delivery of technical and other services to implement Farm Bill programs. In the last few years as Idaho NRCS has experienced difficulty filling positions, the Commission, IASCD, and some districts have signed CTA agreements to assist. However, according to my colleagues around the nation and according to Curtis, there is much more we can do. *Nasca*

Coincidentally or not, earlier this week Curtis forwarded a Memo from USDA regarding the ADS – Implementation of New State-Level Memoranda of Understanding and Agreements for Sharing Resources (attached). This document clarifies the Farm Bill implementation expectations NRCS has for partners and sets the stage for a meaningful reset to the Idaho Partnership: one where all are able to focus on the traditional intent of the federal, state, and local partnership (and continue working in those areas beyond that partnership as the Commission and districts desire). ③ *Curtis Memo*

There are several different levels of MOU/MOAs between partners, but the pertinent one is the State-level MOU/MOA (attached) signed by NRCS, associations, RC&Ds, tribes or tribal districts, and state agencies, commissions, or Departments of Agriculture. It was previously referred to as a Cooperative Working Agreement. It clarifies that it documents only cooperative relationships, not the transfer or sharing of resources (office space, vehicles, technical assistance, etc.). Such transfers and sharing of resources must henceforth be agreed to under a contribution agreement such as the one we currently have for three employees we hire to work in NRCS field offices. ④

- develop conservation needs assessments through “broad-based community participation and in accordance with NRCS policy and procedures” This will provide a comprehensive evaluation of the district’s natural resource base and be the basis for making decisions about local priorities or policies in all local conservation programs. *[I’m not sure if 5-Year Plans developed under Idaho statute would qualify].*
- Recommend local natural resource priorities and criteria for NRCS conservation activities and programs based on the conservation needs assessment and public input.
- Develop a District Long-Range Plan every three (3) years and an Annual Plan of Work each year. These documents must incorporate local and community inputs.
- Identify NRCS program resources, develop and implement conservation plans and natural resource systems, and evaluate/measure the technical and community impacts of solutions.
- Update NRCS on activities of local and state advisory committees and community groups attended by Conservation District board members and staff.
- Cooperate and collaborate across conservation districts, as appropriate.

#### **With regard to adherence to Technical Standards**

- Adhere to Federal, State, Local, and Tribal laws and regulations.
- Adopt NRCS policies and procedures, including the NRCS Field Office Technical Guide (FOTG), and other science-based technical standards.
- Leverage and promote use of USDA technologies and applications, as appropriate.
- Assign conservation practice job approval authority to its personnel based on employee knowledge, skill, and ability level, and within applicable laws and guidelines. Obtain NRCS concurrence for job approval for practices involving USDA authorities or programs.
- Participate in local, state, and national opportunities for policy, program, and project development.

#### **NRCS**

The agreement template states that NRCS “shall”:

#### **With regard to locally led, voluntary conservation**

- Support outreach activities and inform the districts “at least monthly” of NRCS activities, programs, technical and financial assistance opportunities.
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- Give districts an annual summary of NRCS accomplishments.

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- Seek input and comment from communities on natural resource conservation policies and issues.
- Inform the Conservation District and communities when pending statutes, laws, regulations, policies, or procedures may have a significant impact on the community.
- Develop and provide access to USDA technologies and applications to facilitate shared standards, as appropriate.
- Provide non-NRCS employees job approval authority in accordance with NRCS policy and consistent with State laws.

Curtis stated yesterday in a conversation about this that he might fund cost sharing under such agreements at a ratio of 50-75% match. That means that the recipient would designate a minimum of 25% and a maximum of 50% in matching funds to satisfy the agreement terms. For example, say a district decided that their whole or partial state allocation of funding of \$25,000 would go toward supporting the agreement. Curtis could contribute another \$25,000 to \$75,000 to match local funds IF he had the budget to do so, making the joint contribution of partners \$50,000-100,000 toward implementing Farm Bill programs. This would enable the hiring of one or two employees to assist NRCS with their workload in that location.

While this sounds encouraging, there are a number of issues that should be fully explored before choosing a path forward. The questions should be asked and answered by state and local partners:

- Do state and local partners as a whole want to focus on assisting NRCS with the implementation of Farm Bill programs or continue leaving that decision up to the IASCD and/or individual districts to work out with NRCS?
- What options exist and are optimal for satisfying the considerable administrative and technical responsibilities under the agreements?
- Should districts without the necessary capacity have the ability to request the Commission to provide technical assistance to NRCS under the existing process or some other form of agreement?
- Should districts elect to use existing district allocations under state Trustee and Benefits Allocations toward assisting NRCS or should additional General Fund appropriations be sought by the Partnership for this purpose?

In the interest of inclusion and transparency, these questions must be answered – not just by the Committee or the Joint Boards – but by all members of the Partnership, including and especially conservation districts individually. So doing may add to our ability to insure the long term relevancy of the traditional local, state, and federal Idaho Conservation Partnership.

It will take time to do so, but it is an important conversation to be had. Should the Board desire to do so, staff will begin working with the Committee to refine these and other questions and will reach out to engage all districts.

Consequently, staff recommends that this Board and all Partners pause in the development of an updated Agreement while the Committee considers what changes might be made to address potential implementation of Farm Bill Programs around the state. If that's the road we take, Curtis' recommendations are uniformly pertinent and should be incorporated into the Partnership Agreement.

**REQUESTED ACTION:** For information and discussion

Attachments:

- Draft-2 2019 Partnership Agreement (as amended May 11, 2019)
- Elke Comment Regarding Draft Partnership Agreement
- USDA Memo re MOU
- Template for State-Level MOA
- Template for Unfunded Cooperative Agreements
- USDA Space Sharing FAQ
- USDA Shared Resources Data Table
- Missouri Cooperative Working Agreement
- Missouri Agreement Transportation



**DRAFT**

**The Idaho Conservation Partnership Agreement**

*Jointly Partners provide leadership across the State of Idaho on Agricultural and natural resource conservation issues. Partners have independent responsibilities but are dependent upon each other for the efficient, effective, and successful delivery of conservation services and programs.*

Idaho's oldest conservation movement, the Idaho Conservation Partnership (the Partners) is dedicated to the goal that all local conservation districts work productively with primary partners the Idaho State Soil and Water Conservation Commission (ISWCC), the Natural Resources Conservation Service, the Idaho Association of Soil Conservation Districts (IASCD), the Idaho District Employees Association (IDEA), and other private and public entities to promote non-regulatory conservation efforts in Idaho.

Together, Partners strengthen the delivery of non-regulatory natural resource conservation programs that benefit Agricultural producers and soil, water, air, plants, and animals. Independently and together, the Partners provide leadership on natural resource issues and successfully deliver conservation services and programs to landowners.

**Guiding Principles**

Partners do the following:

- Support voluntary, local leadership in natural resources conservation.
- Value innovation and scientifically-sound practices and methods.
- Support Agriculture and advocate a holistic, systems-based approach to ecosystem management. Embrace sound and economically-viable environmental practices to enhance, maintain, and conserve Idaho's natural resources.
- Are committed to the success of each local, state, and federal partner individually and collectively as a Partners.

We work together by:

- Working to support and strengthen Idaho's fifty individual conservation districts.
- Valuing teamwork, efficacy, mutual respect, and harmony among the Partners, but do not expect or require Partners to subordinate themselves to each other.
- Ensuring Partners support Partners whenever possible.
- Practicing transparency and inclusion, Partners are aware that each has different roles and is responsible to multiple authorities and stakeholders.
- Expecting, demonstrating, and experiencing the best from each other.
- Sharing training opportunities.
- Promoting and supporting the Partnership as a whole while supporting each individual member.
- Sharing leadership, ownership, credit, and responsibility for outcomes.
- Seeking to build new partnerships and alliances to expand opportunities to the Partnership.

**Roles and Responsibilities**

Partners have shared and individual roles and responsibilities in advancing conservation at every level. The roles and responsibilities of each Partner are equally important and critical to the success of voluntary conservation in Idaho.

①

**Local Conservation Districts, the Idaho Association of Soil Conservation Districts (IASCD), and the Idaho District Employees' Association (IDEA)**

The formation of Conservation Districts was enacted by state statute in 1939. Conservation districts Boards are comprised of locally elected leaders who work with state and federal Partners to assist Agricultural and grazing landowners in sustaining and enhancing Idaho's natural resources. Conservation Districts are independent of the Partners but are committed to the Partnership. As a group, they are supported by the IASCD (formed in 1944), whose role it is to represent member districts and educate state and federal officials on the importance of conservation districts and the combined efforts and efficacy of the local, state, and federal Partnership. Conservation district employees support and enhance the effectiveness of local conservation districts. District employees are supported by the IDEA (formed in 1987), whose role it is to further their professional development, and promote good communication, partnerships, and educational outreach.

**State Soil and Water Conservation Commission (ISWCC)**

The ISWCC was initially established by the State of Idaho (in 1939, Idaho Code Title 22, Chapter 27) to help establish local conservation districts: the first districts formed in the 40s. Today, the Commission's mission includes providing technical and financial support to conservation districts, working independently and with Partners to provide conservation programs and services to landowners, and conducting education and outreach to promote locally-led, voluntary conservation in Idaho.

**Federal Natural Resources Conservation Service (NRCS)**

The US Congress passed Public Law 74-46 in 1935 and established the Soil Conservation Service (SCS) as a permanent agency in the United States Department of Agriculture (USDA). In 1994, SCS's name was changed to the Natural Resources Conservation Service (NRCS) to better reflect the broadened scope of the agency's concerns. The NRCS works independently and cooperatively within and outside the Partnership to assist private landowners in conserving soil, water, and other natural resources. They provide technical and financial assistance around the state, including to conservation districts.

The signatures of the following Partners' representatives reflect their commitment to the Guiding Principles and Agreement to work together for the benefit of locally-led voluntary conservation and the Conservation Partnership.

\_\_\_\_\_  
Steven Becker, President, IASCD

\_\_\_\_\_  
Robbie Taylor, President, IDEA

\_\_\_\_\_  
H. Norman Wright, Chairman, ISWCC

\_\_\_\_\_  
Curtis Elke, State Conservationist, NRCS

Please note, there's a larger conversation to be had as we figure out this Partnership Agreement. In many states I've spoken with, districts and the state have an active role in implementing Farm Bill programs. Idaho's state and districts do not, but that's not to say we couldn't. In order to accommodate a focus on Farm Bill programs, our staff would have to update their certification and districts would have to request our time under TA. That's because our hours (50% districts,

75 50% state programs) are totally allocated.

75 Curtis asks we consider adding under Guiding Principles:

- 77 • To inspire and empower our employees and other conservation partners in providing an effective customer experience
- 78 • Strengthening and building the ability of conservationists to work with customers in planning and implementing
- 79 conservation practices at the highest level to help our customers be successful stewards of the land they rely on for their
- 80 livelihood.
- 81 • Continue to be customer-centric in our operations and delivery of conservation.
- 82 • Sharpen the knowledge, skills and abilities of our field conservationists to be the experts working together to develop and
- 83 implement conservation systems that work best for the customer.
- 84 • Together, identifying and removing all barriers which inhibit our field staff from the timely implementation of conservation
- 85 practices.
- 86 • Together, continue to look for ways and methods to grow our volunteer conservation business in Idaho.
- 87

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## Teri Murrison

---

**From:** Elke, Curtis - NRCS, Boise, ID <curtis.elke@usda.gov>  
**Sent:** Saturday, May 04, 2019 1:03 PM  
**To:** Teri Murrison; Cathy Roemer; Tom Daniel; Benjamin Kelly (Benjamin@amgidaho.com)  
**Cc:** Kit Tillotson; Matt Woodard; Mike Somerville (MikeSomerville@live.com); Richard Kunau (richardkunau@gmail.com); Steve Becker (sbecker@turbonet.com); Tom Daniel; Olson, Cassie - NRCS, Bonners Ferry, ID; Simons, Chris - NRCS-CD, Twin Falls, ID; Clearwater admin (clearwater.swcd@gmail.com); Smith, Joyce - NRCS, Idaho Falls, ID; Kerry Christiansen; Taylor, Robbie - NRCS, Rexburg, ID; Lukehart, Vicki - NRCS-CD, Weiser, ID; Elke, Curtis - NRCS, Boise, ID  
**Subject:** RE: Draft Partnership Agreement for Discussion

Team Idaho,

My only edits and proposed additions would be adding the word Volunteer in front of locally-led conservation in the very last paragraph. Also I think we ought to add more statements under guiding principles about our public service and commitment to serve the internal and external customers, our employees within our local communities. Maybe something like;

- To inspire and empower our employees and other conservation partners in providing an effective customer experience
- Strengthening and building the ability of conservationists to work with customers in planning and implementing conservation practices at the highest level to help our customers be successful stewards of the land they rely on for their livelihood.
- Continue to be customer-centric in our operations and delivery of conservation.
- Sharpen the knowledge, skills and abilities of our field conservationists to be the experts working together to develop and implement conservation systems that work best for the customer.
- Together, identifying and removing all barriers which inhibit our field staff from the timely implementation of conservation practices.
- Together, continue to look for ways and methods to grow our volunteer conservation business in Idaho.

Thank you for the opportunity to provide some suggestions,

### Curtis F. Elke

#### State Conservationist

USDA-Natural Resources Conservation Service

☎ Office: (208) 378-5701

☎ Cell: (208) 861-0640

✉ Email: [curtis.elke@usda.gov](mailto:curtis.elke@usda.gov)

9173 W. Barnes Drive, Suite C  
Boise, Idaho 83709



United States Department of Agriculture

Committed to Customer Service

2



MAY 17 2019

**SUBJECT:** ADS – Implementation of New State-Level Memoranda of Understanding and Agreements for Sharing Resources with Conservation and Tribal Districts

**TO:** State Conservationists  
Directors, Caribbean and Pacific Island Areas

File code: 120-12

The Natural Resources Conservation Service (NRCS) and the Nation's Soil and Water Conservation Districts share a rich history of collaborating to deliver comprehensive technical and financial assistance to farmers, ranchers, forest stewards and other entities to voluntarily conserve and enhance natural resources. NRCS also shares a special "government to government" relationship with Tribal governments and their entities, including Tribal conservation districts or Tribal Conservation Advisory Councils, that are grounded in the doctrine of trust.

Along with these historical and unique relationships, NRCS has special statutory authorities to cooperate and share resources with conservation districts and Tribes for the conservation and enhancement of natural resources. NRCS, Conservation Districts, and Tribal Advisory Councils typically document their cooperative relationship via Memoranda of Understanding (MOU). The various MOU types include:

- **USDA MOU**, signed by the Secretary of Agriculture, State or Tribal Governor or Chief, and Conservation District Chairperson
- **National-Level MOU**, signed by the NRCS Chief and Presidents or Chairs of the National Association of Conservation Districts, National Association of Resource Conservation and Development Councils, National Conservation District Employee Association and National Association of State Conservation Agencies
- **State-Level MOU** (formerly, Cooperative Working Agreement), signed by the NRCS State Conservationists; State Association of Conservation Districts; National and State-Level Associations of Tribal Nations or Districts; and, in some cases, the State Agency, Commission, or Department of Agriculture
- **Local-Level MOU** (formerly, Operational Agreement), signed by the NRCS State Conservationist, Area or District Conservationist, and Tribal Council or Conservation District Chairperson

The above MOUs may document the parties' cooperative relationship, but they cannot be used to transfer things of value between the parties as per the Federal Grant and Cooperative Agreement Act (31 U.S.C. §6301). NRCS may only share resources (e.g., incidental office space, vehicles, technical assistance, etc.) via a formal agreement, such as a cooperative or contribution agreement.

Natural Resources Conservation Service  
1400 Independence Avenue, SW  
Washington, D.C. 20250

USDA is an equal opportunity provider, employer, and lender.

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### **Updated State-Level MOUs and Unfunded Cooperative Agreements**

The FPAC Business Center's Grants and Agreements Division (GAD) developed two (2) standardized templates for NRCS's use:

- State-Level MOUs
- Unfunded Cooperative Agreement to facilitate appropriate exchange of "things of value"

#### ***State-Level MOU***

The new State-Level MOU includes standard language to document the relationship of the parties, their shared objectives and the mutual understandings. It may not be used to transfer things of value from one party to another. Incidental office space and other resources, such as vehicles or IT equipment, are considered "things of value."

Per agreement with NRCS, the FPAC Business Center will target refreshing all State-Level MOUs by December 31, 2019. State Conservationists are encouraged to use the approved State-Level MOU with standardized language. State Conservationists may update the signatures and titles to accurately reflect the involved parties. If the approved MOU is used, the Grants and Agreements Division will expedite processing (3-5 business days).

If a State Conservationist or one of the signing parties' desires to revise MOU language, the requested changes will be put into the GAD's general workload queue for review. As NRCS historically faces a significant surge of actions and obligations in the fourth quarter of the fiscal year (FY), this means that the MOU may not be addressed until late in the quarter or in FY 2020.

#### ***Unfunded Cooperative Agreements for Sharing Resources***

In many cases, States are appropriately exchanging resources (e.g., incidental office space and vehicles) via a cooperative or a contribution agreement. In some cases, however, resources may be shared via an existing MOU. NRCS and the FPAC Business Center created a new template for a cooperative agreement for use when resources are exchanged without obligating funds. Unfunded cooperative agreements may have a period of performance of up to 5 years; there is no minimum term.

The unfunded cooperative agreement includes a new, simplified coversheet. It also has modified terms and conditions, namely:

- Simplified template for annual performance report
- Annual Federal Financial Report (SF-425) not required

### **Planning for Workload**

There are approximately 3,000 Conservation Districts and Tribal Advisory Councils with whom NRCS enters in to a State-Level MOU. There are nearly as many districts with whom NRCS shares resources, necessitating a cooperative or contribution agreement. Refreshing existing


MOUs and agreements, therefore, represents a significant workload for partners, NRCS and the FPAC Business Center's GAD, which is responsible for their award and administration. As such, implementation of the new MOU and agreement templates will need to be phased to handle the workload systematically.

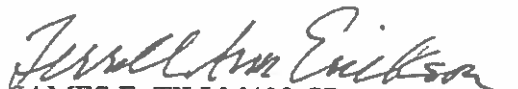
The GAD needs to plan for the anticipated workload volume associated with establishing new agreements for sharing resources and identify the appropriate level of required resources. State Conservationists are therefore asked to report the number of districts with whom resources (e.g., office space, vehicles) are shared via MOUs and any agreements with district or Tribal partners that will expire by the end of FY 2019. Please use the template provided by Appendix A to **submit your completed report by June 15, 2019.**


The GAD will work with NRCS leadership to identify and prioritize processing of non-standard State-Level MOUs in conjunction with priority requests for new or amended grants and agreements. This will also allow the GAD to assess the appropriate level of resources needed to address the workload surge by December 31, 2019. Priorities to be considered:


- MOUs that have expired or are expiring
- MOUs that inappropriately allow for the transfer of resources (e.g., language such as "The NRCS will provide incidental office space to the Conservation District via this MOU"), as things of value may only be transferred via a cooperative or contribution agreement

The GAD will track and report progress and status to NRCS leadership monthly, beginning in July 2019. Please address any inquiries or requests for more information to Myron Taylor, Chief of Staff, Office of the Regional Conservationists, at [Myron.taylor@usda.gov](mailto:Myron.taylor@usda.gov).

  
KEVIN WICKEY  
Regional Conservationist, Central  
Natural Resources Conservation Service

  
JAMES E. TILLMAN, SR.  
Regional Conservationist, Southeast  
Natural Resources Conservation Service

  
ASTOR BOOZER  
Regional Conservationist, West  
Natural Resources Conservation Service

  
TERRELL ANN ERICKSON  
Regional Conservationist, Northeast  
Natural Resources Conservation Service

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Attachments: NRCS-SWCD MOAs – Templates for State-Level MOA  
Unfunded Cooperative Agreement Notice of Award  
Space Sharing Guidance  
Data Call-1

cc:

Bill Northey, Under Secretary, FPAC Mission Area, USDA, Washington, D.C.  
Jamie Clover Adams, Chief of Staff, FPAC Mission Area, USDA, Washington, D.C.  
Matthew Lohr, Chief, NRCS, USDA, Washington, D.C.  
Kevin Norton, Acting Associate Chief for Conservation, NRCS, USDA, Washington, D.C.  
Robert Stephenson, Chief Operating Officer, FPAC Business Center, USDA, Washington, D.C.  
Thomas W. Christensen, Deputy Chief Operating Officer for Business Services,  
FPAC Business Center, USDA, Washington, D.C.  
Robert Ibarra, Director, Grants and Agreements Division, FPAC Business Center, USDA,  
Washington, D.C.

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Selling  
- Talk about  
MOA And  
Unfunded

CTA  
Discretionary  
EGIP, IT,  
CSP, IT,  
RCCR?  
\$17M/yr  
\$40M annual

## Templates for State-Level MOA

- ① Review for edits MOA
- ② Develop points talking
- ③ Questions for us
- ④ As another agreement necessary? - yes, for all dist. - not all will

MEMORANDUM OF AGREEMENT BETWEEN THE  
United States Department of Agriculture, Natural Resources Conservation Service  
AND  
State of [INSERT STATE], [INSERT NAME] Conservation District

**Note:** Other stakeholders and signatories may be added, as appropriate].

**I. PURPOSE**

This Memorandum of Agreement (MOA) is entered into between the United States Department of Agriculture (USDA) Natural Resources Conservation Service (hereafter referred to as NRCS) and the [INSERT NAME] Conservation District. [Note: Include additional stakeholders, as appropriate]

The NRCS and [INSERT NAME] Conservation District (referred to jointly as the Parties) have common objectives of delivering technical and financial assistance to farmers, ranchers, forest stewards, and other entities to voluntarily protect, restore, and enhance the productivity of American agricultural lands. The Parties recognize the importance of natural resources, the wise use and management of these natural resources, and, as appropriate, the protection and/or development of these natural resources. This agreement is made and entered into with the objectives of:

- Continuing to support the delivery of excellent and innovative customer service
- Recognizing conservation planning as foundational to our work, and working together to meet the conservation planning assistance needs of our cooperators/customers;
- Strengthening and modernizing conservation delivery to optimize efficiency and effectiveness;
- Broadening our outreach to existing and new customers and partners;
- Supporting science-based decision making as close to the resource issue/opportunity as possible;
- Encouraging a voluntary approach as the primary means of accomplishing conservation goals; and
- Using sound approaches to strengthen each Party and its role in the delivery of soil, water, and related natural resource conservation across the nation.

**II. BACKGROUND**

The NRCS and [INSERT NAME] Conservation District share a rich history of collaborating to deliver comprehensive technical and financial assistance to farmers, ranchers, forest stewards, and other entities to voluntarily protect, restore, and enhance natural resources.

The Soil Conservation Service was established in 1935 (renamed NRCS in 1994 to reflect its broader conservation mission). NRCS is committed to “helping people help the land.” It provides assistance and resources for conservation practices that improve water and air quality, prevent erosion, restore wetlands, and enhance wildlife. NRCS’s approach to mission delivery and customer service is deeply rooted in the notion that locally-led, voluntary efforts yield the most effective and productive outcomes. Locally-led conservation is the principle that farmers, ranchers, and forest stewards know their lands better than anyone else based on their personal knowledge and experience with those lands. As such, they are best positioned to make optimal decisions for the benefit of their operations, its natural resource conditions, and their communities.

The first Conservation District and the first State Conservation Agency were established in 1937 to provide local leadership in natural resources management. Conservation Districts serve as the link between federal and state agency resources with the local farmers, ranchers, and forest stewards. They are responsible for promoting and carrying out their conservation programs by assisting communities and its members develop, apply, and maintain appropriate conservation practices and resource management systems. They are authorized to provide broad area

planning and implementation assistance to units of government. They are a focal point for coordinating and delivering technical assistance and funding to their respective communities.

### III. STATEMENT OF MUTUAL BENEFIT

In conjunction with the NRCS, the [INSERT NAME] Conservation District coordinates and implements locally led conservation plans because of to their connections to Federal, State, Tribal, and local governments; private resources; and the public. The Parties agree to facilitate cooperation, collaboration, and agreement between agencies, landowners, and other stakeholders; develop comprehensive conservation plans; and bring those plans to the attention of landowners and others within the district.

In addition, the Parties recognize the importance of working together to broaden strategic assessment and planning authority under the Soil and Water Resources Conservation Act of 1977 for the conservation, protection, and enhancement of soil, water, and related natural resources. The Parties further recognize that natural resources are finite and under increasing pressure from a variety of impacts. Soil, water, air, plants, animals, and energy are all addressed under the programs, initiatives, and partnership efforts of the Parties.

In order to deliver the necessary technical and financial assistance to enable locally-led, voluntary conservation, the Parties agree to adhere to the principles, roles, and responsibilities outlined in this Section of the MOA. This MOA does not affect or modify existing regulations or agency responsibilities and authorities. Moreover, this MOA does not commit either part to activities beyond the scope of their respective mission and statutory authorities.

#### A. Locally-Led, Voluntary Conservation

The Parties agree that locally-led, voluntary conservation must be driven by natural resource conservation needs, rather than by programs. Its primary focus is to identify natural resource concerns, along with related economic and social concerns. Locally-led conservation consists of a series of activities and phases that involve community stakeholders in natural resource planning, implementation of solutions, and evaluation of results:

The Conservation District shall:

- Assist NRCS in promoting USDA programs by participating in outreach and community education activities.
- Advocate for a strong natural resource conservation program by keeping appropriate boards, landowners, legislators, county commissioners, and other key stakeholders apprised of conservation activities within the district.
- Assemble and chair the USDA local working group, as chartered under the State Technical Committee and authorized by 7 CFR 610, Part C, to encourage public participation.
  - Encourage diverse participation in local working groups through community outreach and education, to include stakeholders from historically underserved community.
  - Open local working group meetings to the public and advertise notification of meetings in one or more newspapers, including Tribal publications.
  - Develop the agenda and associated materials/information for local working groups and distribute at least 14 calendar days prior to the meeting.
  - Develop and file local working group meeting records within 30 calendar days of the meetings at the local NRCS office.
  - Adhere to local working group responsibilities and standard operating procedures, as documented in NRCS policy (Title 440, Conservation Programs Manual).
- Develop the conservation needs assessment through broad-based community participation and in accordance with NRCS policy and procedures. This will provide a comprehensive evaluation of the

district's natural resource base and be the basis for making decisions about local priorities or policies in all local conservation programs.

- Recommend local natural resource priorities and criteria for NRCS conservation activities and programs based on the conservation needs assessment and public input.
- Develop a District Long-Range Plan every three (3) years and an Annual Plan of Work each year. These documents must incorporate local and community inputs.
- Identify NRCS program resources, develop and implement conservation plans and natural resource systems, and evaluate/measure the technical and community impacts of solutions.
- Update NRCS on activities of local and state advisory committees and community groups attended by Conservation District board members and staff.
- Cooperate and collaborate across conservation districts, as appropriate.

NRCS shall:

- Support outreach activities and ensure the Conservation District is kept informed of NRCS activities and programs on at least a monthly basis. This includes bringing technical and financial assistance opportunities (including matching fund strategies) to the attention of the Conservation District.
- Work cooperatively to solicit and leverage community recommendations to inform priorities that guide the delivery of NRCS conservation programs.
  - Designate a representative to participate in Conservation District meetings and events, including local working group meetings. Alternatively, NRCS will chair the local working group should the Conservation District be unable or unwilling to.
  - Develop and transmit written notifications to the local working group members as to the decisions made in response to their recommendations within 90 days.
- Respond to requests from the Conservation District for technical guidance and assistance.
- Partner with local and Tribal agricultural, conservation, agency, and community groups where possible, to further Conservation District natural resource conservation goals and objectives.
- Provide an annual summary of NRCS accomplishments to the Conservation District.

#### B. Adherence to Technical Standards

The Parties agree to the use of science-based decision-making to address local natural resource issues. Implementation of sound conservation plans and practices will strengthen each party, as well as their roles in the delivery of soil and water conservation.

The Conservation District shall:

- Adhere to Federal, State, Local, and Tribal laws and regulations.
- Adopt NRCS policies and procedures, including the NRCS Field Office Technical Guide (FOTG), and other science-based technical standards.
- Leverage and promote use of USDA technologies and applications, as appropriate.
- Assign conservation practice job approval authority to its personnel based on employee knowledge, skill, and ability level, and within applicable laws and guidelines. Obtain NRCS concurrence for job approval for practices involving USDA authorities or programs.
- Participate in local, state, and national opportunities for policy, program, and project development.

NRCS shall:

- Develop, update, and disseminate technical standards, policies, and procedures.
- Seek input and comment from communities on natural resource conservation policies and issues.
- Inform the Conservation District and communities when pending statutes, laws, regulations, policies, or procedures may have a significant impact on the community.
- Develop and provide access to USDA technologies and applications to facilitate shared standards, as appropriate.
- Provide non-NRCS employees job approval authority in accordance with NRCS policy and consistent with State laws.
- Provide engineering job approval, as based on job class and in accordance with NRCS policy and Federal, State, and local laws, regulations and codes.
- Provide conservation planning certifications for non-NRCS employees in accordance with the NRCS policy and Federal, State, and local laws, regulations and codes
- Create and promote opportunities for the Conservation District board members and staff to participate in policy, program, and project development.
- Provide technical or other training for conservation partnership employees in conjunction with its own training, or as separate events. Training must be consistent with and support of NRCS's mission objectives. As such, the principle emphasis will be on the delivery of field-based conservation technical assistance.

#### C. Data and Information Sharing

Any information furnished to NRCS under this agreement is subject to the Freedom of Information Act (5 U.S.C. 552). Cooperators providing technical or financial assistance under USDA programs may have access to information that must not be subsequently disclosed and may only be used for the purpose of providing that assistance.

See Appendix A, "ACKNOWLEDGMENT OF REQUIREMENTS FOR PROTECTION OF PRIVACY OF PERSONAL AND GEOSPATIAL INFORMATION RELATING TO NATURAL RESOURCES CONSERVATION SERVICE PROGRAMS." The signatory agrees to abide by these requirements as a condition of receiving access to such information.

### IV. GENERAL PROVISIONS

#### A. Period of Performance

This MOA takes effect upon the signature of the Parties and shall remain in effect until mutually modified or terminated.

#### B. Amendments

This MOA may be extended or amended upon written request of either Party and the subsequent written concurrence of the other. Either of the parties may terminate this MOA with a 60-day written notice to the other.

This state-level MOA may be supplemented by a local-level MOA, if desired and mutually agreed to by the parties. The local-level MOA reflects locally developed detailed working arrangements, to include NRCS's and Conservation District's Annual Workplan and/or Plan of Operations. These may include, but are not limited to, documenting specific objectives or goals, action items, provision for documentation of accomplishments, schedule of planned events, and assignment of responsibilities.

### C. Transfer of Funding or Non-Monetary Resources

This MOA is established to document the collaborative relationship between the Parties. Nothing in this MOA shall require either Party to obligate or transfer funding, or anything of value. This may include, but is not limited to:

- Office spaces and equipment/supplies
- Vehicles and associated expenses (e.g., fuel, maintenance)
- Computers, software, and technical equipment

The transfer of funding or other resources of value among the Parties offices requires execution of a separate agreement. The appropriate instruments include:

- Cooperative Agreement (2 CFR 200.24), which allows federal agencies to transfer a thing of value to the State, local or Tribal government, or other recipient to carry out a public purpose of support or stimulation authorized by law of the United States.
- Contribution Agreement (7 CFR 6962a), which is a unique statutory authority allowing NRCS to enter into an agreement with a non-federal entity that shares a mutual purpose in carrying out NRCS programs. All parties must contribute resources to the accomplishment of these objectives.
- Reimbursable Agreement (31 USC 686; PL 90-577), which allows federal agencies to provide specialized or technical services to State and local governments.

### D. Other

This MOA is not intended to, and does not create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by any party against the United States, its agencies, its officers, or any person.

All activities and programs conducted under this MOA shall be in compliance with the nondiscrimination provisions contained in Titles VI and VII of the Civil Rights Act of 1964, as amended; Civil Rights Restoration Act of 1987 (Public Law 100-250); and other nondiscrimination statutes; namely, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendment of 1972, and the Age Discrimination Act of 1975. Also, they will be in accordance with regulations of the Secretary of Agriculture (7 CFR Part 15, subpart A), which provide that no person in the United State shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity of an applicant or recipient receiving federal financial assistance from the Department of Agriculture or any Agency thereof.

All activities conducted under this MOA shall be in compliance with the Drug-Free Workplace Act of 1988 (Public Law 100-690, Title V, Subtitle D).

## V. SIGNATURES

USDA Natural Resources Conservation Service

[INSERT NAME] Conservation District(or other title used for a district such as natural resource district)

---

[Insert Name, Title]

---

[Insert Name, Title]

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[Insert Date]

[Insert Date]

MEMORANDUM OF AGREEMENT BETWEEN THE  
United States Department of Agriculture, Natural Resources Conservation Service (NRCS), the  
[INSERT TRIBAL NATION], and the [INSERT NAME OF CONSERVATION DISTRICT OR  
TRIBAL CONSERVATION ADVISORY COUNCIL]

For their Cooperation in the Implementation of the Common Objectives and Goals of  
NRCS, the [INSERT TRIBAL NATION], and the [INSERT NAME OF CONSERVATION  
DISTRICT OR TRIBAL CONSERVATION ADVISORY COUNCIL]

Note: Other stakeholders and signatories may be added, as appropriate].

**VI. PURPOSE**

This Memorandum of Agreement (MOA) is entered into between the United States Department of Agriculture (USDA) Natural Resources Conservation Service (hereafter referred to as NRCS), the [INSERT TRIBAL NATION], and the [INSERT NAME OF CONSERVATION DISTRICT OR TRIBAL CONSERVATION ADVISORY COUNCIL] (referred to jointly as the Parties) [Note: Include additional stakeholders, as appropriate].

The NRCS, [INSERT TRIBAL NATION], and [INSERT NAME OF CONSERVATION DISTRICT OR TRIBAL CONSERVATION ADVISORY COUNCIL], (referred to jointly as the Parties) recognize the importance of natural resources, the wise use and management of these natural resources, and, as appropriate, the protection and/or development of these natural resources. The Parties also recognize and honor their unique government-to-government relationship.

The NRCS further recognizes its responsibility to seek advice, guidance, and counsel from Indian Tribes and confer with them on topics regarding natural resource conservation issues that may impact their members or lands through the consultation process. It also recognizes the importance of legal, social, cultural, and economic independence to Tribal self-determination and self-sufficiency.

This agreement is made and entered into with the objectives of:

- Furthering the [INSERT TRIBAL NATION]'s goal of self-determination and self-sufficiency by collaborating to develop strong, stable natural resource management programs;
- Ensuring that the policies, procedures, and implementation of NRCS conservation programs or activities are in the best interest of the community by engaging in the consultation process with Tribal leaders, Tribal entities (e.g., the Conservation District, Tribal Conservation Advisory Council), and their members;
- Continuing to support the delivery of excellent and innovative technical and financial assistance and customer service to Tribal entities, leaders, and members;
- Maximizing outreach to the community relating so as to increase awareness of natural resource needs and conservation practices, as well as engage in meaningful dialogue and obtain timely input from the community to ensure such services are responsive to its specific needs and desires;
- Strengthening and modernizing conservation delivery to optimize efficiency and effectiveness;
- Supporting science-based decision making as close to the resource issue/opportunity as possible;
- Encouraging a voluntary approach as the primary means of accomplishing conservation goals; and
- Using sound approaches to strengthen each Party and its role in the delivery of soil, water, and related natural resource conservation across the nation.



## VII. BACKGROUND

The United States (U.S.) and American Indian and Alaska Native Tribes maintain a special “government-to-government” relationship based on the U.S. Constitution, treaties, Federal Statutes, court decisions, and Executive Branch policies. This unique relationship is also grounded in the doctrine of “trust.” This unique relationship between the Federal government and Tribal governments means that Federal agencies (such as NRCS) carry a responsibility to ensure that agency actions are in the best interest of the Tribe, its members, and its lands.

In 1988, the Secretaries of the Interior and Agriculture signed a Memorandum of Understanding (MOU) in recognition of their respective departmental responsibilities with American Indian Tribes. The MOU focused on meeting the needs of American Indians by working in a Federal partnership to improve delivery of services and programs. Over the years, this MOU has been updated to reflect current missions, relationships, and services.

## VIII. STATEMENT OF MUTUAL BENEFIT

In many cases, the Federal and Tribal governments have entered into treaties that influence natural resource management options for NRCS programs both on and adjacent to Tribal lands. The Parties have a mutual interest in helping Tribal members utilize, manage, protect, and enhance its natural resources in accordance with their needs for protection and improvement and their capabilities. The [INSERT TRIBAL NATION] has established the [INSERT NAME OF CONSERVATION DISTRICT OR TRIBAL CONSERVATION ADVISORY COUNCIL] to provide leadership and counsel to the NRCS.

In addition, the Parties recognize the importance of collaborating to broaden strategic assessment and planning authority under the Soil and Water Resources Conservation Act of 1977 for the conservation, protection, and enhancement of soil, water, and related natural resources. The Parties further recognize that natural resources are finite and under increasing pressure from a variety of impacts. Soil, water, air, plants, animals, and energy are all addressed under the programs, initiatives, and partnership efforts of the Parties.

### A. Responsibilities of the Parties

The [Tribal Conservation Advisory Council / Conservation District] shall:

- Advocate for a strong, stable, and quality natural resource conservation program.
- Provide leadership, counsel, and consultation to NRCS on its conservation needs, programs, and priorities.
  - Engage in meaningful dialogue with NRCS, including the Tribal Liaison, and provide guidance on NRCS activities, policies, and/or procedures that may impact the Tribe, its members, or land.
  - Identify conservation needs assessment through broad-based community participation and in accordance with Tribal and NRCS protocols, policies, and procedures. This will provide a comprehensive evaluation of the Tribe’s natural resource base and be the basis for making decisions about local priorities or policies in all local conservation programs.
  - Encourage [Tribal Conservation Advisory Council or Conservation District] members to participate on state and regional-level Tribal Advisory councils (e.g., Conservation Advisory Council).
- Encourage community participation to the planning, conduct, and administration of natural resource programs and services.
  - Assist NRCS in outreach and community education activities.
  - Encourage individual members of Tribes and Tribal organizations to participate in dialogue, analyze issues and solutions to address natural resource concerns, and seek agreement on resource decisions.
  - Encourage member participation in National Environmental Policy Act (NEPA) procedures, including preparation of Environmental Impact Statements, when appropriate.

- Engage NRCS in resource assessments.
- Assist NRCS in establishing training programs on consultation procedures and protocols.
- Cooperate and collaborate across Tribes, NRCS State offices, conservation districts, as appropriate.
- Keep appropriate NRCS and Tribal leaders, boards or committees, members, and other key stakeholders apprised of conservation priorities and activities.
- Develop a District Long-Range Plan every three (3) years and an Annual Plan of Work each year. These documents must incorporate local and community inputs.
- Identify NRCS program resources, develop and implement conservation plans and natural resource systems, and evaluate/measure the technical and community impacts of solutions.

The NRCS shall:

- Acknowledge and honor the trust responsibility relationship between the Federal government and Tribe.
- Identify a Tribal Liaison, to coordinate as needed for Tribal consultation and maintain its relationship as outlined in this MOA.
- Engage in the consultation process, with the intent of seeking advice, guidance, and counsel and engaging in meaningful dialogue.
  - Consult with Tribal leaders and entities prior to implementing actions, policies, or rules that may impact its members, organizations, lands, or resources.
  - Ensure that the consultation process is collaborative, taking into account individual members' and stakeholders' opinions and recommendations.
  - Work with and require contractors to consult with Tribal employee rights offices, where present, when providing Federal funds for projects on Tribal lands.
- Advocate, support and assist the Tribe in achieving its goal of self-sufficiency through establishment of strong and stable organizations capable of administering quality and effective conservation programs.
  - Advocate natural resource stewardship, while working within Tribal religion, standards, values, and culture.
  - Assist the Tribes in building Tribal capacity in natural resources conservation.
  - Support and advocate for members to fully participate in council decision-making and to propose/conduct appropriate community improvement projects.
- Provide quality service through technical and financial assistance.
  - Assist Tribes in resource assessment and conservation program development, providing appropriate resources and expertise, as appropriate and desired.
  - Work with cultural resource specialists and coordinators to ensure appropriate cultural resource consultation protocols and procedures are followed.
  - Inform the [Conservation District or Tribal Conservation Advisory Council] informed of NRCS activities and programs on at least a monthly basis. This includes bringing technical and financial assistance opportunities (including matching fund strategies) to its attention through the consultation process.
  - Increase opportunities for the community to benefit from NRCS programs.
  - Provide an annual summary of NRCS accomplishments.
- Identify and take appropriate steps to remove impediments to working directly and effectively with Indian Tribes.
  - Establish and maintain an office at Tribal Headquarters in accordance with the provisions of the Food, Conservation, and Energy Act of 2008 (Section 14001(g)).

- Develop and provide awareness training to NRCS personnel.
- Assist with planning and participation in community outreach activities.
- Cooperate with Indian Tribes, conservation districts, resource conservation development councils, federal, state, and local governmental entities, and other non-governmental entities to deliver services and further the goals of this MOA.

#### B. Adherence to Technical Standards

The Parties agree to the use of science-based decision-making to address local natural resource issues. Implementation of sound conservation plans and practices will strengthen each party, as well as their roles in the delivery of soil and water conservation.

The [Conservation District or Tribal Conservation Advisory Council] shall:

- Adhere to Federal, State, Local, and Tribal laws and regulations.
- Adopt NRCS policies and procedures, such as the NRCS Field Office Technical Guide (FOTG), and other science-based technical standards.
- Leverage and promote use of USDA technologies and applications, as appropriate.
- Participate in Tribal, local, state, and national opportunities for policy, program, and project development.
- Assign conservation practice job approval authority to its personnel based on employee knowledge, skill, and ability level, and within applicable laws and guidelines. Obtain NRCS concurrence for job approval for practices involving USDA authorities or programs.

NRCS shall:

- Consult with Tribal leadership to seek guidance, input and comment from communities on natural resource conservation policies and issues.
- Consult with the [Conservation District or Tribal Conservation Advisory Council] prior to developing, updating, and disseminating technical standards, policies, and procedures.
- Develop and provide access to USDA technologies and applications to facilitate shared standards, as appropriate.
- Evaluate non-NRCS employees and assign job approval authority in accordance with NRCS policy and consistent with State laws.
- Provide engineering job approval, as based on job class and in accordance with NRCS policy and Federal, State, and local laws, regulations and codes.
- Provide technical or other training for Tribal leaders and members in conjunction with its own training, or as separate events. Training must be consistent with and support of NRCS's mission objectives. As such, the principle emphasis will be on the delivery of field-based conservation technical assistance.

C. Data and Information Sharing

Any information furnished to NRCS under this agreement is subject to the Freedom of Information Act (5 U.S.C. 552). Cooperators providing technical or financial assistance under USDA programs may have access to information that must not be subsequently disclosed and may only be used for the purpose of providing that assistance.

See Appendix A, "ACKNOWLEDGMENT OF REQUIREMENTS FOR PROTECTION OF PRIVACY OF PERSONAL AND GEOSPATIAL INFORMATION RELATING TO NATURAL RESOURCES CONSERVATION SERVICE PROGRAMS." The signatory agrees to abide by these requirements as a condition of receiving access to such information.

**IX. GENERAL PROVISIONS**

E. Period of Performance

This MOA takes effect upon the signature of the Parties and shall remain in effect until mutually modified or terminated.

F. Amendments

This MOA may be extended or amended upon written request of any of the Parties and the subsequent written concurrence of the other(s). Either of the parties may terminate this MOA with a 60-day written notice to the other(s).

This MOA may be supplemented, to reflect mutually agreed-to detailed working arrangements, to include an Annual Workplan and/or Plan of Operations. These may include, but are not limited to, documenting specific objectives or goals, action items, provision for documentation of accomplishments, schedule of planned events, and assignment of responsibilities.

G. Transfer of Funding or Non-Monetary Resources

This MOA is established to document the collaborative relationship between the Parties. Nothing in this MOA shall require either Party to obligate or transfer funding, or anything of value. This may include, but is not limited to:

- Vehicles and associated expenses (e.g., fuel, maintenance)
- Computers, software, and technical equipment

The transfer of funding or other resources of value among the Parties offices requires execution of a separate agreement. The appropriate instruments include:

- Cooperative Agreement (2 CFR 200.24), which allows federal agencies to transfer a thing of value to the State, local or Tribal government, or other recipient to carry out a public purpose of support or stimulation authorized by law of the United States.
- Contribution Agreement (7 CFR 6962a), which is a unique statutory authority allowing NRCS to enter into an agreement with a non-federal entity that shares a mutual purpose in carrying out NRCS programs. All parties must contribute resources to the accomplishment of these objectives.
- Reimbursable Agreement (31 USC 686; PL 90-577), which allows federal agencies to provide specialized or technical services to State and local governments.

H. Other

This MOA is not intended to, and does not create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by any party against the United States, its agencies, its officers, or any person.

All activities and programs conducted under this MOA shall be in compliance with the nondiscrimination provisions contained in Titles VI and VII of the Civil Rights Act of 1964, as amended; Civil Rights Restoration Act of 1987 (Public Law 100-250); and other nondiscrimination statutes; namely, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendment of 1972, and the Age Discrimination Act of 1975. Also, they will be in accordance with regulations of the Secretary of Agriculture (7 CFR Part 15, subpart A), which provide that no person in the United State shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity of an applicant or recipient receiving federal financial assistance from the Department of Agriculture or any Agency thereof.

All activities conducted under this MOA shall be in compliance with the Drug-Free Workplace Act of 1988 (Public Law 100-690, Title V, Subtitle D).

X. SIGNATURES

USDA Natural Resources Conservation Service

[INSERT NAME] Conservation District

\_\_\_\_\_  
[Insert Name, Title]

\_\_\_\_\_  
[Insert Name, Title]

\_\_\_\_\_  
[Insert Date]

\_\_\_\_\_  
[Insert Date]

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**COOPERATIVE WORKING AGREEMENT**  
**Between the**  
**NATURAL RESOURCES CONSERVATION SERVICE**  
**UNITED STATES DEPARTMENT OF AGRICULTURE**  
**And**

THE Adair COUNTY  
SOIL AND WATER CONSERVATION DISTRICT  
**and**  
THE MISSOURI SOIL AND WATER DISTRICTS COMMISSION  
**and**  
THE MISSOURI DEPARTMENT OF NATURAL RESOURCES

**For their Cooperation in the**  
**Conservation of Natural Resources**

THIS AGREEMENT is between the Natural Resources Conservation Service (NRCS), an agency of the United States Department of Agriculture (USDA), referred to as the "Service" and the local County Soil and Water Conservation District referred to as the "District," and the Missouri Soil and Water Districts Commission referred to as the "Commission," and the Missouri Department of Natural Resource's Soil and Water Conservation Program referred to as the "Department," herein jointly referred to as the "Partnership" or "Partner/s."

**PURPOSE AND SCOPE**

The purpose of this agreement is to replace any previous Memorandum of Understanding or Cooperative Working Agreements between the USDA's NRCS, the Soil and Water Conservation District, and the Soil and Water Districts Commission of Missouri. This cooperative working agreement documents those areas of common interest to the state, Federal, and local partnership in natural resource conservation. The purpose of this Cooperative Working Agreement is to define the roles and responsibilities of the Partnership in addressing the specific natural resource conservation needs of our customers.

The customers of the Partnership are individual landowners, other land users, Federal and state land management agencies, local units of government, and the general public.

This agreement is not a legally binding document, but a mutual pledge of cooperation in providing leadership and assistance in natural resource conservation.

Each Partner may have specific responsibilities and function differently, yet will rely on each other for the successful delivery system of conservation programs related to improving and protecting Missouri's natural resources.

An Operational Agreement may be developed by the Partners at the local level that outlines specific policy and procedures as agreed upon by all partners involved.

## MISSION

The mission of the conservation **Partnership** is to provide leadership and administer programs to help people conserve, improve, and sustain our natural resources and environment.

## VISION

It is our intent to be leaders in providing quality, innovative service for the conservation and enhancement of Missouri's natural resources.

## COMMUNICATION

Good communication is the basis of success in carrying out the goals and objectives of this Cooperative Working Agreement among the conservation **Partners**. Since it is a partnership, communication is a vital part of the cooperation that is necessary for the **Partners'** programs to be implemented and administered successfully. All aspects of the conservation **Partners'** programs are dependent upon using communication in an effective and positive way, whether it is between the **Partners** themselves or at the level of the customer. The conservation **Partners** will examine their communication needs and find the most effective ways to establish and maintain good communication practices in order to deliver the best programs and services possible.

## AUTHORITIES, STATUTES, LAWS

The Service is authorized to cooperate and furnish assistance to the parties in the conservation of natural resources as provided in the Soil Conservation and Domestic Allotment Act, 16 United States Code (USC), Section 590; The Department of Agriculture Reorganization Act of 1994, Public Law 103-354; and Secretary's Memorandum No. 1010-1, Reorganization of the Department of Agriculture, dated October 20, 1994.

The District has been organized pursuant to the "Missouri Soil and Water Conservation Districts Law" [278.060 – 278.155, Missouri Revised Statute (RSMo)] to promote all reasonable measures for the saving of soil and protecting the water resources within that soil and water conservation district and to exercise all public powers in connection with soil and water conservation objectives. The District is also responsible for the administration and accountability of local or other funds secured by the district.

The Commission is authorized by "The Soil and Water Conservation Districts Law" (278.060 – 278.155, RSMo) to formulate policies and general programs for the saving of Missouri's soil and protecting the water resources by the soil and water conservation districts and to exercise all public powers in connection with soil and water conservation.

The Department is charged with developing a budget for the Soil and Water Conservation Program under the authority granted under the "Omnibus State Reorganization Act of 1974." The Department is also responsible for the administration and accountability of the funds collected and/or provided through the department.

## ROLES AND RESPONSIBILITIES

The Service provides technical assistance through local soil and water conservation districts to assist land users in the conservation and management of natural resources utilizing the Service Standards

and Specifications in conjunction with the guidance provided within the state and Federal program regulations and policies. The Service agrees to provide resource data, analysis, technical information, assistance, and available USDA programs to support the District. It will also utilize the District's direction in developing the means for the effective delivery of programs and services.

The District agrees to assist with the delivery of state and Federal program implementation at the local level based on natural resource and customer needs. The District will provide input to the Commission and the Federal partners for program administration and long-range planning. District programs will be administered by the District board with the input of the conservation Partners. The District has the responsibility to provide local leadership in identifying the resource needs of their district. These resource needs should be communicated to the Commission through an annual needs assessment.

The Commission agrees to formulate policy and general programs and allocate appropriated funds to assist the District in addressing its resource needs. This includes effectively administering a state-funded soil and water conservation cost-share program. It will also convey to the District any other available aid. The Commission will provide support for its programs through Department staff.

The Department will provide support for the Commission-authorized programs.

The Partners may utilize the services of other agencies or organizations to carry out the programs.

## **GUIDING PRINCIPLES**

The Partnership will provide state and local leadership in resource conservation and mutually agree to:

- Develop and maintain a comprehensive long-range plan to conserve the soil and protect the water resources on Missouri's agricultural land. This will guide the Partnership in addressing priority local natural resource issues with effective strategies which are acceptable to the customers.
- Develop a district annual needs assessment, which may include priorities that are compatible with the long-range plan.
- Maintain and improve a grassroots delivery system that supports state and Federal programs.
- Build new alliances to strengthen the Partnership.
- Involve each Partner in the decision-making process. Maintain decision making at the local level whenever possible and empower people to make decisions at the appropriate level.
- Ensure the stewardship of the taxpayers' funds through reviewing practice options with optimal long-term effects of protecting our natural resources.
- Promote economically and technically sound science based conservation measures.



- Foster a spirit of cooperation and maintain a professional work environment by advancing team building and practicing teamwork through a mutually respectful manner.
- The **Partnership** will coordinate the implementation of Federal and state program funds.
- Advocate comprehensive resource management planning which meets customer needs and addresses natural resource concerns through the needs assessment process.
- Work toward effective customer service by listening, anticipating, and responding to our customers' natural resource needs. This commitment will be a basis for decision making at each level of organization.
- Develop and maintain an effective communication system throughout the **Partnership**.

## **SERVICE (PROGRAM) DELIVERY**

### **Natural Resource Data and Planning**

The **Partners** will coordinate with public and private groups, other resource agencies, and interested parties to share information and resources in developing natural resource plans.

Pertinent natural resource, economic, and social data from credible sources will be collected and used in natural resource planning. The **Partnership** will review data to ensure reliability.

The **Partners** agree to identify, define, and coordinate the collection and use of resource inventory data. They will cooperate in monitoring and validating the resource inventory to ensure the data meets the needs of resource planning and evaluation processes.

The **Service** will have leadership responsibility for the maintenance of natural resource information. The **Partners** agree to work toward establishing and maintaining accessible databases.

The **Partners** will coordinate their efforts in the communication of program information to their customers.

### **Technical Standards**

The **Partners** agree to adopt the **Service's** Field Office Technical Guide as the standard for planning and implementing resource management systems and practices. The **Service** will have primary responsibility for developing and maintaining the Technical Guide. The **Service** will consult with the **Partners** and the scientific community in making revisions or additions.

The **Partners** will work collectively in the assignment of conservation planning and application responsibilities. The **Service** can grant any technician NRCS job approval authority based on the employee's knowledge, skill, and ability level for the applicable conservation practice.

The **Department** will work with the **Service** in development of standardized testing aptitudes for non-engineering practices for technician certification.

The Partners will follow the technical standards and specifications within the guidance of state and Federal program rules and policies.

#### **Technical Assistance**

The Partners will work together to determine the amount of technical and administrative assistance needed and available for program delivery at each level. Work organization and staff assignments and responsibilities for technical assistance will be coordinated by the Partners at the appropriate level.

The Service will provide technical assistance to conservation and tribal districts in accordance with NRCS General Manual 180 Part 401.36 entitled, "Assistance to Conservation and Tribal Districts." This assistance will be based on funds availability and mandated workload priorities. The District will assist with the administrative planning support of related Farm Bill activities through case file management, development of conservation plans and supporting documents as well as reporting technical assistance in Service databases. Assistance may also include scheduling appointments with customers and tracking workload requests.

The Partnership will not recommend vendors/contractors to landowners who are implementing soil and water conservation practices. The Federal law referred to as the Anti-Kickback Act of 1986 prohibits this type of action.

The Partnership will not charge an application fee or deposit to landowners for clerical and technical assistance in processing cost-share program payments.

#### **Geographical Boundaries**

The district will be the basic service boundary for district personnel. If the District would like to share staff expertise with other districts, they may develop a stand-alone Memorandum of Understanding. Districts may elect to develop multi-district/NRCS program plans for a common resource area or Field Office Service Area. The Service will provide assistance with an interdisciplinary team working across district boundaries.

### **OPERATING PROCEDURES**

#### **Equipment and Supplies Necessary for Administration of the State and Federal Programs**

The Partners agree to provide equipment and supplies within limitations of funds necessary to carry out their programs.

The Partners will authorize employees to use each other's office and technical equipment, software, or supplies available when such use will increase program effectiveness, is in accordance with policy, and consistent with the mission.

The Partners will require their employees to follow each other's management regulations and procedures as required in the management of office and technical equipment, software, supplies, and office space.

The **Department** will provide the **District** with the necessary computer software and hardware needed to deliver state program.

### **Transportation**

The **District** and **Service** will follow the **District's Agreement for Intermittent Use of Transportation Equipment**. Other non-Federal employees, including **Department** staff, working in cooperation with the NRCS under this agreement may operate or be passengers in NRCS-owned or leased vehicles and transport the necessary equipment for the design and certification of conservation practices. The restrictions, regulations, and guidelines that pertain to NRCS employees' official use also apply to non-Federal employees working under the authority of this agreement. Under no circumstance shall NRCS-owned or leased vehicles or any equipment transported using those vehicles, be used for personal use or revenue-making activities of the non-Federal partner.

The **Service** agrees to provide transportation within fund limitations and service guidelines.

The **District** agrees to provide transportation as needed and available beyond that which is provided by the **Service** as funding allows.

Non-state employees working in cooperation with the **Department** in conducting state business are authorized passengers in a state owned or leased vehicle according to Missouri Department of Natural Resources' *Administrative Policies and Procedures* 6.01.

### **Facilities and Records**

The **Service** will direct its primary resources toward technical staff, office space, and transportation for both **Service** and **District** needs within fund limitations and authorities.

The **District** will provide clerical and technical assistance for both **Service** and **District** needs within fund limitations and authorities.

The **Service** agrees to provide office space and related services when such space and/or service can be provided within funds limitations and authorities. The **Service** will permit conservation **Partners** to use **Service** communications for official business.

The **Partners** agree to consult with each other on office space needs.

If the **District** is a stand-alone office, they agree to provide workspace for the **Service**.

Each **Partner** will provide guidance and technology necessary for reports, records management, and other administrative needs of the programs.

The **Service** shall grant the **Department** access to pertinent files related to state cost-share practices for reviewing and auditing purposes. The **Department** agrees to comply with the Privacy Act and Freedom of Information Act (FOIA) as discussed later in this document.

The **Partnership** agrees to comply with RSMo 278.135, related to the marketing or buying and selling of farm products.

## **FINANCIAL RESPONSIBILITY**

The **Partners** will work together to maximize available resources to accomplish natural resource priorities.

Neither the: **Service**, the **District**, the **Commission**, nor the **Department** is bound by any obligation in this agreement which will involve the expenditure of funds in excess of the amounts made available to any **Partner**.

The **Partners** agree to be accountable for funding and/or resources available to them.

The **Department** will provide for surety bonds for all **District** board members and employees entrusted with funds or property.

## **PERSONNEL**

The responsibility of employment of personnel will be determined by each **Partner** for its employees. The **Partners** will work together to coordinate staffing that supports identified resource needs.

All employees will receive an orientation and be provided with a detailed job description.

Each **Partner** will develop a personnel policy to serve their respective employees with issues such as benefits, salaries, leave policies, work scheduling, hiring, termination, and any other issue they deem to be pertinent.

Employees will receive a scheduled job performance evaluation, which may include participation of **Partnership** agencies. Overall supervision of employees will be the responsibility of each **Partner** for its own employees. Daily work coordination may be established upon the agreement of all involved.

Training will be made available to employees to meet the duty requirements of each job and to improve efficiency and effectiveness of conservation programs and services. All **Partners** should make training opportunities available, within funding limitations; that will result in improved quality and quantity of service to the customer.

## **COMPLIANCE WITH FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS**

Each **Partner** will comply with all Federal, State, and Local Laws and Regulations.

The **Service** is authorized to cooperate and furnish assistance to the parties in the conservation of natural resources as provided in the Soil Conservation and Domestic Allotment Act, 16.590; The Department of Agriculture Reorganization Act of 1994, Public Law 103-354; and Secretary's Memorandum No. 1010-1, Reorganization of the Department of Agriculture, dated October 20, 1994.

The Missouri Soil and Water Conservation Districts Law (Section 278.060-278.300, RSMo) authorize the **Districts** to enter into agreements with the United States and its agencies.

The **Partners** will each assume liability for the actions of their respective officials and employees acting within the scope of their duties to the extent provided by law.

## PRIVACY ACT & FOIA

It is the intent of the Service to safeguard data collected and maintained in a system of records in accordance with the provisions and clauses of the Privacy Act and the FOIA. Therefore, information maintained in the Service records shall be controlled by the Service in such a way that ensures public trust and confidence. Attached "Acknowledgement of Section 1619 Compliance" incorporated in full text.

The District agrees to comply with NRCS General Manual guidelines (GM 120-408) regarding the disclosure of information protected by the FOIA [5 USC 552(a)] and Privacy Act provisions. Information protected in participant case files shall not be disclosed to the general public except in cases approved by the FOIA Officer. The FOIA Officer should be contacted if questions arise whether to release information covered by the FOIA and Privacy Act pursuant to one of the exemptions under the Acts.

## CIVIL RIGHTS

The programs conducted will be in compliance with the provisions of Title VI of the Civil Rights Act of 1964 and other nondiscrimination statutes, namely Section 504, Title IX, and the Age Discrimination Act of 1975, and in accordance with the regulations of the Secretary of Agriculture (Title 7 of the Code of Federal Regulations, Section 15, Subparts A and B) which provide that no person in the United States shall, on the grounds of race, color, national origin, age, sex, religion, marital status, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Agriculture or any agency thereof.

## NATURAL RESOURCES CONSERVATION SERVICE

By:   
(State Conservationist)

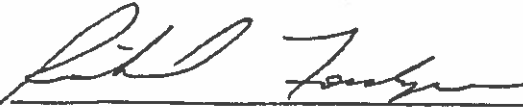
Date: 4-19-13

Adair COUNTY SOIL AND WATER CONSERVATION DISTRICT

By:   
(Chairperson, Soil and Water Conservation District)

Date: 5-14-13

## MISSOURI SOIL AND WATER DISTRICTS COMMISSION

By:   
(Chairperson, Missouri Soil and Water Districts Commission)

Date: 4/16/13

## MISSOURI DEPARTMENT OF NATURAL RESOURCES

By:   
(Director, Missouri Department of Natural Resources)

Date: 4-26-13

**NATURAL RESOURCES CONSERVATION SERVICE  
UNITED STATES DEPARTMENT OF AGRICULTURE**

**ACKNOWLEDGMENT OF SECTION 1619 COMPLIANCE**

**Purpose and Background**

The purpose of this Acknowledgment of Section 1619 compliance (hereinafter "Acknowledgment") is to require acknowledgment by the Soil and Water Conservation Districts (SWCD) of the requirements of Section 1619 of the Food, Conservation, and Energy Act of 2008 (the 2008 Farm Bill), which prohibits disclosure of certain information by the Department of Agriculture (USDA) and its cooperators. The SWCD assists Natural Resources Conservation Service (NRCS) in the delivery of conservation-related services (for example, services that sustain agricultural productivity, improve environmental quality, reduce soil erosion, enhance water supplies, improve water quality, increase wildlife habitat, and reduce damages caused by floods and other natural disasters) or with monitoring, assessing, or evaluating of conservation benefits from USDA conservation programs under a Cooperative Working Agreement. Those individuals or organizations (governmental or nongovernmental) that assist NRCS with providing conservation-related services are known as NRCS Conservation Cooperators.

**NRCS Conservation Cooperator**

As an NRCS Conservation Cooperator, SWCD is authorized access to otherwise-protected agricultural information. Such protected information must be strictly limited to only that information necessary for SWCD to provide conservation related services or to perform monitoring, assessing, or evaluating of conservation benefits. Disclosure to the SWCD can include receiving the protected information either: 1) directly from NRCS; 2) directly from the producer or owner as part of the process required to enable a producer or owner to participate in a USDA program; or 3) in another manner with the producer's permission.

**Section 1619 of the 2008 Farm Bill**

Section 1619 of the Food, Conservation, and Energy Act of 2008 (Exhibit 1) hereinafter "section 1619" provides that USDA, or any "contractor or cooperator" of USDA, "shall not disclose—(A) information provided by an agricultural producer or owner of agricultural land concerning the agricultural operation, farming or conservation practices, or the land itself, in order to participate in the programs of the Department; or (B) geospatial information otherwise maintained by the Secretary about agricultural land or operations for which information described in subparagraph (A) is provided." The Department of Agriculture may disclose protected information to a USDA cooperator when such cooperator is "providing technical or financial assistance with respect to the agricultural operation, agricultural land, or farming or conservation practices" if USDA determines that the protected information will not be subsequently disclosed, except in accordance with the exceptions contained in Section 1619. The SWCD is a "contractor or cooperator" of USDA within the meaning of Section 1619. Accordingly, the SWCD may not subsequently disclose any information protected by section 1619. By signature on this Acknowledgment, the SWCD is certifying future compliance with the statutory obligations under Section 1619. Upon execution of this Acknowledgment, NRCS may continue to provide to the SWCD the protected information provided under this agreement.

## Responsibilities

The SWCD (hereinafter the "Conservation Cooperator") certifies that:

- Signature on this Cooperative Working Agreement indicates acknowledgment and understanding that the Conservation Cooperator is legally bound by Federal statute to comply with the provisions of Section 1619 and that the Conservation Cooperator will not subsequently disclose information protected by section 1619 to any individual or organization that is not directly covered by this Acknowledgment. Any such subsequent disclosure of the protected information (except as permitted under Section 1619) will be considered a violation of Section 1619. The Conservation Cooperator will be held responsible should disclosure of the protected information occur.
- Signature on this Acknowledgment legally binds every owner, manager, supervisor, employee, contractor, agent, and representative of the Conservation Cooperator to comply with the provisions in Section 1619. The Conservation Cooperator must consult with NRCS Cooperator and as necessary to implement the program to ensure that such release is permissible.
- The Conservation Cooperator will use the protected information only to perform work that is directly connected to provide conservation related services or perform monitoring, assessing, or evaluating conservation benefits. Use of the protected information to perform work that is not directly connected to provide conservation related services or perform monitoring, assessing, or evaluating conservation benefits is expressly prohibited.
- The Conservation Cooperator must internally restrict access to the protected information to only those individuals who have a demonstrated need to know the protected information in order to provide conservation related services or perform monitoring, assessing, or evaluation of conservation benefits.
- The provisions in Section 1619 are continuing obligations. Even when the Conservation Cooperator is no longer an NRCS Conservation Cooperator, or when individuals currently affiliated with the Conservation Cooperator become no longer so affiliated, every person having been provided access to the protected information will continue to be legally bound to comply with the provisions of this Acknowledgment.
- The Conservation Cooperator must notify all managers, supervisors, employees, contractors, agents, and representatives about this Acknowledgment and the requirements of Section 1619. For the duration of this Acknowledgment, notifications about the existence of this Acknowledgment must be made to those individuals who are new to the organization and periodic notifications must be sent throughout the organization (as well as to all contractors and agents) to remind all about the ongoing and continuing requirements.
- When the Conservation Cooperator is unsure whether particular information is covered or protected by Section 1619, the Conservation Cooperator must consult with NRCS to determine whether the information must be withheld.

- This Acknowledgment is nontransferable and may not be bought, sold, traded, assigned, extended to, or given free of charge to any other individual or organization not directly covered by this Acknowledgment.
- Use of the protected information for any purpose is expressly prohibited when an individual or organization is no longer an NRCS Conservation Cooperator. When the Conservation Cooperator is no longer an NRCS Conservation Cooperator, any protected information provided under this Acknowledgment must be immediately destroyed or returned to NRCS. The Conservation Cooperator must provide to NRCS written certification that the protected information (paper copy, electronic copy, or both) has been properly destroyed, removed from any electronic storage media, or both.
- The State's "sunshine law," "open records act" or other version of the FOIA is superseded by section 1619 under the Supremacy Clause of the U.S. Constitution. Accordingly, information protected from disclosure by section 1619 must not be released under such State laws.
- Note: If the Secretary of Agriculture cannot determine that the protected information will be properly withheld by a State governmental agency, (for example., State policy indicating that public disclosure of information will not be required for records that are specifically required by the Federal Government to be kept confidential), then section 1619 prohibits the disclosure of the protected information to the State governmental agency. Acknowledgement of this provision by a State agency/employee's signature confirms a presumption for that determination. Conversely, failure or refusal to sign undermines the determination and prevents information sharing.

### **Protected Information**

An example of the type of information prohibited by disclosure under Section 1619 includes, but is **not limited to**, the following:

- State identification and county number (where reported and where located).
- Producer or landowner name, business full address, phone number, Social Security Number, and similar personal identifying information.
- Farm, tract, field, and contract numbers.
- Production shares and share of acres for each Farm Serial Number field.
- Acreage information, including crop codes.
- All attributes for Common Land Units in USDA's Geospatial Information System
- Any photographic, map, or geospatial data that, when combined with other maps, can be used to identify a landowner.
- Location of conservation practices.

Section 1619 allows disclosure of "payment information (including payment information and the names and addresses of recipients of payments) under any Department program *that is otherwise authorized by law*" (emphasis added). The names and payment information of producers generally may be provided to the public; however the Conservation Cooperator shall consult with NRCS if there is any uncertainty as to the provision of such information.



Section 1619 also allows disclosure of otherwise protected information if “the information has been transformed into a statistical or aggregate form without naming any—(i) individual owner, operator, or producer; or (ii) specific data gathering cite.” The Conservation Cooperator must consult with NRCS as to whether specific information falls within this exception prior to relying on this exception.

#### **Violations**

The Conservation Cooperator will be held responsible for violations of this Acknowledgment and Section 1619. A violation of this Acknowledgment by the Conservation Cooperator may result in action by NRCS, including termination of the underlying this agreement.

#### **Effective Period**

This Acknowledgment will be in effect on the date of the final signature and continues until NRCS notifies the Conservation Cooperator that the Acknowledgment is no longer required based on changes in applicable Federal law.

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## **SECTION 1619. INFORMATION GATHERING.**

(a) **GEOSPATIAL SYSTEMS**—The Secretary shall ensure that all the geospatial data of the agencies of the Department of Agriculture are portable and standardized.

### **(b) LIMITATION ON DISCLOSURES—**

(1) **DEFINITION OF AGRICULTURAL OPERATION**—In this subsection, the term “agricultural operation” includes the production and marketing of agricultural commodities and livestock.

(2) **PROHIBITION**—Except as provided in paragraphs (3) and (4), the Secretary, any officer or employee of the Department of Agriculture, or any contractor or cooperator of the Department, shall not disclose—

(A) Information provided by an agricultural producer or owner of agricultural land concerning the agricultural operation, farming or conservation practices, or the land itself, in order to participate in programs of the Department; or

(B) Geospatial information otherwise maintained by the Secretary about agricultural land or operations for which information described in subparagraph (A) is provided.

### **(3) AUTHORIZED DISCLOSURES—**

(A) **LIMITED RELEASE OF INFORMATION**—If the Secretary determines that the information described in paragraph (2) will not be subsequently disclosed except in accordance with paragraph (4), the Secretary may release or disclose the information to a person or Federal, State, local, or tribal agency working in cooperation with the Secretary in any Department program—

(i) When providing technical or financial assistance with respect to the agricultural operation, agricultural land, or farming or conservation practices; or

(ii) When responding to a disease or pest threat to agricultural operations, if the Secretary determines that a threat to agricultural operations exists and the disclosure of information to a person or cooperating government entity is necessary to assist the Secretary in responding to the disease or pest threat as authorized by law.

### **(4) EXCEPTIONS**—Nothing in this subsection affects—

(A) The disclosure of payment information (including payment information and the names and addresses of recipients of payments) under any Department program that is otherwise authorized by law;

(B) The disclosure of information described in paragraph (2) if the information has been transformed into a statistical or aggregate form without naming any—

(i) Individual owner, operator, or producer; or

(ii) Specific data gathering site; or

(C) The disclosure of information described in paragraph (2) pursuant to the consent of the agricultural producer or owner of agricultural land.

(5) **CONDITION OF OTHER PROGRAMS**—The participation of the agricultural producer or owner of agricultural land in, or receipt of any benefit under, any program administered by the Secretary may not be conditioned on the consent of the agricultural producer or owner of agricultural land under paragraph 4(c).

**(6) WAIVER OF PRIVILEGE OR PROTECTION**—The disclosure of information under paragraph (2) shall not constitute a waiver of any applicable privilege or protection under Federal law, including trade secret protection.

## Unfunded Cooperative Agreement Notice of Award

Agreement Number		Amendment No.	Period of Performance	DUNS: EIN:
Agency: Natural Resources Conservation Service (NRCS) (Name and Address)			Partner Organization (Name and Address)	
NRCS Program Contact		FPAC - BC Administrative Contact:	Partner Program Contact:	Partner Administrative Contact:
CFDA Number	Authority		Type of Action	Project Director
Location:				
Details:				
A complete agreement includes: Attached Unfunded Cooperative Agreement Initial Estimate and Annual Usage Report.				
This agreement is subject to applicable USDA NRCS statutory provisions Regulations. In accepting this award or amendment the undersigned represents that he or she is duly authorized to act on behalf of the Partner organization, agrees that the award is subject to the applicable provisions of this agreement (and all attachments).				
Name and Title of Authorized Agency Representative			Signature	Date
Name and Title of Authorized Partner Representative			Signature	Date

**NONDISCRIMINATION STATEMENT** - The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotope, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW., Washington, DC 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

**PRIVACY ACT STATEMENT** - The above statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. Section 522a).

## Statement of Work

### Purpose

The purpose of this agreement is to accelerate delivery of Farm Bill programs and enhance conservation delivery through a partnership with the [INSERT NAME]. The Natural Resources Conservation Service (NRCS) and [INSERT NAME] (Recipient) (together, Parties) have a mutual interest in delivering timely and effective assistance to customers participating in USDA programs and addressing natural resource concerns.

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### Objectives

[Sample Language]:

NRCS and the Recipient (the "Parties") will jointly address opportunities, concerns, and problems related to the use of natural resources that help keep land healthy. Benefits of these activities include sustained and improved agricultural productivity; cleaner, safer, and more dependable water supplies; clean air; abundant wildlife; enhanced recreational opportunities; tranquil and scenic landscapes; reduced damages caused by flood, fires, and other natural disasters; and an enhanced natural resource base to support continued economic development and strengthen quality of life.

In order to facilitate cooperation in carrying out natural resource programs that provide mutual benefit to the Parties, the Parties will share resources as documented in this agreement.

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### Budget Narrative

[Sample Language – Cooperative Agreement, include whether or not funds are obligated]

The Parties intend to share resources as identified in the "Resources Required" section of this agreement. Because the level of support offered by each party may vary from year to year, at the beginning of each agreement year the Parties shall document the specific resources allocated for that year's performance.

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### Responsibilities of the Parties

[Sample Language Only – Should be updated to reflect agreed-to responsibilities]:

NRCS will:

1. Provide access to NRCS vehicles, equipment, technology, and technical tools to the maximum extent possible to facilitate mission delivery and enable mutually beneficial program outcomes.
2. Provide access to shared office spaces, where parties can better collaborate to achieve mutually beneficial outcomes and provide improved access and services to customers within the local community.
3. Employees of NRCS shall participate in efforts under this agreement solely as representatives of the United States. To this end, they shall not participate as directors, officers, employees, or otherwise serve or hold themselves out as representatives of Recipient or any member of Recipient. They also shall not assist the Recipient or any member of the Recipient with efforts to lobby Congress, or to raise money through fundraising efforts. Further, NRCS employees shall report to their immediate supervisor any negotiations with Recipient, or any member of Recipient, concerning future employment and shall refrain from participation in work regarding the Recipient until approved by the Agency.

The Recipient will:

1. Provide access to shared office spaces on an intermittent, non-exclusive basis, where the parties can better collaborate to achieve mutually beneficial outcomes and provide improved access and services to customers within the local community.
2. Utilize and report vehicles in accordance with Farm Production and Conservation (FPAC) policies and procedures. This includes, but is not limited to:
  - (a) Enforcing prohibition on personal use of government vehicles.
  - (b) Ensuring that its drivers maintain qualifications to utilize vehicles (e.g., valid license).
  - (c) Ensuring employees abide by any FPAC Mission Area guidance on vehicle usage, including procedures that outline how to handle and report usage, incidents, accidents, or potential maintenance issues.
3. By entering into this agreement, the undersigned attests that the Recipient:
  - (a) Has not been convicted of a felony criminal violation under Federal or State law in the past 24 months preceding the date of signature, nor has any officer or agent of the Recipient been convicted of a felony criminal violation under Federal or State law in the 24 months preceding the date of signature.
  - (b) Does not have any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.

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#### **Expected Accomplishments and Deliverables**

##### **[SAMPLE LANGUAGE]**

See State-Level Memorandum of Agreement (MOA), which documents the mutually agreed-to responsibilities of the parties and is incorporated herein and attached as Exhibit A.

Also see Local-Level MOA, which details the parties' specific objectives accomplishments, responsibilities of the parties for achievement of said objectives, and specific deliverables/outcomes and is incorporated herein and attached hereto as Exhibit B.

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#### **Resources Required**

##### **[SAMPLE LANGUAGE]:**

NRCS and the Recipient may share resources such as office space, vehicles, equipment, and supplies to carry out program activities.

##### Vehicles

- NRCS vehicles may be utilized for official business only as it relates to the work specified in this agreement and attachments, if available and needed.

##### Office Space

- Shared work and office spaces are needed to more effectively carry out program activities and provide quality service to our mutual customers.
- [INSERT NAME] may have reserved work spaces in [INSERT NAME] offices or spaces on a [full-time/part-time] basis, as well as access to common spaces such as conference rooms, kitchens, etc.

##### Equipment and Technology

- NRCS will provide the Recipient access to USDA computers, software, and the technical information needed to perform the work outlined in this agreement.

- NRCS will provide access to technologies and applications to ensure consistent technical standards and documentation.
- 

### **Milestones**

[Placeholder]

The Recipient shall report utilization of NRCS resources as required and outlined in the standard terms and conditions.

## GENERAL TERMS AND CONDITIONS

### NATURAL RESOURCES CONSERVATION SERVICE U.S. DEPARTMENT OF AGRICULTURE

#### GENERAL TERMS AND CONDITIONS GRANTS AND COOPERATIVE AGREEMENTS

##### I. APPLICABLE REGULATIONS

a. The recipient, and recipients of any subawards under this award, agree to comply with the following regulations, as applicable. The full text of Code of Federal Regulations references may be found at <https://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR> and <http://www.ecfr.gov/>.

(1) 2 CFR Part 25, "Universal Identifier and System of Award Management" (2) 2 CFR Part 170, "Reporting Subaward and Executive Compensation Information" (3) 2 CFR Part 180, "OMB Guidelines To Agencies On Governmentwide Debarment And Suspension (Nonprocurement)" (4) 2 CFR Part 182, "Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)" (5) 2 CFR Part 200, "Uniform Administrative Requirements, Cost Principles, And Audit Requirements for Federal Awards"

b. The recipient, and recipients of any subawards under this award, assure and certify that they have and/or will comply with the following regulations, as applicable. The full text of Code of Federal Regulations references may be found at <https://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR> and <http://www.ecfr.gov/>.

(1) 2 CFR Part 175, "Award Term for Trafficking in Persons" (2) 2 CFR Part 417, "Nonprocurement Debarment and Suspension" (3) 2 CFR Part 418, "New Restrictions on Lobbying" (4) 2 CFR Part 421, "Requirements for Drug-Free Workplace (Financial Assistance)"

c. Allowable project costs will be determined in accordance with the authorizing statute, the purpose of the award, and to the extent applicable to the type of organizations receiving the award, regardless of tier. The following portions of the Code of Federal Regulations are hereby incorporated by reference. The full text of Code of Federal Regulations references may be found at <https://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR> and <http://www.ecfr.gov/>.

(1) 2 CFR Part 200, "Uniform Administrative Requirements, Cost Principles And Audit Requirements For Federal Awards" (2) 48 CFR Part 31, "Contract Cost Principles and Procedures"

##### II. UNALLOWABLE COSTS (APPLICABLE ONLY IF FUNDING IS OBLIGATED)

The following costs are not allowed:

- a. Costs above the amount authorized for the project
- b. Costs incurred after the expiration of the award including any no- cost extensions of time
- c. Costs that lie outside the scope of the approved project and any amendments thereto
- d. Compensation for injuries to persons or damage to property arising from project activities

This list is not exhaustive. For general information about the allowability of particular items of costs, please see 2 CFR Part 200, "Subpart E – Cost Principles", or direct specific inquiries to the NRCS administrative contact identified in the award.

##### III. CONFIDENTIALITY

a. Activities performed under this award may involve access to confidential and potentially sensitive information about governmental and landowner issues. The term "confidential information" means proprietary information or data of a personal nature about an individual, or information or data submitted by or pertaining to an organization. This information must not be disclosed without the prior written consent of NRCS.

b. The recipient's personnel will follow the rules and procedures of disclosure set forth in the Privacy Act of 1974, 5 U.S.C. Section 552a, and implementing regulations and policies with respect to systems of records determined to be subject to the Privacy Act. The recipient's personnel must also comply with privacy of personal information relating to natural resources conservation programs in accordance with section 1244 of Title II of the Farm Security and Rural Investment Act of 2002 (Public Law 107-171).



c. The recipient agrees to comply with NRCS guidelines and requirements regarding the disclosure of information protected under Section 1619 of the Food, Conservation, and Energy Act of 2008 (PL 110-246), U.S.C. 8791.

d. The recipient agrees to comply with the "Prohibition Against Certain Internal Confidentiality Agreements:"

1. You may not require your employees, contractors, or subrecipients seeking to report fraud, waste, or abuse to sign or comply with internal confidentiality agreements or statements prohibiting or otherwise restricting them from lawfully reporting that waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.

2. You must notify your employees, contractors, or subrecipients that the prohibitions and restrictions of any internal confidentiality agreements inconsistent with paragraph (1) of this award provision are no longer in effect.

3. The prohibition in paragraph (1) of this award provision does not contravene requirements applicable to any other form issued by a Federal department or agency governing the nondisclosure of classified information.

4. If NRCS determines that you are not in compliance with this award provision, NRCS: a. Will prohibit your use of funds under this award, in accordance with sections 743 and 744 of Division E of the Consolidated Appropriations Act, 2016, (Pub. L. 114-113) or any successor provision of law; b. May pursue other remedies available for your material failure to comply with award terms and conditions.

#### IV. PRIOR APPROVAL REQUIREMENTS

The following are the most common situations requiring prior approval. However, the recipient is also bound by any other prior approval requirements of the applicable administrative provisions and Federal cost principles.

a. Purpose or Deliverables.—When it is necessary for the recipient to modify the purpose or deliverables, the recipient must submit a written request and justification for the change along with the revised purpose or deliverables of the award to the NRCS administrative contact. The request should contain the following: 1. Grant or agreement number 2. Narrative explaining the requested modification to the project purpose or deliverables 3. A description of the revised purpose or deliverables 4. Signatures of the authorized representative, project director, or both

b. Subaward/contractual Arrangement.—The recipient must submit a justification for the proposed subaward/contractual arrangements, a statement of work to be performed, and a detailed budget for the subaward/contract to the NRCS administrative contact. Subaward/contractual arrangements disclosed in the application do not require additional postaward approval.

c. Absence or Change in Project Leadership.—When a project director or the person responsible for the direction or management of the project—

1. Relinquishes active direction of the project for more than 3 consecutive months or has a 25 percent or more reduction in time devoted to the project, the grantee must notify the NRCS administrative contact in writing, identifying who will be in charge during the project director's absence. The notification must include the qualifications and the signature of the replacement, signifying his or her willingness to serve on the project.

2. Severs his or her affiliation with the grantee, the grantee's options include— i. Replacing the project director. The grantee must request written approval of the replacement from the NRCS administrative contact and must include the qualifications and the signature of the replacement signifying his or her willingness to serve on the project. ii. Subcontracting to the former project director's new organization. The grantee must request approval from the administrative contact to replace the project manager and retain the award, and to subcontract to the former project director's new organization certain portions of the project to be completed by the former project director. iii. Relinquishing the award. The grantee must submit to the NRCS administrative contact a signed letter by the grantee and the project director that indicates that the grantee is relinquishing the award. The letter must include the date the project director is leaving and a summary of progress to date. A final Standard Form (SF) 425 reflecting the total amount of funds spent by the recipient must be attached to the letter.

3. Transfers the award to his or her new organization, the authorized organization's representative at the new organization must submit the following to the NRCS administrative contact as soon as the transfer date is firm and the amount of funds to be transferred is known: i. The forms and certifications included in the application package ii. A project summary and work statement covering the work to be completed under the project (deliverables and objectives must be the same as those outlined in the approved proposal) iii. An updated qualifications statement for the project director showing his or her new organizational affiliation iv. Any cost-sharing requirements under the original award transfer to the new institution; therefore, cost-sharing information must be included in the proposal from the new organization

Note: The transfer of an award from one organization to another can take up to 90 calendar days to accomplish, which may result in a delay in the project director resuming the project at the new organization.

d. Budget Revisions.—Budget revisions will be in accordance with 2 CFR Part 200.308.

e. No-Cost Extensions of Time.—When a no-cost extension of time is required, the recipient must submit a written request to the NRCS administrative contact no later than 30 calendar days before the expiration date of the award. The request must contain the following: The length of additional time required to complete the project and a justification for the extension A summary of progress to date An estimate of funds expected to remain unobligated on the scheduled expiration date A projected timetable to complete the portions of the project for which the extension is being requested Signature of the grantee and the project director A status of cost sharing to date (if applicable)

Note: An extension will not exceed 12 months. Requests for no-cost extensions received after the expiration of the award will not be granted.

#### V. PAYMENTS (APPLICABLE ONLY IF FUNDING IS OBLIGATED)

a. Payment by NRCS to the entity will be made monthly or quarterly (whichever is mutually agreed upon by both parties) on a reimbursable or advanced basis upon completion of work outlined herein. Payment will be executed upon the submission of a properly executed form SF-270 with supporting documentation. The SF-270 must cite the agreement number, remittance address, and billing period. The SF-270 must be sent to the NRCS administrative contact at the email address identified in block 8 of the Notice of Grant/Agreement Award.

b. Unless otherwise specified in the award, the recipient must receive payments through electronic funds transfers.

c. Recipients requesting advances should request payments in amounts necessary to meet their current needs pursuant to procedures contained in the Federal administrative provisions and 31 CFR Part 205.

d. The method of payment between the recipient and its contractors will be in accordance with the policies and procedures established by the recipient except that the contractors may not use the USDA Office of Financial Management/National Finance Center method to request payments. If the grantee makes advance payments to contractors, the grantee must ensure that the timing of such payments is designed to minimize elapsed time between the advance payment and the disbursement of funds. Payment requests from the grantee's contractors will not be sent to NRCS for review or approval.

e. Accounting records for all costs incurred under this award must be supported by source documentation. Such documentation includes, but is not limited to, canceled checks, paid bills, payroll records, and subaward documents. Labor cost charges to this award must be based upon salaries actually earned and the time actually worked on this award. All project costs must be incurred within the approved project period of this award, including any approved no-cost extension of time. Costs that cannot be supported by source documentation or that are incurred outside of the approved project period and budget may be disallowed and may result in award funds being returned to the Federal Government by the recipient.

#### VI. ACCRUALS (APPLICABLE ONLY IF FUNDING IS OBLIGATED)

a. Recipients must submit an accrual estimate to the NRCS Program/Technical no later than 15 calendar days prior to the end of the quarter (submit by March 15, June 15, September 15 and December 15th). b. An accrual represents the value of goods or services provided to NRCS for which you have not requested payment. The quality and completeness of NRCS audited financial statements depends on your continuing cooperation and timely information. c. At a minimum, the signed accrual statement should include, "Under agreement number \_\_\_\_\_, at the close of the quarter ending \_\_\_\_\_,

\_\_\_\_\_, we have provided or anticipate providing goods or services that we have not requested payment for in the amount of \$\_\_\_\_\_. Include the name and title of the person preparing the accrual estimate.

## VII. FINANCIAL REPORTING

a. Recipients must submit a Federal Financial Report (FFR), SF 425 and 425A, in accordance with the following schedule:

Quarterly Schedule Report Due Date October 1 to December 31 January 31 January 1 to March 31 April 30 April 1 to June 30 July 31 July 1 to September 30 October 31

Reports must be submitted on an accrual accounting basis. Failure to submit reports in accordance with the above schedule may result in suspension or termination of award.

b. A final Report must be submitted no later than 90 calendar days after the completion of the award. For final FFRs, reporting end date must be the end date of the project or agreement period. The reports should be submitted to the NRCS administrative contact identified in award notifications.

## VIII. PERFORMANCE MONITORING AND REPORTING

a. The recipient is responsible for monitoring day-to-day performance and for reporting to NRCS. If the project involves subaward arrangements, the recipient is also responsible for monitoring the performance of project activities under those arrangements to ensure that approved goals and schedules are met.

b. Every 6 months the recipient must submit a written progress report. Each report must cover— 1. A comparison of actual accomplishments with the goals and objectives established for the reporting period and, where project output can be quantified, a computation of the costs per unit of output.

5. The reasons why goals and objectives were not met, if appropriate.

6. Additional pertinent information including, where appropriate, analysis and explanation of cost overruns or high unit cost.

c. The recipient must submit a final performance report within 90 calendar days after completion of project.

## IX. AUDIT REQUIREMENTS

The recipient is responsible for complying with audit requirements in accordance with 2 CFR 200, Subpart F. A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single or program-specific audit conducted for that year.

## X. SPECIAL PROVISIONS

a. The recipient assures and certifies that it will comply with the minimum-wage and maximum-hour provisions of the Federal Fair Labor Standards Act.

b. Employees of NRCS will participate in efforts under this agreement solely as representatives of the United States. To this end, they may not participate as directors, officers, employees, or otherwise serve or hold themselves out as representatives of the recipient. They also may not assist the recipient with efforts to lobby Congress or to raise money through fundraising efforts. Further, NRCS employees must report to their immediate supervisor any negotiations with the recipient concerning future employment and must refrain from participation in efforts regarding such parties until approved by the agency.

c. Employees of the Recipient shall remain its employees while carrying out their duties under this agreement will not be considered Federal employees or agents of the United States for any purposes under this agreement.

d. The furnishing of financial and other assistance by NRCS is contingent upon funds appropriated by Congress, made administratively available, or authorized by law.

e. Each party assumes responsibility for the actions of its own officials and employees acting within the scope of their employment to the extent provided by Federal, tribal, state, or local laws, including liability for injury to persons or damage to property resulting from the conduct of its own operations. The Government's liability shall be governed by the provisions of the Federal Tort Claims Act (28 U.S.C. 2671-80).

## XI. PATENTS, INVENTIONS, COPYRIGHTS, AND ACKNOWLEDGMENT OF SUPPORT AND DISCLAIMER

a. Allocation of rights of patents, inventions, and copyrights must be in accordance with 2 CFR Part 200.315. This regulation provides that small businesses normally may retain the principal worldwide patent rights to any invention developed with USDA support.

b. In accordance with 37 CFR Section 401.14, each subject invention must be disclosed to the Federal agency within 2 months after the inventor discloses it in writing to contractor personnel responsible for patent matters. Invention disclosure statements pursuant to 37 CFR Section 401.14(c) must be made in writing to:

Acquisitions Division Grants and Agreements Services Branch 1400 Independence Avenue, SW. Room 6823 South Building Washington, DC 20250

c. USDA receives a royalty-free license for Federal Government use, reserves the right to require the patentee to license others in certain circumstances, and requires that anyone exclusively licensed to sell the invention in the United States must manufacture it domestically.

d. The following acknowledgment of NRCS support must appear in the publication of any material, whether copyrighted or not, and any products in electronic formats (World Wide Web pages, computer programs, etc.) that is substantially based upon or developed under this award:

- "This material is based upon work supported by the Natural Resources Conservation Service, U.S. Department of Agriculture, under number [recipient should enter the applicable award number here]."

In addition, all publications and other materials, except scientific articles or papers published in scientific journals, must include the following statement:

- "Any opinions, findings, conclusions, or recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the views of the U.S. Department of Agriculture."

e. All publications printed with Federal Government funds will include the most current USDA nondiscrimination statement, available from the Public Affairs Division, Civil Rights Division, or on the USDA and NRCS home pages. If the material is too small to permit the full nondiscrimination statement to be included, the material must, at a minimum, include the statement:

- "USDA is an equal opportunity provider and employer." Any publication prepared with funding from this agreement must include acknowledgement to USDA, Natural Resources Conservation Service."

The recipient is responsible for ensuring that an acknowledgment of NRCS is made during news media interviews, including popular media such as radio, television, and news magazines, that discuss in a substantial way work funded by this award.

## XII. COST-SHARING REQUIREMENTS

a. If the award has specific cost-sharing requirements, the cost-sharing participation in other projects may not be counted toward meeting the specific cost-share requirement of this award, and must come from non-Federal sources unless otherwise stated in the applicable program announcement.

b. Should the recipient become aware that it may be unable to provide the cost-sharing amount identified in this award, it must— 1. Immediately notify the NRCS administrative contact of the situation. 2. Specify the steps it plans to take to secure replacement cost sharing. 3. Indicate the plans to either continue or phase out the project in the absence of cost sharing.

c. If NRCS agrees to the organization's proposed plans, the recipient will be notified accordingly. If the organization's plans are not acceptable to NRCS, the award may be subject to termination. NRCS modifications to proposed cost sharing revisions are made on a case-by-case basis.

d. Failure by the recipient to notify NRCS in accordance with paragraph (b) above may result in the disallowance of some or all the costs charged to the award, the subsequent recovery by NRCS of some of the NRCS funds provided under the award, and possible termination of the award, and may constitute a violation of the terms and conditions of the award so serious as to provide grounds for subsequent suspension or debarment.

e. The recipient must maintain records of all project costs that are claimed by the recipient as cost sharing as well records of costs to be paid by NRCS. If the recipient's cost participation includes in-kind contributions, the basis for determining the valuation for volunteer services and donated property must be documented.

### **XIII. PROGRAM INCOME**

Income derived from patents, inventions, or copyrights will be disposed of in accordance with the recipient's own policies. General program income earned under this award during the period of NRCS support must be added to total project funds and used to further the purpose and scope of this award or the legislation under which this award is made.

### **XIV. NONEXPENDABLE EQUIPMENT (APPLICABLE ONLY IF FUNDING IS OBLIGATED)**

Recipients purchasing equipment or products with funds provided under this award are encouraged to use such funds to purchase only American-made equipment and products. Title to nonexpendable equipment purchased with award funds will vest in the recipient upon completion of the award project and acceptance by NRCS of required final reports. When equipment is no longer needed by the recipient and the per-unit fair market value is less than \$5,000, the recipient may retain, sell, or dispose of the equipment with no further obligation to NRCS. However, if the per-unit fair market value is \$5,000 or more, the recipient must submit a written request to the NRCS administrative contact for disposition instructions.

### **XV. LIMIT OF FEDERAL LIABILITY (APPLICABLE ONLY IF FUNDING IS OBLIGATED)**

The maximum financial obligation of NRCS to the recipient is the amount of funds indicated in the award as obligated by NRCS. However, in the event that an erroneous amount is stated on the approved budget, or any supporting document relating to the award, NRCS will have the unilateral right to make the correction and to make an appropriate adjustment in the NRCS share of the award to align with the Federal amount authorized.

### **XVI. MODIFICATIONS AND TERMINATIONS**

NRCS may amend or modify the award through an exchange of correspondence between authorized officials of the recipient and NRCS. The award is subject to termination if NRCS determines that the recipient has failed to comply with the terms and conditions of the award. In the event that the award is terminated, the financial obligations of the parties will be those set forth in 2 CFR Part 200.339.

### **XVII. AWARD CLOSEOUT**

Award closeout is the process by which NRCS determines that all required project activities have been performed satisfactorily and all necessary administrative actions have been completed.

### **XVIII. COMPLIANCE WITH FEDERAL LAWS, REGULATIONS, AND POLICIES**

Recipient agrees that the program or activities provided for under this agreement will be conducted in compliance with all applicable Federal civil rights laws, rules, regulations, and policies. In addition, Recipient agrees to comply with FPAC and NRCS requirements related to the operation of Government-owned vehicles and access to Government owned or controlled information systems as may be amended from time to time and communicated to

\* the Recipient.

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**UNITED STATES DEPARTMENT OF AGRICULTURE  
NATURAL RESOURCES CONSERVATION SERVICE**

**AGREEMENT FOR INTERMITTENT USE OF TRANSPORTATION EQUIPMENT**

This agreement replaces all previous agreements for intermittent use of transportation equipment in their entirety.

The Adair Soil and Water Conservation District (SWCD), hereinafter referred to as the District, and the Natural Resources Conservation Service, hereinafter referred to as Natural Resources Conservation Service (NRCS), have entered into a Supplemental Memorandum of Understanding.

Non-Federal employees working in cooperation with the NRCS under this agreement may operate, subject to availability, NRCS owned or leased vehicles and equipment (including transporting SWCD owned/leased equipment – such as trailers with All Terrain Vehicles or stream tables, with NRCS owned or leased vehicles). Non-Federal employees are responsible to follow the same guidelines and restrictions as defined in NRCS General Manual, Title 120 Administration, Part 405 Personal Property, Subpart F and on the same basis as NRCS employees for official NRCS purposes. Official NRCS purposes are defined as work supporting any NRCS program, including conservation work supporting the State cost share program and conservation education activities. On the same basis means those restrictions, regulations, and guidelines that pertain to NRCS employee's official use also apply to non-federal employees working under the authority of this agreement. In cases where the non-federal employee is using the vehicle for official purposes outlined in this agreement and involved in an automobile accident, the coverage provided to federal employees will extend to those involved for that incident. Districts will use their personal vehicles for District-only business and any unauthorized use will be the responsibility of the employee.

Under no circumstances shall NRCS owned or leased vehicles, or any equipment transported using those vehicles, be used to haul equipment that is rented from the District for profit making or for the personal use of employees of the non-federal partner. If a non-federal employee uses a federal vehicle for nonofficial purposes, no coverage will be provided by NRCS. The district board and/or district employee will be responsible for all repairs to a federal vehicle and/or any liabilities incurred due to being involved in an automobile accident, if a district employee uses a federal vehicle for a nonofficial purpose.

The District shall ensure their employees authorized to drive NRCS vehicles have a valid State license and operate NRCS vehicles in compliance with applicable laws and regulations.

**Examples of allowable use of NRCS transportation equipment:**

- Attending Area meetings.
- Conservation educational activities.
- Training provided for SWCD board of supervisors and employee(s) by conservation partners District board meetings.
- District usage to provide technical service assistance in conservation planning and application or delivery of Farm Bill, State Cost-Share, or other assistance programs.
- District usage to attend NRCS conducted meetings, conferences, and/or training.
- District usage to attend NRCS sponsored conferences (authorized on a case-by-case basis).
- District employee usage to transport any SWCD-owned equipment not for profit making.
- District employee usage to conduct Conservation Information and Education Programs such as Envirothon and Poster Contests.


**Examples of unallowable uses of NRCS transportation equipment:**

- District employee attendance at meetings, conferences, or training not sponsored or supported by NRCS.
- District employee attendance at employee organization meetings or conferences.
- District employee usage to transport any item(s) rented, sold or offered for sale by the District at any time.

NRCS will maintain NRCS vehicles in a safe mechanical operating condition, ensure that the vehicles are properly equipped, and supply all necessary fuel and lubricants.

This arrangement for the intermittent use of transportation equipment may be terminated at any time by the two parties, or by either party alone, by giving 20 days notice in writing to the other party.

**ADAIR COUNTY SOIL AND WATER CONSERVATION DISTRICT**

By: 

Title: Chair, Board of Supervisors

Date: 3-8-11

**UNITED STATES DEPARTMENT OF AGRICULTURE  
NATURAL RESOURCES CONSERVATION SERVICE**

By: 

Title: State Conservationist

Date: 3-14-11



State	District	Are Resources Shared via MOU?	Does the MOU expire by 3/31/2019?	Is Office Space Provided?	Who Provides the Resource?	Does the Provider Charge a Fee?	Is Access to Vehicles Provided?	Who Provides the Resource?	Does the Provider Charge a Fee?	Is Equipment (e.g., Laptops, Test Equipment) Provided?	Who Provides the Resource?	Does the Provider Charge a Fee?	Other Resources (Write In If Applicable)	Who Provides the Resource?	Does the Provider Charge a Fee?
LA	Acadia		No	Yes		Yes									
LA	Allen														
LA	Avoailles														
LA	Boeuf River														
LA	Boque-Chitto/Pearl River														
LA	Caddo														
LA	Calcasieu														
LA	Capital														
LA	Calatroula														
LA	Crescent														
LA	D'Arbonne														
LA	DeSoto														
LA	Dorchest														
LA	Dugdenona														
LA	East Carroll														
LA	Evangeline														
LA	Feliciana														
LA	Grant														
LA	Gulf Coast														
LA	Iberia														
LA	Jefferson-Davis														
LA	Lafayette														
LA	Lafourche-Terrebonne														
LA	LaSalle														
LA	Lower Delta														
LA	Madison														
LA	Morehouse														
LA	Natchitoches														
LA	New River														
LA	Northeast														
LA	Plaquemines														
LA	Rapides														
LA	Red River														
LA	Sabine														
LA	Saline														
LA	St. Landry														
LA	St. Martin														
LA	St. Mary														
LA	Tangipahoa-St. Helena														
LA	Tensas-Concordia														
LA	Upper Delta														
LA	Vermilion														
LA	West Carroll														
LA	Bodcau														

# Space Sharing Guidance

January 29, 2019

The Natural Resources Conservation Service (NRCS) and the Nation's Soil and Water Conservation Districts share a rich history of cooperating to deliver comprehensive technical and financial assistance to farmers, ranchers, forest stewards, and other entities to voluntarily conserve and enhance natural resources. In most cases, NRCS personnel are physically collocated with Conservation District personnel, which facilitates the cooperative work undertaken between them.

This document discusses the options and authorities to establish such space-sharing arrangements. In all cases, office spaces may **only be shared by or with to facilitate cooperation in carrying out Federal natural resource programs.** Generally:

- An agreement may be appropriate when NRCS provides partners with office space as an incidental component of an overall conservation resource sharing arrangement.
- An agreement may also be appropriate when a partner provides NRCS office space and NRCS **does not intend to exercise "leasehold control."**
  - Note: Leasehold control may be demonstrated if NRCS controls access to the facility or there is a large number of NRCS employees seated in SWCD space on a full-time basis.
- A formal lease is expected if NRCS intends to exercise "leasehold control" over the facility.

This document is neither Farm Production and Conservation (FPAC) Mission Area nor NRCS policy, nor does it describe all space-sharing scenarios. The FPAC Business Center's Grants and Agreement Division will designate a grants management specialist with specific expertise and expertise on this subject to discuss with NRCS leaders and managers the full context and details of any space sharing arrangement and confirm the appropriate approach.

## When NRCS provides partners office space(s)...

NRCS may provide resources to partners via agreements to facilitate cooperation in carrying out Federal natural resource programs. In such instances, space provided to partners must meet the same USDA and GSA requirements as the Federal portion of the facility. For instance, the space must conform to GSA and USDA limitations on square footage per employee. And in cases where NRCS is entering a new lease that will include space for a partner, it must follow the same GSA procedures as those required for any other lease, such as utilizing existing GSA space where it is available.

### **Scenario: NRCS provides office spaces to a partner for a fee.**

- **Typical Instrument(s):** Generally, NRCS provides office spaces to partner and receives "in-kind" payments using the contribution agreement authority. Partners generally do not directly reimburse NRCS for lease costs (e.g., with cash or funding).
- **First Authority:** 7 CFR 6962a. This law allows NRCS to enter into agreements to carry out NRCS program activities that are mutually beneficial to the parties. Under this authority, both parties contribute resources (e.g., office space, vehicles, technical assistance) to carry out the mutually beneficial program activities. The agreements are similar to those of business partnerships where neither partner contributes to the other, but rather they both contribute to the common enterprise.
- **Second Authority:** Should NRCS desire to charge partners for use of office spaces and be reimbursed, 40 USC 586(c), Charges by Executive Agencies and 41 CFR 102-73.170(f) apply. Section 145.6 of OMB Circular A-11 clarifies that agencies may not obligate against anticipated budgetary resources, such as reimbursements, prior to actual receipt of the resources; obligating against reimbursements prior to receipt of the reimbursed monies creates an Anti-Deficiency

# Space Sharing Guidance

January 29, 2019

violation. Accordingly, NRCS will need to have available appropriated funds against which it can obligate the entire cost of leased space for both NRCS and the SWCD. Collections will be treated as "offsetting collections," also known as "cost recoveries."

It should be noted that in this scenario, rental monies received from partners must be credited to the appropriation/fund that NRCS initially used to pay the rent (i.e., the central rent account). No monies beyond the pro-rata share of rent should be collected and monies cannot be retained at the state level.

- 40 USC 586(c), Charges by Executive Agencies. This statute allows USDA to charge for furnishing space and services "at rates approved by GSA." An amount an executive agency receives under this statute must be credited to the appropriation or fund initially charged for providing the space.

Rates are considered approved by GSA when it approves a proper lease delegation request, including market survey and adequate competition. (Note: In situations where USDA intends to charge a fee for space, it must request GSA delegation for the underlying lease even if not otherwise required in order to establish a record of GSA's approval of the rates charged.)

- 41 CFR 102-73.170(f). USDA is delegated authority to lease certain categories of "special purpose" space. Special purpose space refers to "space utilized in cooperation with State and local governments or their instrumentalities (extension services) where the cooperating State or local government occupies a portion of the space and pays a portion of the rent."
- Financial Considerations: In either scenario (i.e., whether contribution authority is or partners reimburse NRCS for office space), USDA is responsible for paying rent for the entire space, including the portion occupied by the partner. If the SWCD desires to vacate the space, NRCS will remain responsible for paying rent to the lessor.
- GAD Reporting Requirements: 2 CFR 200.237 requires that awardees submit a written progress report on at least an annual basis. The GAD is working to establish a reporting template and automatic reporting tool.
- Additional Considerations: The SWCD may not remain in USDA spaces if NRCS chooses to vacate its portion of the office space. The SWCD is only allowed to be in the space by virtue of NRCS's cooperative agreement authority that allows it to share space with the SWCD. Neither FSA, RD, nor FS have been granted such authority.

## Scenario: NRCS provides office spaces to a partner at no charge.

- Typical Instrument: Cooperative Agreement (may be unfunded). Please note that Memoranda of Understanding or Agreement (MOU or MOA) may not be used to transfer "things of value," including office space.
- Authority: 16 USC 590a-f. The Soil Conservation and Domestic Allotment Act of 1935 grants NRCS authority to "furnish financial and other aid to, any agency, governmental or otherwise, or any person" to achieve the goals set out in that statute: protecting land resources against "soil erosion and thereby to preserve natural resources, control floods, prevent impairment of reservoirs, and maintain the navigability of rivers and harbors, protect public health, public lands."

NRCS may provide owned or leased real property (office spaces) to its partners only when incidental to work, to facilitate more effective mission delivery, and to achieve mutually beneficial outcomes.

# Space Sharing Guidance

January 29, 2019

- **GAD Reporting Requirements:** 2 CFR 200.237 requires that awardees submit a written progress report on at least an annual basis. The GAD is working to develop a reporting template and establish an automatic reporting tool.

## When Partners provide resources to NRCS...

NRCS may accept resources, including access to real property (office spaces), from its partners so long as it is incidental to cooperation in carrying out Federal conservation programs. The applicable authorities, processes, and instrument depend on elements such as:

- Whether NRCS intends to exercise leasehold control
- Cost to NRCS
- Square footage
- Whether the partner is a government entity (e.g., State, local, tribal)

USDA's preference is to occupy space under the auspices of a **formal lease contract** (AGPMR Advisory 15-06). A formal lease best protects the government's interests and rights, including compliance with physical accessibility and security provisions of law and regulation.

If USDA will not exercise leasehold control and the office spaces are incidental to cooperation in carrying out Federal natural resource programs, an agreement may be appropriate. The NRCS leader or manager should discuss the full context and details with the designated grants management specialist to confirm the appropriate approach.

**Scenario: Partners provide office spaces to NRCS (NRCS intends to exercise leasehold control).**

- **Typical Instrument:** Lease
- **Authorities to obtain space from partners:** Before USDA can pursue a lease contract, it must first request General Service Administration (GSA) to provide space in an existing GSA facility. If none is available, USDA is generally required to obtain delegation of authority from GSA prior to awarding a lease for any office space. USDA is further required to follow competitive award procedures unless GSA approves a written "Justification of Other than Full and Open Competition (JOFOC)." Once GSA delegates lease authority to USDA, a USDA lease contract officer may award the lease to the Lessor (who may be a partner). Other USDA agencies, such as FSA, Rural Development (RD), or the Forest Service (FS), may be collocated and occupy the space as they would with any other leased facility.

In most cases, USDA must follow the GSA lease acquisition process, which includes a requirement to obtain GSA delegation of authority. There are **limited exceptions** where USDA has unique delegated authority to directly enter into a lease:

- **USDA may acquire leased space in buildings and land incidental thereto if the space is free (or for a nominal consideration of \$1 per year) and the term does not exceed 1 year.** The transaction, however, is subject to the laws regulating acceptance of gifts.

41 CFR 102-73.140(b) authorizes USDA to accept space for free (or a nominal consideration of \$1 per year) without obtaining GSA delegation or approval. The terms of such a lease must not exceed 1 year.

# Space Sharing Guidance

January 29, 2019

-and-

7 USC 2269 "Gifts of property; acceptance and administration by Secretary of Agriculture; Federal tax law consideration; separate fund in Treasury; regulations," USDA DR 5200-003 "Gift Acceptance Policy," and AGPMR Advisory 15-06 "Acceptance of Free Space."

NRCS may accept gifts from State, local, tribal, or foreign governments so long as that gift is incidental to cooperation in carrying out Federal, natural resource programs. An appraisal is not required to establish the value of the gift for the purpose of acceptance. However, NRCS shall not solicit State, local, Tribal or foreign governments for such gifts.

Note: Neither FSA, RMA, nor RD have authority to accept gifts that are incidental to cooperation in carrying out a Federal, natural resource program. As such, NRCS may not accept free space for or on behalf of other USDA agencies.

- **USDA has delegated authority to enter into a lease for "special purpose spaces" that are below 2,500 square feet without GSA approval** (notification to GSA is still required). This authority is limited to spaces utilized in cooperation with State and local governments or their instrumentalities.

41 CFR 102-73.170(f). USDA has delegated authority to lease "special purpose" space, which includes "space utilized in cooperation with State and local governments or their instrumentalities (extension services) where the cooperating State or local government occupies a portion of the space and pays a portion of the rent." NRCS may pay rent or the State or local government may offer space at no charge (or substantially below market value), in accordance with USDA DR 5200-03 "Gift Acceptance Policy."

-and-

AGPMR 110-72. For special purpose spaces larger than 2,500 square feet, USDA must request and receive prior approval from the GSA regional office to enter into a lease. For spaces smaller than 2,500 square feet, GSA approval is not required. Note that this authority does not authorize the Lease Contract Officer to circumvent the Competition in Contracting Act.

- Financial Considerations: If NRCS pays its partner for space, USDA will obligate funds and pay invoices in accordance with the standard terms and conditions of the lease.

If the SWCD owns the building in which USDA leases space, USDA must not pay for the space that the SWCD occupies as NRCS's cooperator. That would result in USDA paying the SWCD for its own space, which is inappropriate. If this occurs, USDA must immediately amend the lease to remove the SWCD's space from the USDA lease. USDA cannot pay for nor be responsible for the SWCD's space in the SWCD's own building.

- GAD Reporting Requirements: None.
- Management Services Reporting Requirements: The Lessor will be required to comply with federal reporting requirements, as outlined in the terms and conditions of each lease. NRCS leaders and managers will work with their respective Lease Contracting Officer to support the Facility Safety &

# Space Sharing Guidance

January 29, 2019

Security Reporting (to include information security requirements) required prior to award of a new lease.

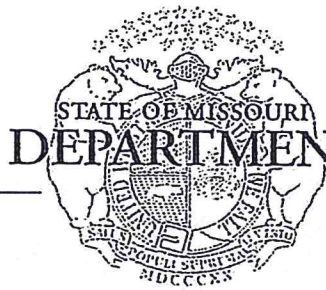
## **Scenario: Partners provide space to NRCS (NRCS does not exercise leasehold control).**

- **Typical Instrument:** If NRCS does not exercise leasehold control and the office spaces are incidental to cooperation in carrying out a Federal natural resource program (e.g., for the purposes of improved customer service for execution of a NRCS program), a cooperative or contribution agreement may be used to document shared resources amongst the parties. In this type of scenario, NRCS is typically collocated with other USDA agencies in another facility and use partner spaces only on an ad-hoc basis.

- **Authorities:** Depending on the specific circumstances, available authorities may include 16 USC 590a-f and contribution agreement authority established at 7 USC 6962a.

If NRCS accepts free space, authorities include 7 USC 2269 "Gifts of property; acceptance and administration by Secretary of Agriculture; Federal tax law consideration; separate fund in Treasury; regulations," and USDA DR 5200-003 "Gift Acceptance Policy."

- **Financial Considerations:** If NRCS pays its partner for space, it will obligate funds and pay invoices in accordance with the standard terms and conditions of the agreement.
- **GAD Reporting Requirements:** 2 CFR 200.237 requires that awardees submit a written progress report on at least an annual basis. The Grants and Agreements Division (GAD) is working on a reporting template and automatic reporting tool.



Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

[www.dnr.mo.gov](http://www.dnr.mo.gov)

June 6, 2012

Tim Duggan  
Missouri Attorney General's Office  
Supreme Court Building  
P.O. Box 899  
Jefferson City, MO 65102

Dear Mr. Duggan:

The Department of Natural Resources Soil and Water Conservation Program has been working with our conservation partners to update the Cooperative Working Agreement (CWA). This AGREEMENT is between the Natural Resources Conservation Service (NRCS), an agency of the United States Department of Agriculture (USDA), referred to as the "Service" and the local County Soil and Water Conservation District referred to as the "District," and the Missouri Soil and Water Districts Commission referred to as the "Commission," and the Missouri Department of Natural Resources Soil and Water Conservation Program referred to as the "Department," herein jointly referred to as the "Partnership" or "Partner/s."

The agreement's purpose as stated in the CWA is: *"The purpose of this agreement is to replace any previous Memorandum of Understanding or Cooperative Working Agreement between the United States Department of Agriculture's Natural Resources Conservation Service, the Soil and Water Conservation District, and the Soil and Water Districts Commission of Missouri. (Note that this new version will include the Department's Soil and Water Conservation Program as a partner which was not the case in previous documents). This cooperative working agreement documents those areas of common interest to the state, federal, and local partnership in natural resource conservation. The purpose of this Cooperative Working Agreement is to define the roles and responsibilities of the Partnership in addressing the specific natural resource conservation needs of our customers."*

During the process of update and review of the most recent agreement, questions have arisen regarding the roles of the Commission and the Department. The Department would like a review of the enclosed agreement to ensure that it is consistent with the opinion provided by the Attorney General's Office to The Honorable John Cauthorn, State Representative of the 21<sup>st</sup> District and presented at the Commission meeting on May 9, 2012. The committee is comfortable with the draft CWA document as a whole, but wanted to be sure that there are no conflicts or changes that need to be made based on the recent opinion.



A copy of the CWA is enclosed for your reference; line numbering is included to reference specific language should changes be needed. The sections relating directly to the Commission and/or the Department are highlighted for your convenience. A response to this request by July 2, 2012 would be greatly appreciated to allow for final review from the partners. There will be a presentation to the Commission at their July 11, 2012 meeting to hopefully finalize this document. Staff and I will be available to meet with you to address any questions you may have regarding the agreement. Feel free to contact me at 573-751-7143 or [colleen.meredith@dnr.mo.gov](mailto:colleen.meredith@dnr.mo.gov) with any questions you may have. Thank you.

Sincerely,

SOIL AND WATER CONSERVATION PROGRAM



Colleen Meredith  
Program Director

CM/clm

Enclosures



**COOPERATIVE WORKING AGREEMENT**  
**Between the**  
**NATURAL RESOURCES CONSERVATION SERVICE**  
**UNITED STATES DEPARTMENT OF AGRICULTURE**

**and**  
**THE \_\_\_\_\_ COUNTY**  
**SOIL AND WATER CONSERVATION DISTRICT**  
**and**  
**THE MISSOURI SOIL AND WATER DISTRICTS COMMISSION**  
**and**  
**THE MISSOURI DEPARTMENT OF NATURAL RESOURCES**

**For their Cooperation in the**  
**Conservation of Natural Resources**

THIS AGREEMENT is between the Natural Resources Conservation Service (NRCS), an agency of the United States Department of Agriculture (USDA), referred to as the "Service" and the local County Soil and Water Conservation District referred to as the "District," and the Missouri Soil and Water Districts Commission referred to as the "Commission," and the Missouri Department of Natural Resources' Soil and Water Conservation Program referred to as the "Department," herein jointly referred to as the "Partnership" or "Partner/s."

**PURPOSE AND SCOPE**

The purpose of this agreement is to replace any previous Memorandum of Understanding or Cooperative Working Agreements the Cooperative Working Agreement developed in 1996 between the United States Department of Agriculture's Natural Resources Conservation Service, the Soil and Water Conservation District, and the Soil and Water Districts Commission of Missouri. This cooperative working agreement documents those areas of common interest to the state, federal, and local partnership in natural resource conservation. The purpose of this Cooperative Working Agreement is to define the roles and responsibilities of the Partnership in addressing the specific natural resource conservation needs of our customers.

The customers of the Partnership are individual landowners, other land users, federal and state land management agencies, local units of government, and the general public.

~~The purpose of this Cooperative Working Agreement is to define the roles and responsibilities of the Partnership in addressing the specific natural resource conservation needs of our customers.~~

This agreement is not a legally binding document, but a mutual pledge of cooperation in providing leadership and assistance in natural resource conservation.

Each Partner may have specific responsibilities and function differently, yet will rely on each other for the successful delivery system of conservation programs related to improving and protecting Missouri's natural resources.

An Operational Agreement may be developed by the Partners at the local level that outlines specific policy and procedures as agreed upon by all partners involved.

#### MISSION

The mission of the conservation Partnership is to provide leadership and administer programs to help people conserve, improve, and sustain our natural resources and environment.

#### VISION

It is our intent to be leaders in providing quality, innovative service for the conservation and enhancement of Missouri's natural resources.

#### COMMUNICATION

Good communication is the basis of success in carrying out the goals and objectives of this Cooperative Working Agreement among the conservation Partners. Since it is a partnership, communication is a vital part of the cooperation that is necessary for the Partners' programs to be implemented and administered successfully. All aspects of the conservation Partners' programs are dependent upon using communication in an effective and positive way, whether it is between the Partners themselves or at the level of the customer. The conservation Partners will examine their communication needs and find the most effective ways to establish and maintain good communication practices in order to deliver the best programs and services possible.

#### AUTHORITIES, STATUTES, LAWS

The Service is authorized to cooperate and furnish assistance to the parties in the conservation of natural resources as provided in the Soil Conservation and Domestic Allotment Act, 16 U.S.C. Section 590; The Department of Agriculture Reorganization Act of 1994, Public Law 103-354; and Secretary's Memorandum No. 1010-1, Reorganization of the Department of Agriculture, dated October 20, 1994.

The District has been organized pursuant to the "Missouri Soil and Water Conservation Districts Law" (278.060 - 278.155, RSMo) to promote all reasonable measures for the saving of soil and protecting the water resources within that soil and water conservation district and to exercise all public powers in connection with soil and water conservation objectives. The District is also responsible for the administration and accountability of local or other funds secured by the district.

The Commission is authorized by "The Soil and Water Conservation Districts Law" (278.060 - 278.155, RSMo) to formulate policies and general programs for the saving of Missouri's soil and protecting the water resources by the soil and water conservation districts and to exercise all public powers in connection with soil and water conservation.

The Department is charged with developing a budget for the Soil and Water Conservation Program under the authority granted under the "Omnibus State Reorganization Act of 1974." The Department is also responsible for the administration and accountability of the funds collected.

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including these funds from the parks, soils and waters sales tax. The Department exercises important control and oversight over the Commission. The Department is in the executive branch of state government. Mo. Const. Art. IV. § 12; Mo. Const. Art. IV. § 47. § 640.010 (previously § 10 of the Reorganization Act of 1974). "The department shall administer the programs of the state as provided by law relating to environmental control and the conservation and management of natural resources." Mo. Const. Art. IV. § 47. The Commissions' purpose is conservation of natural resources, so this constitutional provision requires the Department's administration of SWC. Additional constitutional provisions requiring the Department to work with the Commission is found in the tax for soil and water conservation. Mo. Const. Art. IV. §§ 47(a)-(c). This provision requires the Department to administer, through the Commission, projects that make use of these tax funds.

## ROLES AND RESPONSIBILITIES

The Service provides technical assistance through local soil and water conservation districts to assist land users in the conservation and management of natural resources utilizing the Service Standards and Specifications in conjunction with the guidance provided within the state and federal program regulations and policies. The Service agrees to provide resource data, analysis, technical information, assistance, and available USDA programs to support the District. It will also utilize the District's direction in developing the means for the effective delivery of programs and services.

The District agrees to assist with the delivery of be responsible for state and federal program implementation at the local level based on natural resource and customer needs. The District will provide input to the Commission and the federal partners for program administration and long-range planning. District programs will be administered by the District board based on with the input of the conservation Partners. The District has the responsibility to provide local leadership in identifying the resource needs of their district. These resource needs should be communicated to the Commission through an annual needs assessment.

The Commission agrees to formulate policy and general programs and allocate appropriated funds to assist the District in addressing its resource needs. This includes effectively administering a state-funded soil and water conservation cost-share program. It will also convey to the District any other available aid. The Commission will provide support for its programs through Department staff.

The Department is charged with developing a budget for the soil and water sales tax funds collected through the authority granted under the "Omnibus State Reorganization Act of 1974." The Department is also responsible for the administration and accountability of funds collected. The Department will provide support for the Commission-authorized programs.

The Partners may utilize the services of other agencies or organizations to carry out the programs.

## GUIDING PRINCIPLES

The Partnership will provide state and local leadership in resource conservation and mutually agree to:

- Develop and maintain a comprehensive long-range plan to conserve the soil and protect the water resources on Missouri's agricultural land. This will guide the Partnership in addressing priority local natural resource issues with effective strategies which are acceptable to the customers.

- Develop a district annual needs assessment, which may include priorities that are compatible with the long-range plan.
- Maintain and improve a grassroots delivery system that supports state and federal programs.
- Build new alliances to ~~expand-strengthen~~ the Partnership.
- ~~• Ensure the stewardship of the taxpayers' funds through reviewing practices options with optimal long-term effects of protecting our natural resources.~~
- Involve each Partner in the decision-making process. Maintain decision making at the local level whenever possible and empower people to make decisions at the lowest appropriate level.
- ~~• Ensure the stewardship of the taxpayers' funds through reviewing practice options with optimal long-term effects of protecting our natural resources.~~
- Promote economically and technically sound science based conservation measures.
- Foster a spirit of cooperation and ~~create a non-hostile~~ maintain a professional work environment by advancing team building and practicing teamwork through a mutually respectful manner.
- The Partnership will coordinate the ~~spending implementation of federal cost-share funds prior to state funds being utilized federal and state program funds. State cost-share may be used to supplement federal funds into the District.~~
- Advocate comprehensive resource management planning which meets customer needs and addresses natural resource concerns through the needs assessment process.
- Work toward effective customer service by listening, anticipating, and responding to our customers' natural resource needs. This commitment will be a basis for decision making at each level of organization.
- Develop and maintain an effective communication system throughout the Partnership.

## SERVICE (PROGRAM) DELIVERY

### Natural Resource Data and Planning

The Partners will coordinate with public and private groups, other resource agencies, and interested parties to share information and resources in developing natural resource plans.

Pertinent natural resource, economic, and social data from credible sources will be collected and used in natural resource planning. The Partnership will review data to ensure reliability.

The Partners agree to identify, define, and coordinate the collection and use of resource inventory data. They will cooperate in monitoring and validating the resource inventory to ensure the data meets the needs of resource planning and evaluation processes.

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The Service will have leadership responsibility for the maintenance of natural resource information. The Partners agree to work toward establishing and maintaining accessible databases.

The Partners will coordinate their efforts in the communication of program information to their customers.

#### Technical Standards

The Partners agree to adopt the Service's Field Office Technical Guide as the standard for planning and implementing resource management systems and practices. The Service will have primary responsibility for developing and maintaining the Technical Guide. The Service will consult with the Districts, Commission, and Department representatives Partners, and the scientific community in making revisions or additions.

The Partners will work collectively in the assignment of conservation planning and application responsibilities. The Service can grant any technician NRCS job approval authority based on the employee's knowledge, skill, and ability level for the applicable conservation practice.

The Department will work with the Service in development of standardized testing aptitudes for non-engineering practices for technician certification.

The Partners will follow the technical standards and specifications within the guidance of state and federal program rules and policies.

#### Technical Assistance

The Partners will work together to determine the amount of technical and administrative assistance needed and available for program delivery at each level. Work organization and staff assignments and responsibilities for technical assistance will be coordinated by the Partners at the lowest possible appropriate level.

The Service will provide technical assistance to conservation and tribal districts in accordance with NRCS General Manual 180 Part 401.36 entitled, "Assistance to Conservation and Tribal Districts." This assistance will be based on funds availability and mandated workload priorities. The District would be required to will assist with the administrative planning support of related Farm Bill activities through case file management, development of conservation plans and supporting documents as well as reporting technical assistance in Service databases. Assistance may also include scheduling appointments with customers and tracking workload requests.

The Partnership will not recommend vendors/contractors to landowners who are implementing soil and water conservation practices. The federal law referred to as the Anti-Kickback Act of 1986 prohibits this type of action.

The Partnership will not charge an application fee or deposit to landowners for clerical and technical assistance in processing cost-share program payments.

#### Geographical Boundaries

The district will be the basic service boundary for district personnel. If the District would like to share staff expertise with other districts, they may develop a stand-alone Memorandum of Understanding (MOU). Districts may elect to develop multi-district/NRCS program plans for a common resource area or Field Office Service Area. The Service will provide assistance with an interdisciplinary team working across district boundaries.

## OPERATING PROCEDURES

### Equipment and Supplies Necessary for Administration of the State and Federal Programs

The Partners agree to provide equipment and supplies within limitations of funds necessary to carry out their programs.

The Partners will authorize employees to use each other's office and technical equipment, software, or supplies available when such use will increase program effectiveness, is in accordance with policy, and consistent with the mission.

The Partners will require their employees to follow each other's management regulations and procedures as required in the management of office and technical equipment, software, supplies, and office space.

The Department will provide the District with the necessary computer software and hardware needed to deliver state programs.

### Transportation

The District and Service will follow the District's Agreement for Intermittent Use of Transportation Equipment. Other non-federal employees, including Department staff, working in cooperation with the NRCS under this agreement may operate or be passengers in NRCS-owned or leased vehicles and transport the necessary equipment for the design and certification of conservation practices. The restrictions, regulations, and guidelines that pertain to NRCS employees' official use also apply to non-federal employees working under the authority of this agreement. Under no circumstance shall NRCS-owned or leased vehicles or any equipment transported using those vehicles, be used for personal use or revenue-making activities of the non-federal partner. The Federal Tort Claims Act does not extend to non-Federal entities, therefore claims initiated as a result of vehicle accidents will be processed through the responsible driver's employer. Each partner agrees to resolve liability claims through their own insurance provider. The NRCS will maintain Federal equipment according to standard maintenance practices.

The Service agrees to provide transportation within fund limitations and service guidelines.

The District agrees to provide transportation within fund limitations as needed and available beyond that which is provided by the Service as funding allows.

Non-state employees working in cooperation with the Department in conducting state business are authorized passengers in a state owned or leased vehicle, according to Missouri Department of Natural Resources' Administrative Policies and Procedures 6.01.

### Facilities and Records

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The Service will direct its primary resources toward technical staff, office space, and transportation for both Service and District needs within fund limitations and authorities.

The District will provide clerical and technical assistance for both Service and District needs within fund limitations and authorities.

The Service agrees to provide office space and related services when such space and/or service can be provided within funds limitations and authorities. The Service will permit conservation Partners to use Service communications for official business.

The Partners agree to consult with each other on office space needs.

If the District is a stand-alone office, they agree to provide workspace for the Service within funding limitations.

Each Partner will provide guidance and technology necessary for reports, records management, and other administrative needs of the programs.

~~The Partners agree to follow the guidelines of the party with program responsibility for records management of that program.~~

The Service shall grant the Department access to pertinent files related to state cost-share practices for reviewing and auditing purposes. The Department agrees to comply with the Privacy Act and Freedom of Information Act as discussed later in this document.

~~The Partnership agrees to comply with RSMo 278.135, related to the marketing or buying and selling of farm products.~~

~~The Partnership agrees to not conduct sales on government owned or leased property.~~

#### FINANCIAL RESPONSIBILITY

The Partners will work together to maximize available resources to accomplish natural resource priorities.

Neither the Service, the District, the Commission, nor the Department is bound by any obligation in this agreement which will involve the expenditure of funds in excess of the amounts made available to any Partner.

The Partners agree to be accountable for funding and/or resources available to them. Any concerns regarding employee misconduct should be routed to the supervisor of the employee.

The Department will provide for surety bonds for all District board members and employees entrusted with funds or property.

#### PERSONNEL

The responsibility of employment of personnel will be determined by each Partner for its employees. The Partners will work together to coordinate staffing that supports identified resource needs.

347 All employees will receive an orientation and be provided with a detailed job description.

348  
349 Each Partner will develop a personnel policy to serve their respective employees with issues such as  
350 benefits, salaries, leave policies, work scheduling, hiring, termination and any other issue they deem  
351 to be pertinent.

352  
353 Employees will receive a scheduled job performance evaluation, which may include participation of  
354 Partnership agencies. Overall supervision of employees will be the responsibility of each Partner  
355 for its own employees. Daily work coordination may be established upon the agreement of all  
356 involved.

357  
358 Training will be made available to employees to meet the duty requirements of each job and to  
359 improve efficiency and effectiveness of conservation programs and services. All Partners should  
360 make training opportunities available, within funding limitations, that will result in improved quality  
361 and quantity of service to the customer.

#### 362 363 COMPLIANCE WITH FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS

364  
365 Each Partner will comply with all Federal, State, and Local Laws and Regulations.

366  
367 The Service is authorized to cooperate and furnish assistance to the parties in the conservation of  
368 natural resources as provided in the Soil Conservation and Domestic Allotment Act, 16.590; The  
369 Department of Agriculture Reorganization Act of 1994, Public Law 103-354; and Secretary's  
370 Memorandum No. 1010-1, Reorganization of the Department of Agriculture, dated October 20, 1994.

371  
372 The Missouri Soil and Water Conservation Districts Law (Section 278.060-278.300, RSMo)  
373 authorizes the Districts to enter into agreements with the United States and its agencies.

374  
375 The Partners will each assume liability for the actions of their respective officials and employees  
376 acting within the scope of their duties to the extent provided by law.

377  
378 The Partnership agrees to comply with RSMo 278.135, related to the marketing or buying and  
379 selling of farm products.

#### 380 381 PRIVACY ACT & FREEDOM OF INFORMATION ACT

382  
383 It is the intent of the Service to safeguard data collected and maintained in a system of records in  
384 accordance with the provisions and clauses of the Privacy Act and the Freedom of Information Act  
385 (FOIA). Therefore, information maintained in the Service records shall be controlled by the Service  
386 in such a way that ensures public trust and confidence. Attached "Acknowledgement of Section 1619  
387 Compliance" incorporated in full text.

388  
389 The District agrees to comply with NRCS General Manual guidelines (GM 120-408) regarding the  
390 disclosure of information protected by the Freedom of Information Act (5 USC 552(a) and Privacy  
391 Act provisions. Information protected in participant case files shall not be disclosed to the general  
392 public except in cases approved by the FOIA Officer. The FOIA Officer should be contacted if  
393 questions arise whether to release information covered by the FOIA and Privacy Act pursuant to one  
394 of the exemptions under the Acts.

#### 395 396 CIVIL RIGHTS

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397.  
398 The programs conducted will be in compliance with the provisions of Title VI of the Civil Rights Act  
399 of 1964 and other nondiscrimination statutes, namely Section 504, Title IX, and the Age  
400 Discrimination Act of 1975, and in accordance with the regulations of the Secretary of Agriculture (7  
401 CFR-15, Subparts A and B) which provide that no person in the United States shall, on the grounds  
402 of race, color, national origin, age, sex, religion, marital status, or disability be excluded from  
403 participation in, be denied the benefits of, or be otherwise subjected to discrimination under any  
404 program or activity receiving federal financial assistance from the Department of Agriculture or any  
405 agency thereof.

406  
407 **NATURAL RESOURCES CONSERVATION SERVICE**

408  
409  
410 By: \_\_\_\_\_ Date: \_\_\_\_\_  
411 (State Conservationist)

412  
413 \_\_\_\_\_ **COUNTY SOIL AND WATER CONSERVATION DISTRICT**

414  
415  
416 By: \_\_\_\_\_ Date: \_\_\_\_\_  
417 (Chairperson, Soil and Water Conservation District)

418  
419 **MISSOURI SOIL AND WATER DISTRICTS COMMISSION**

420  
421  
422 By: \_\_\_\_\_ Date: \_\_\_\_\_  
423 (Chairperson, Missouri Soil and Water Districts Commission)

424  
425 **MISSOURI DEPARTMENT OF NATURAL RESOURCES**

426  
427  
428 By: \_\_\_\_\_ Date: \_\_\_\_\_  
429 (Director, Missouri Department of Natural Resources)

430

**NATURAL RESOURCES CONSERVATION SERVICE (NRCS)  
UNITED STATES DEPARTMENT OF AGRICULTURE (USDA)**

**ACKNOWLEDGMENT OF SECTION 1619 COMPLIANCE**

**Purpose and Background**

The purpose of this Acknowledgment of Section 1619 compliance (hereinafter "Acknowledgment") is to require acknowledgment by the SWCD of the requirements of Section 1619 of the Food, Conservation, and Energy Act of 2008 (the 2008 Farm Bill), which prohibits disclosure of certain information by the Department of Agriculture (USDA) and its cooperators. The SWCD assists NRCS in the delivery of conservation-related services (for example, services that sustain agricultural productivity, improve environmental quality, reduce soil erosion, enhance water supplies, improve water quality, increase wildlife habitat, and reduce damages caused by floods and other natural disasters) or with monitoring, assessing, or evaluating of conservation benefits from USDA conservation programs under a Cooperative Working Agreement. Those individuals or organizations (governmental or nongovernmental) that assist NRCS with providing conservation-related services are known as NRCS Conservation Cooperators.

**NRCS Conservation Cooperator**

As an NRCS Conservation Cooperator, SWCD is authorized access to otherwise-protected agricultural information. Such protected information must be strictly limited to only that information necessary for SWCD to provide conservation related services or to perform monitoring, assessing, or evaluating of conservation benefits. Disclosure to the SWCD can include receiving the protected information either 1) directly from NRCS; 2) directly from the producer or owner as part of the process required to enable a producer or owner to participate in a USDA program; or 3) in another manner with the producer's permission.

**Section 1619 of the 2008 Farm Bill**

Section 1619 of the Food, Conservation, and Energy Act of 2008 (Exhibit 1) (hereinafter "section 1619") provides that USDA, or any "contractor or cooperator" of USDA, "shall not disclose—(A) information provided by an agricultural producer or owner of agricultural land concerning the agricultural operation, farming or conservation practices, or the land itself, in order to participate in the programs of the Department; or (B) geospatial information otherwise maintained by the Secretary about agricultural land or operations for which information described in subparagraph (A) is provided." USDA may disclose protected information to a USDA cooperator when such cooperator is "providing technical or financial assistance with respect to the agricultural operation, agricultural land, or farming or conservation practices" if USDA determines that the protected information will not be subsequently disclosed, except in accordance with the exceptions contained in Section 1619. The SWCD is a "contractor or cooperator" of USDA within the meaning of Section 1619. Accordingly, the SWCD may not subsequently disclose any information protected by section 1619. By signature on this Acknowledgment, the SWCD is certifying future compliance with the statutory obligations under Section 1619. Upon execution of this Acknowledgment, NRCS may continue to provide to the SWCD the protected information provided under this agreement.

**Responsibilities**

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The SWCD (hereinafter the "Conservation Cooperator") certifies that:

- Signature on this Cooperative Working Agreement indicates acknowledgment and understanding that the Conservation Cooperator is legally bound by Federal statute to comply with the provisions of Section 1619 and that the Conservation Cooperator will not subsequently disclose information protected by section 1619 to any individual or organization that is not directly covered by this Acknowledgment. Any such subsequent disclosure of the protected information (except as permitted under Section 1619) will be considered a violation of Section 1619. The Conservation Cooperator will be held responsible should disclosure of the protected information occur.
- Signature on this Acknowledgment legally binds every owner, manager, supervisor, employee, contractor, agent, and representative of the Conservation Cooperator to comply with the provisions in Section 1619. The Conservation Cooperator must consult with NRCS prior to providing protected information to an entity or individual outside of the Conservation Cooperator and as necessary to implement the program to ensure that such release is permissible.
- The Conservation Cooperator will use the protected information only to perform work that is directly connected to provide conservation related services or perform monitoring, assessing, or evaluating conservation benefits]. Use of the protected information to perform work that is not directly connected to provide conservation related services or perform monitoring, assessing, or evaluating conservation benefits] is expressly prohibited.
- The Conservation Cooperator must internally restrict access to the protected information to only those individuals who have a demonstrated need to know the protected information in order to provide conservation related services or perform monitoring, assessing, or evaluation of conservation benefits].
- The provisions in Section 1619 are continuing obligations. Even when the Conservation Cooperator is no longer an NRCS Conservation Cooperator, or when individuals currently affiliated with the Conservation Cooperator become no longer so affiliated, every person having been provided access to the protected information will continue to be legally bound to comply with the provisions of this Acknowledgment.
- The Conservation Cooperator must notify all managers, supervisors, employees, contractors, agents, and representatives about this Acknowledgment and the requirements of Section 1619. For the duration of this Acknowledgment, notifications about the existence of this Acknowledgment must be made to those individuals who are new to the organization and periodic notifications must be sent throughout the organization (as well as to all contractors and agents) to remind all about the ongoing and continuing requirements.
- When the Conservation Cooperator is unsure whether particular information is covered or protected by Section 1619, the Conservation Cooperator must consult with NRCS to determine whether the information must be withheld.
- This Acknowledgment is nontransferable and may not be bought, sold, traded, assigned, extended to, or given free of charge to any other individual or organization not directly covered by this Acknowledgment.

- Use of the protected information for any purpose is expressly prohibited when an individual or organization is no longer an NRCS Conservation Cooperator. When the Conservation Cooperator is no longer an NRCS Conservation Cooperator, any protected information provided under this Acknowledgment must be immediately destroyed or returned to NRCS. The Conservation Cooperator must provide to NRCS written certification that the protected information (paper copy, electronic copy, or both) has been properly destroyed, removed from any electronic storage media, or both.
- The State's "sunshine law," "open records act" or other version of the Freedom of Information Act is superseded by section 1619 under the Supremacy Clause of the U.S. Constitution. Accordingly, information protected from disclosure by section 1619 must not be released under such State laws.

- Note: If the Secretary of Agriculture cannot determine that the protected information will be properly withheld by a State governmental agency, (for example, State policy indicating that public disclosure of information will not be required for records that are specifically required by the Federal Government to be kept confidential), then section 1619 prohibits the disclosure of the protected information to the State governmental agency. Acknowledgement of this provision by a State agency/employee's signature confirms a presumption for that determination. Conversely, failure or refusal to sign undermines the determination and prevents information sharing. Remove this text from the final Acknowledgment.

#### Protected Information

An example of the type of information prohibited by disclosure under Section 1619 includes, but is not limited to, the following:

- State identification and county number (where reported and where located).
- Producer or landowner name, business full address, phone number, Social Security Number, and similar personal identifying information.
- Farm, tract, field, and contract numbers.
- Production shares and share of acres for each Farm Serial Number (FSN) field.
- Acreage information, including crop codes.
- All attributes for Common Land Units (CLUs) in USDA's Geospatial Information System
- Any photographic, map, or geospatial data that, when combined with other maps, can be used to identify a landowner.
- Location of conservation practices.

Section 1619 allows disclosure of "payment information (including payment information and the names and addresses of recipients of payments) under any Department program *that is otherwise authorized by law*" (emphasis added). The names and payment information of producers generally may be provided to the public; however the Conservation Cooperator shall consult with NRCS if there is any uncertainty as to the provision of such information.

Section 1619 also allows disclosure of otherwise protected information if "the information has been transformed into a statistical or aggregate form without naming any—(i) individual owner, operator, or producer; or (ii) specific data gathering cite." The Conservation Cooperator must consult with NRCS as to whether specific information falls within this exception prior to relying on this exception.



### **Violations**

The Conservation Cooperator will be held responsible for violations of this Acknowledgment and Section 1619. A violation of this Acknowledgment by the Conservation Cooperator may result in action by NRCS, including termination of the underlying this agreement.

### **Effective Period**

This Acknowledgment will be in effect on the date of the final signature and continues until NRCS notifies the Conservation Cooperator that the Acknowledgment is no longer required based on changes in applicable Federal law.

DRAFT

**SEC. 1619. INFORMATION GATHERING.**

(a) **GEOSPATIAL SYSTEMS**—The Secretary shall ensure that all the geospatial data of the agencies of the Department of Agriculture are portable and standardized.

(b) **LIMITATION ON DISCLOSURES**—

(1) **DEFINITION OF AGRICULTURAL OPERATION**—In this subsection, the term “agricultural operation” includes the production and marketing of agricultural commodities and livestock.

(2) **PROHIBITION**—Except as provided in paragraphs (3) and (4), the Secretary, any officer or employee of the Department of Agriculture, or any contractor or cooperator of the Department, shall not disclose—

(A) Information provided by an agricultural producer or owner of agricultural land concerning the agricultural operation, farming or conservation practices, or the land itself, in order to participate in programs of the Department; or

(B) Geospatial information otherwise maintained by the Secretary about agricultural land or operations for which information described in subparagraph (A) is provided.

(3) **AUTHORIZED DISCLOSURES**—

(A) **LIMITED RELEASE OF INFORMATION**—If the Secretary determines that the information described in paragraph (2) will not be subsequently disclosed except in accordance with paragraph (4), the Secretary may release or disclose the information to a person or Federal, State, local, or tribal agency working in cooperation with the Secretary in any Department program—

(i) When providing technical or financial assistance with respect to the agricultural operation, agricultural land, or farming or conservation practices; or

(ii) When responding to a disease or pest threat to agricultural operations, if the Secretary determines that a threat to agricultural operations exists and the disclosure of information to a person or cooperating government entity is necessary to assist the Secretary in responding to the disease or pest threat as authorized by law.

(4) **EXCEPTIONS**—Nothing in this subsection affects—

(A) The disclosure of payment information (including payment information and the names and addresses of recipients of payments) under any Department program that is otherwise authorized by law;

(B) The disclosure of information described in paragraph (2) if the information has been transformed into a statistical or aggregate form without naming any—

(i) Individual owner, operator, or producer; or

(ii) Specific data gathering site; or

(C) The disclosure of information described in paragraph (2) pursuant to the consent of the agricultural producer or owner of agricultural land.

(5) **CONDITION OF OTHER PROGRAMS**—The participation of the agricultural producer or owner of agricultural land in, or receipt of any benefit under, any program administered by the Secretary may not be conditioned on the consent of the agricultural producer or owner of agricultural land under paragraph 4(c).

(6) **WAIVER OF PRIVILEGE OR PROTECTION**—The disclosure of information under paragraph (2) shall not constitute a waiver of any applicable privilege or protection under Federal law, including trade secret protection.

DRAFT



CHRIS KOSTER  
ATTORNEY GENERAL

ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

P.O. Box 899  
(573) 751-3321

May 3, 2012

Richard Fordyce  
Chairman, Soil and Water Conservation Districts Commission  
P.O. Box 176  
Jefferson City, MO 65102

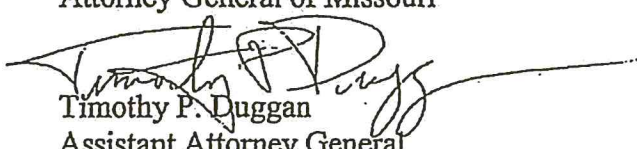
Dear Mr. Fordyce:

Thank you for your letter of November 4, 2011, in which you ask for general legal guidance regarding the roles and responsibilities of the Soil and Water Conservation Districts Commission, the boards of supervisors for the districts, and the Department of Natural Resources, with regard to budgetary, personnel, policy development, and audit-related issues. I understand that you asked for the guidance at the request of legislators, who may use it for discussions about whether any changes in practice, procedure, or law are warranted in order to provide greater clarity about the roles and responsibilities, or to increase the efficiency and effectiveness of soil and water conservation efforts in Missouri.

State Representative John Cauthorn made a similar request, and our office provided him an opinion on April 27, 2012. I believe that the response to Rep. Cauthorn satisfies the purpose of your request to me. His request and the response are attached for your information. Please let me know if I can be of further assistance.

Sincerely,

CHRIS KOSTER  
Attorney General of Missouri

  
Timothy P. Duggan  
Assistant Attorney General  
Phone: (573) 751-9802  
Fax: (573) 751-8796  
[tim.duggan@ago.mo.gov](mailto:tim.duggan@ago.mo.gov)

TPD:jl  
enclosures



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER  
ATTORNEY GENERAL

P.O. Box 899  
(573) 751-3321

April 27, 2012

The Honorable John Cauthorn  
State Representative, District 21  
State Capitol, Room 235  
Jefferson City, MO 65101

Dear Representative Cauthorn:

You ask what is the structure and relationship between the Soil and Water Commission and the Department of Natural Resources, what responsibilities and authority they have, and what is the source of that authority. In providing this response, we do not mean to suggest that we are giving you legal advice or otherwise treating you as a client of the Attorney General or any of his assistants. We merely wish to assist you in performing your official duties as a member of the General Assembly.

In interpreting statutes, "The seminal rule of statutory construction is to ascertain the intent of the legislature from the language used and to consider the words used in their plain and ordinary meaning." *Turner v. School Dist. of Clayton*, 318 S.W.3d 660, 665 (Mo. banc 2010).

We first examine the structure, responsibilities, and authority of the Soil and Water Commission (SWC). The Legislature created SWC in 1943 in a statute now found at §§ 278.080-278.155.<sup>1</sup> SWC "shall formulate policies and general programs for the saving of Missouri soil and water by the soil and water conservation districts, and shall give consideration to the districts' needs based on their character." § 278.080.1. SWC "shall be the administrative agency to represent this state in these and all other matters

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<sup>1</sup> All statutory references are to RSMo Cum. Supp. 2011, unless otherwise noted.

arising from the provisions of sections 278.060 to 278.300.”<sup>2</sup> *Id.* SWC must keep “a full and accurate record of all its proceedings ... and shall provide for an annual audit of all its accounts of receipts and disbursements.”  
§ 278.080.4.

SWC has general rule-making powers in certain areas. It has authority to promulgate rules and regulations to assist in cost-sharing programs, § 278.080.5(9), regulate marketing, purchasing, and selling of farm products by individual soil and water districts, § 278.135.4, and to “effectively administer” its powers. § 278.080.6. If an individual district fails to follow SWC policy, SWC has power to withhold state aid from that district. § 278.080.5(7). Where federal and state laws do not prohibit it, SWC may also grant individual variances to its rules upon proof that the rule will have an arbitrary and unreasonable impact on landowners. § 278.080.6.

SWC makes policies regarding individual soil and water conservation district's cooperating and making agreements with political subdivisions and land representatives, § 278.120.2(2), and policies regarding individual district's accepting and using money, services, or materials from the federal government, § 278.120.2(4).

SWC administers, for the state of Missouri, the soil and water conservation districts and subdistricts. *Id.* SWC is directed to encourage the establishment of individual soil and water districts as needed throughout the state, § 278.080.5(1), fix rules and procedures for fair and impartial referenda for establishing and disestablishing districts, § 278.080.5(2), receive and evaluate petitions for forming a district, § 278.080.5(3), provide training and assistance to the districts, § 278.080.5(5), to help individual districts obtain federal aid, § 278.080.5(7), to withhold state aid when the districts have not followed policy, § 278.080.5(7), and “give such other proper assistance as the soil and water commission may judge to be useful to any soil and water district in the saving of soil and water in that district.” § 278.080.5(8).

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<sup>2</sup> While SWC law is codified at §§ 278.060-278.155, the Soil and Water subdistricts law is codified at §§ 278.160-278.300. Thus, this provision gives SWC authority to represent the state in issues arising from the subdistricts.



When an individual soil and water conservation district is created (as provided in § 278.100) SWC helps establish its board. § 278.110.1. If a member of the board is unable to complete a term, SWC appoints an appropriate successor for the remainder of the term. § 278.110.2. In order to complete its own duties under the law, SWC receives rules, regulations, forms, documents, and any other information it needs from the individual subdistricts, which "shall submit" these items "to the [SWC] for its approval." § 278.110.5. The individual districts are required to assist SWC in administering state soil and water conservation cost-sharing programs. § 278.110.8. If a landowner participating in a cost-share program suffers undue hardship from maintaining a soil and water conservation project, SWC is empowered to require an easement from the landowner to enable SWC to maintain the project itself. § 278.110.8(2). SWC also must approve contracts and other legal instruments executed by individual districts. § 278.120.2(5). SWC receives and approves annual audit reports from the individual districts. § 278.110.6.

Thus, SWC has a wide variety of powers regarding the conservation of soil and water in Missouri, the oversight of individual soil and water conservation districts, and the making of policies, rules, and regulations in this area.

We now turn to the Department of Natural Resources (DNR), and its relationship with SWC. DNR exercises important control and oversight over SWC. DNR is a department in the executive branch of government. Mo. Const. Art. IV, § 12; Mo. Const. Art. IV, § 47, § 640.010 (previously § 10 of the Reorganization Act of 1974). "The department shall administer the programs of the state as provided by law relating to environmental control and the conservation and management of natural resources." Mo. Const. Art. IV, § 47. SWC's purpose is conservation of natural resources, so this constitutional provision requires DNR's administration of SWC.

Another constitutional provision requiring DNR to work with SWC is found in the tax for soil and water conservation. Mo. Const. Art. IV, §§ 47(a)-(c). This provision requires DNR to administer, through SWC, projects that make use of these tax funds. *Id.*



Statutes make DNR's involvement with SWC even more extensive—The Reorganization Act of 1974 provided, and § 640.010.4 now provides: "All the powers, duties and functions of the state soil and water districts commission, chapter 278, RSMo, and others, are transferred by a type II transfer to the department [DNR]."

Thus, by both constitution and statute, the Soil and Water Commission (SWC) is part of DNR and under its oversight. However, the type II transfer means that although DNR has an important supervisory role over SWC, DNR does not have complete control over it. SWC was transferred "in its entirety with all the powers, duties, functions, records, personnel, property, matters pending, and all other pertinent vestiges retained by [SWC]" now having become "subject to supervision by the director of [DNR]." Reorganization Act of 1974, § 1.7(1)(b). But this "[s]upervision by the director" is limited to budgeting and reporting under § 1.6(4), (5) of the Act, abolishment of positions not specified by statute, employment and discharge of employees and division directors, allocating and changing duties, functions, and personnel, supervising use of equipment and space, and procuring supplies and services, always with the goal of "promot[ing] economic and efficient administration and operation of [DNR] and [SWC]." Reorganization Act of 1974, § 1.7(1)(b).

An important aspect of the relationship between DNR and SWC is budgeting. Because DNR has "exclusive budget-making powers for the department and for each ... commission ... within the department," § 1.6(4)(a), Reorganization Act of 1974, and is expressly required to supervise the budgeting of its commissions, Reorganization Act of 1974, § 1.7(1)(b), SWC does not have any of the budgeting power. SWC's participation in the budgeting process is limited: SWC must "present its estimate of requirements to the department head" every year at the time DNR sets. *Id.* Then DNR's head reviews the estimate and may modify it. *Id.* DNR consolidates all the budget requests from the entities for which it is responsible into one document for submission to the general assembly. § 1.6(4)(a)-(b), § 33.220.

This shows that SWC does not control its own budget. SWC participates in the budgeting process by presenting its estimate to DNR, but

only DNR has authority to make SWC's budget. Further, DNR's budget recommendations are subject to legislative approval and appropriation, and, of course, the governor's power to change the rate of disbursement of appropriations at any time and reduce the amount of the appropriation itself when there is a budget shortfall. *Id.*, Mo. Const. Art. IV, § 27.

But once the state funds are appropriated by the general assembly, SWC is the entity that receives, allocates, and expends these funds for the use and benefit of the individual districts. § 278.080.1. SWC also receives and properly conveys to the individual districts "any other form of aid extended to such districts by any other agency of this state." *Id.*

As shown above, the Reorganization Act of 1974, § 1.7(1)(b), gives DNR supervision over the employment and discharge of employees and division directors. DNR's director appoints, assigns, and reassigns all SWC employees. § 640.010.2. DNR has the power to hire, fire, and change duties of SWC employees. Reorganization Act of 1974, § 1.7(1)(b). DNR's director also appoints directors as "directors of staff" to help SWC's policy making board, but that board must approve the appointments and can remove them upon written request. § 640.010.2. DNR's director is an ex officio member of SWC. § 278.080.2. These provisions show that DNR has an extensive role in supervising and controlling SWC's personnel.

However, DNR has no supervision of "substantive matters relative to policies, regulative functions or appeals from decisions of [SWC], unless specifically provided by law." Reorganization Act of 1974, § 1.7(1)(b). In fact, DNR's director is "subject to [SWC's] decisions as to all substantive and procedural rules." § 640.010.1. The decisions of DNR's director "shall be subject to appeal to [SWC] on request of [SWC] or by affected parties." *Id.* DNR's policy-making involvement is generally limited to recommending policies and faithfully executing the ones SWC chooses to adopt, § 640.010.1, and providing a "director of staff" to assist SWC's policy makers. § 640.010.2.

In conclusion, although DNR and SWC are distinct entities, they both are charged with the conservation of Missouri's natural resources of soil and water, and DNR has extensive control and supervision over SWC. However,



The Honorable John Cauthorn  
Page 6

SWC has its own specific responsibilities regarding developing policies, promulgating rules and regulations, and assisting individual districts.

Very truly yours,



LINDA LEMKE  
Assistant Attorney General

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[Back to Memo](#)

# Form to Request Attorney General Opinions

1. Information about requestor:

Name: Representative John Cauthorn of the 21<sup>st</sup> District

Address: 201 West Capitol Avenue, Jefferson City, MO

Phone: (573) 751-9458

Date Request Made: 9/27/2011

2. Official capacity of requestor (*See Section 27.040, RSMo*):

John Cauthorn is a State Representative and Chairman of the Agriculture and Natural Resources Appropriations Committee

3. The question of LAW upon which I request your legal opinion is as follows:  
(Note: Make certain the phrasing of the question is complete and clearly stated because only this question will be considered for an official opinion.)

What is the structure and relationship between the Soil and Water

Commission and the Department of Natural Resources? What are their responsibilities? Who has authority over what? Is that authority through ballot language or rules?

4. A complete statement of the **FACTS** giving rise to this question is as follows:  
(Note: If **all** facts are not furnished which this office needs to respond to this question, it may be rejected as an incomplete request which this office cannot answer.)

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5. List each and every governmental entity involved in this request:

The State House of Representatives, Department of Natural Resources,  
and the Soil and Water Commission

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6. Which of the entities listed in response to Question 5 have attorneys paid with public funds?

For each entity listed, attach a copy of the written **legal opinion** of each such attorney on the question involved herein.

(Note for prosecuting attorneys: Also attach a copy of your legal opinion giving Missouri statutes, significant Missouri appellate decisions and your conclusions drawn therefrom.)

None

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7. State in detail how the question of law relates to your official position or to the discharge of your duties.

Representative Cauthorn is the chairman of the Agriculture and Natural Resources Committee

8. Is any litigation pending involving the issues raised in your opinion request? Yes or ☒ No (circle one)

9. If the answer to Question 8 is "yes" list the name of case, court in which it is pending and docket number of case:

Name of case: \_\_\_\_\_

Court where pending: \_\_\_\_\_

Docket Number: \_\_\_\_\_



Missouri Association of Soil and Water Conservation Districts

July 18, 2012

**President**

STEVE RADCLIFF  
NACD Board Member  
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Ms. Colleen Meredith  
DNR Soil & Water Program Director  
PO Box 176  
Jefferson City, MO 65102

Dear Ms. Meredith:

The MASWCD Board has discussed the report from the Attorney General's office on the request submitted by Representative Cauthorn on the roles and responsibilities of the Commission, DNR and the local SWCD Boards. We feel there were really no solid answers there to some of our concerns, so we have contracted with an attorney to get answers to some specific questions about the roles and responsibilities of the Commission, DNR and the local SWCD Boards.

The attorney will have his answers ready to discuss with us on August 6. We are setting up a meeting for that day at 2:00 p.m. in the conference room at the Missouri Cattlemen's Office in Columbia and are inviting you and another Program staff member to attend. We are also inviting the Soil and Water Commission to attend. This way we can all listen and discuss and ask questions with everyone hearing the same discussion and answers.

If you have questions, I can be contacted by e-mail at [stevenr@greenhills.net](mailto:stevenr@greenhills.net) or at 660-247-1255. I look forward to your attendance at the meeting.

Sincerely,

Steven Radcliff  
MASWCD President

Cc: MO Soil & Water Commission

## Teri Murrison

---

**From:** Teri Murrison  
**Sent:** Wednesday, May 29, 2019 8:23 AM  
**To:** Delwyne Trefz; Ken Stinson  
**Cc:** Tom Daniel; Cathy Roemer; Benjamin Kelly  
**Subject:** RE: Your Opportunity to Comment on the Idaho Conservation Partnership Agreement

Hey Ken! Thanks for this input. The Committee (Tom, Cathy, Benjamin, Robbie, Curtis, and I) met yesterday and will recommend to both Boards that we pause, step back, and take a closer look at incorporating some implementation of Farm Bill program points Curtis submitted and other things. I will definitely include your comments in the Board packets. Thanks for weighing in!

Teri

**From:** Delwyne Trefz  
**Sent:** Wednesday, May 29, 2019 7:55 AM  
**To:** Ken Stinson <[kstinson@latahswcd.org](mailto:kstinson@latahswcd.org)>  
**Cc:** Teri Murrison <[Teri.Murrison@swc.idaho.gov](mailto:Teri.Murrison@swc.idaho.gov)>; Tom Daniel <[danielfarms@gmail.com](mailto:danielfarms@gmail.com)>; Cathy Roemer <[Cathy.Roemer@swc.idaho.gov](mailto:Cathy.Roemer@swc.idaho.gov)>; Benjamin Kelly <[benjamin@amgidaho.com](mailto:benjamin@amgidaho.com)>  
**Subject:** RE: Your Opportunity to Comment on the Idaho Conservation Partnership Agreement

Hi Ken,

Thanks for your comments. I'm forwarding to the group who is looking at potential revisions.

My apology for taking this long to respond—your email got lost in the shuffle and the hustle.

Take good care,

Delwyne

**From:** Ken Stinson <[kstinson@latahswcd.org](mailto:kstinson@latahswcd.org)>  
**Sent:** Wednesday, May 22, 2019 2:28 PM  
**To:** Delwyne Trefz <[Delwyne.Trefz@swc.idaho.gov](mailto:Delwyne.Trefz@swc.idaho.gov)>; Steve Becker ([stevebecker@co.nezperce.id.us](mailto:stevebecker@co.nezperce.id.us)) <[stevebecker@co.nezperce.id.us](mailto:stevebecker@co.nezperce.id.us)>; Taylor, Robbie - NRCS, Rexburg, ID <[Robbie.Taylor@id.nacdnet.net](mailto:Robbie.Taylor@id.nacdnet.net)>  
**Cc:** Dave Huggins ([dhuggins@wsu.edu](mailto:dhuggins@wsu.edu)) <[dhuggins@wsu.edu](mailto:dhuggins@wsu.edu)>  
**Subject:** FW: Your Opportunity to Comment on the Idaho Conservation Partnership Agreement

Delwyne, Steve and Robbie –

Per ISWCC invitation to review their draft of a revised Idaho Conservation Partnership Agreement, I wanted to offer a suggestion from the perspective as the District Manager of one conservation district. This is only my opinion and not a formal opinion of the Latah SWCD Board of Supervisors. I am sending this to each of you since you represent the three of the four entities of the agreement and the Latah SWCD is a member of the associations who are signatories.

Upon comparison of the 2011 Partnership Statement and the ISWCC draft Partnership Statement, I believe the language of the 2011 Statement continues to contain the most relevant language/commitments to the Idaho Partnership. I see no obvious reason to alter this language unless there are reasons the four signatories believe the 2011 agreement is no longer valid. Personally, I am not one to support altering state-wide agreements if not needed in an effort to simply "update" language. I believe there is strength within the Idaho Partnership when agreements/commitments stay in

place through changes in agency administrations. The commitments made back in 2011 should continue to hold unless individual signatories believe the agreement must be altered. If the signatories believe the commitments have been significantly altered, these changes should be explicitly highlighted to conservation districts so they can be reviewed by the Boards and their comments forwarded to their associations.

In summary, I see no need to revise the existing agreement signed in 2011. If the signatories would like to recommit to this agreement at the IASCD conference this fall and sign, once again, the existing agreement language, that might be a nice gesture to show continued commitment to the original principles of the 2011 agreement.

Let me know if you have any questions.

Ken

~~~~~

Please note email address change – [kstinson@latahswcd.org](mailto:kstinson@latahswcd.org)

Kenneth Stinson  
District Manager  
Latah Soil & Water Conservation District  
220 East 5<sup>th</sup> Street, Suite 208  
Moscow, ID 83843  
Cell – 509.338.2549  
Office Msg – 208.301.5090  
[www.latahswcd.org](http://www.latahswcd.org)

**From:** Ken Stinson <[kstinson@latahswcd.org](mailto:kstinson@latahswcd.org)>  
**Sent:** Thursday, May 02, 2019 2:03 PM  
**To:** Delwyne Trefz <[Delwyne.Trefz@swc.idaho.gov](mailto:Delwyne.Trefz@swc.idaho.gov)>  
**Subject:** Re: Your Opportunity to Comment on the Idaho Conservation Partnership Agreement

Delwyne - Would you be willing to send me a copy of the signed agreement for comparison? Thanks.

Ken

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**From:** Delwyne Trefz <[Delwyne.Trefz@swc.idaho.gov](mailto:Delwyne.Trefz@swc.idaho.gov)>  
**Sent:** Thursday, May 2, 2019 11:05:16 AM  
**To:** [Jessica.harrold@id.nacdnet.net](mailto:Jessica.harrold@id.nacdnet.net); [aswd@ctcweb.net](mailto:aswd@ctcweb.net); [chsimons@cableone.net](mailto:chsimons@cableone.net); [bl.swcd@gmail.com](mailto:bl.swcd@gmail.com); [leann.daman@id.usda.gov](mailto:leann.daman@id.usda.gov); [blainescd@gmail.com](mailto:blainescd@gmail.com); [Sarah.Garcia@id.nacdnet.net](mailto:Sarah.Garcia@id.nacdnet.net); [Cassie.Olson@id.nacdnet.net](mailto:Cassie.Olson@id.nacdnet.net); [briverscd@gmail.com](mailto:briverscd@gmail.com); [butteswcd@outlook.com](mailto:butteswcd@outlook.com); [hawleyjm@msn.com](mailto:hawleyjm@msn.com); [camasscd@yahoo.com](mailto:camasscd@yahoo.com); [Lori.Kent@id.nacdnet.net](mailto:Lori.Kent@id.nacdnet.net); [pauline.bassett@id.nacdnet.net](mailto:pauline.bassett@id.nacdnet.net); [cbswcd@ida.net](mailto:cbswcd@ida.net); [Robbie.Taylor@id.nacdnet.net](mailto:Robbie.Taylor@id.nacdnet.net); [Clearwater.swcd@gmail.com](mailto:Clearwater.swcd@gmail.com); [cswcd@custertel.net](mailto:cswcd@custertel.net); [Joyce.Smith@id.nacdnet.net](mailto:Joyce.Smith@id.nacdnet.net); [ewcswcd@gmail.org](mailto:ewcswcd@gmail.org); [ewcswcd@gmail.com](mailto:ewcswcd@gmail.com); [dmcsmurray6@gmail.com](mailto:dmcsmurray6@gmail.com); [Stefanie.Kazyaka@id.nacdnet.net](mailto:Stefanie.Kazyaka@id.nacdnet.net); [chris.hatch@id.nacdnet.net](mailto:chris.hatch@id.nacdnet.net); [lyla.dettmer@franklinSWCD.net](mailto:lyla.dettmer@franklinSWCD.net); [Sheryl.Stelling@id.nacdnet.net](mailto:Sheryl.Stelling@id.nacdnet.net); [goodingscd1@gmail.com](mailto:goodingscd1@gmail.com); [stefanie.hays@id.nacdnet.net](mailto:stefanie.hays@id.nacdnet.net); [jennifer.saathoff@id.nacdnet.net](mailto:jennifer.saathoff@id.nacdnet.net); [ksswcd@yahoo.com](mailto:ksswcd@yahoo.com); Ken Stinson; [lemhiscd@custertel.net](mailto:lemhiscd@custertel.net); [karol.holthaus@id.nacdnet.net](mailto:karol.holthaus@id.nacdnet.net); [minidokaswcd@gmail.com](mailto:minidokaswcd@gmail.com); [NPSWCD@co.nezperce.id.us](mailto:NPSWCD@co.nezperce.id.us); [Leigh.Love@id.usda.gov](mailto:Leigh.Love@id.usda.gov); [Debbie.Abel@id.nacdnet.net](mailto:Debbie.Abel@id.nacdnet.net); [payetteswcd@gmail.com](mailto:payetteswcd@gmail.com); [portneufswcd@gmail.com](mailto:portneufswcd@gmail.com);

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[tcikaitoga@co.fremont.id.us](mailto:tcikaitoga@co.fremont.id.us)

**Cc:** Allan Johnson; Bill Lillibridge; Brad Shelton; Brian Reed; Carolyn Firth; Chuck Pentzer; Eileen Rowan; George Hitz; Jon W. Beals; Loretta Strickland; Maria Minicucci; Paula Johnson; Rob Sharpnack; Todd Higans; SWC Information

**Subject:** Your Opportunity to Comment on the Idaho Conservation Partnership Agreement

Dear partners,

At our Joint Board Meeting with IASCD in January, Commissioner Roemer, IASCD Board member Tom Daniels, Benjamin Kelly, and Teri were tasked with creating a draft of a new Partnership Agreement for consideration by our Commissioners, IASCD, IDEA, and NRCS. Our last agreement was signed in 2011. Between the unusual legislative session this year and Teri's medical leave, we were unable to convene the group to discuss where to begin on a draft.

Because our Board will need time to review the draft and discuss it in open session before directing us to work with our partners to discuss changes, we put together a draft (see attached) as a starting point for discussion at our May 9<sup>th</sup> Board meeting. Comments received will direct further revisions for consideration of both boards in June.

We welcome individual and Board comments for possible changes. Should you wish to email them, please forward them to Teri at your earliest convenience so she can present them to our Board. Another alternative is to attend or phone in your comments at our Board meeting a week from today. The agenda goes out later this afternoon with the call-in, address, and time information.

Thanks so much.



Delwyne Trefz, District Support Services  
Idaho Soil & Water Conservation Commission  
208.332.1796 Office  
208.810.0770 Cell

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**SOIL & WATER  
CONSERVATION  
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Commissioner

Vacant  
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Teri Murrison  
Administrator

**MEMO**

**TO: CHAIRMAN WRIGHT AND COMMISSIONERS ROEMER, TREBESCH,  
AND OLSON**  
**FROM: DELWYNE TREFZ, DISTRICT SUPPORT SERVICES**  
**DATE: MAY 23, 2019**  
**RE: FY2020 CONSERVATION DISTRICT FUNDING REQUEST**

**FY2020 CONSERVATION DISTRICT FUNDING REQUEST**

Idaho statute requires the Commission to hold an annual conservation district budget hearing. At the hearing you are to consider the financial needs of the districts and use this information as the basis for your request for state funds for distribution to conservation districts.

This year eleven districts submitted budget hearing worksheets in which they identified a total of 22 priority projects with unmet funding needs. If the requested funding were available in FY2021, the districts could complete these projects. The eleven districts identified a total of \$2.4M of unmet funding which they would leverage with an additional \$1.4M from other partners to put \$3.8M worth of locally led water quality improvement work on the ground.

| <b>CONSERVATION DISTRICT FUNDING REQUESTS FOR FY2020</b>              |                       |                  |                        |                 |                  |                                   |
|-----------------------------------------------------------------------|-----------------------|------------------|------------------------|-----------------|------------------|-----------------------------------|
| <b>Number of<br/>Districts<br/>Submitting<br/>Budget<br/>Requests</b> | <b>Funding Source</b> |                  |                        |                 |                  | <b>Total<br/>Project<br/>Cost</b> |
|                                                                       | <b>SWCC</b>           | <b>Federal</b>   | <b>Other<br/>State</b> | <b>District</b> | <b>Other</b>     |                                   |
| <b>11</b>                                                             | <b>\$2,382,020</b>    | <b>\$417,527</b> | <b>\$463,500</b>       | <b>\$41,500</b> | <b>\$532,150</b> | <b>\$3,836,697</b>                |

RECOMMENDED ACTION: For information and discussion.

**ATTACHMENTS:**

- Conservation District Funding Requests for FY2020, by Conservation District and Project
- District Budget Hearing Worksheet.

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| CONSERVATION DISTRICT FUNDING REQUESTS FOR FY2020, BY CONSERVATION DISTRICT AND PROJECT |                    |                  |                  |                 |                  |                    |
|-----------------------------------------------------------------------------------------|--------------------|------------------|------------------|-----------------|------------------|--------------------|
| District/Project                                                                        | Funding Source     |                  |                  |                 |                  | Total Project Cost |
|                                                                                         | SWCC               | Federal          | Other State      | District        | Other            |                    |
| <b>Benewah SWCD</b>                                                                     |                    |                  |                  |                 |                  |                    |
| St. Joe River Streambank Stabilization                                                  | \$100,000          | \$0              | \$250,000        |                 |                  | \$350,000          |
| <b>Camas CD</b>                                                                         |                    |                  |                  |                 |                  |                    |
| District Capacity Building                                                              | \$4,000            | \$0              | \$8,500          | \$1,500         | \$0              | \$14,000           |
| <b>Canyon SCD</b>                                                                       |                    |                  |                  |                 |                  |                    |
| BMP Effectiveness Monitoring                                                            | \$1,800            | \$34,000         | \$1,000          | \$10,800        | \$25,000         | \$72,600           |
| <b>Clearwater SWCD</b>                                                                  |                    |                  |                  |                 |                  |                    |
| Scofield Creek Culvert Replacement                                                      | \$97,470           | \$0              | \$0              | \$0             | \$97,470         | \$194,940          |
| <b>Clearwater SWCD</b>                                                                  |                    |                  |                  |                 |                  |                    |
| Orofino Creek Road Culvert Replacement                                                  | \$39,680           | \$0              | \$0              | \$0             | \$39,680         | \$79,360           |
| <b>Gem SWCD</b>                                                                         |                    |                  |                  |                 |                  |                    |
| Lower Payette TMDL Implementation 319                                                   | \$110,000          | \$0              | \$0              | \$0             | \$0              | \$110,000          |
| <b>Kootenai-Shoshone SWCD</b>                                                           |                    |                  |                  |                 |                  |                    |
| Mica Creek Streambank Protection                                                        | \$150,000          | \$0              | \$0              | \$0             | \$150,000        | \$300,000          |
| <b>Kootenai-Shoshone SWCD</b>                                                           |                    |                  |                  |                 |                  |                    |
| Coeur d'Alene River Streambank Protection                                               | \$100,000          | \$0              | \$0              | \$0             | \$0              | \$100,000          |
| <b>Kootenai-Shoshone SWCD</b>                                                           |                    |                  |                  |                 |                  |                    |
| Wolf Lodge Creek Streambank Protection                                                  | \$185,000          | \$0              | \$0              | \$0             | \$0              | \$185,000          |
| <b>Lewis SCD</b>                                                                        |                    |                  |                  |                 |                  |                    |
| Soil Health in Lewis County                                                             | \$250,000          | \$0              | \$0              | \$0             | \$0              | \$250,000          |
| <b>Lewis SCD</b>                                                                        |                    |                  |                  |                 |                  |                    |
| Lewis County Forest Health                                                              | \$300,500          | \$0              | \$0              | \$0             | \$0              | \$300,500          |
| <b>Lewis SCD</b>                                                                        |                    |                  |                  |                 |                  |                    |
| Clearwater Complex Fire Landscape Restoration                                           | \$240,000          | \$0              | \$0              | \$0             | \$0              | \$240,000          |
| <b>Nez Perce SWCD</b>                                                                   |                    |                  |                  |                 |                  |                    |
| Mission/Rock Creek Floodplain Restoration                                               | \$75,000           | \$221,557        | \$0              | \$10,000        | \$45,000         | \$351,557          |
| <b>Nez Perce SWCD</b>                                                                   |                    |                  |                  |                 |                  |                    |
| White Road Bridge Design                                                                | \$40,000           | \$61,970         | \$4,000          | \$2,200         | \$0              | \$108,170          |
| <b>Nez Perce SWCD</b>                                                                   |                    |                  |                  |                 |                  |                    |
| Lindsay Creek Water Quality Phase 1                                                     | \$364,070          | \$0              | \$0              | \$0             | \$0              | \$364,070          |
| <b>Squaw Creek SCD</b>                                                                  |                    |                  |                  |                 |                  |                    |
| Lower Payette TMDL Implementation 319                                                   | \$110,000          | \$0              | \$0              | \$0             | \$0              | \$110,000          |
| <b>Valley SWCD</b>                                                                      |                    |                  |                  |                 |                  |                    |
| City of Donnelly Drainage Improvements                                                  | \$15,000           | \$0              | \$0              | \$0             | \$0              | \$15,000           |
| <b>Valley SWCD</b>                                                                      |                    |                  |                  |                 |                  |                    |
| Expand Youth Educational Outreach                                                       | \$4,500            | \$0              | \$0              | \$0             | \$0              | \$4,500            |
| <b>Valley SWCD</b>                                                                      |                    |                  |                  |                 |                  |                    |
| Composting Toilet at Boulder Lake                                                       | \$20,000           | \$0              | \$0              | \$0             | \$0              | \$20,000           |
| <b>Weiser River SCD</b>                                                                 |                    |                  |                  |                 |                  |                    |
| Weiser River Streambank Stabilization                                                   | \$75,000           | \$0              | \$0              | \$5,000         | \$150,000        | \$230,000          |
| <b>Weiser River SCD</b>                                                                 |                    |                  |                  |                 |                  |                    |
| Galloway Dam Spillway Restoration                                                       | \$50,000           | \$0              | \$50,000         | \$5,000         | \$0              | \$105,000          |
| <b>Weiser River SCD</b>                                                                 |                    |                  |                  |                 |                  |                    |
| Monroe Creek Restoration                                                                | \$50,000           | \$100,000        | \$150,000        | \$7,000         | \$25,000         | \$332,000          |
| <b>TOTAL</b>                                                                            | <b>\$2,382,020</b> | <b>\$417,527</b> | <b>\$463,500</b> | <b>\$41,500</b> | <b>\$532,150</b> | <b>\$3,836,697</b> |

# 2019 District Budget Hearing: Project/Program Needs Worksheet for FY 2021 Budget Request

ITEM #4-2

|                                                             |
|-------------------------------------------------------------|
| <b>District:</b> Benewah Soil & Water Conservation District |
| <b>Contact:</b> Leann Daman                                 |

## Priority Project/Program Needs

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| <b>Project/Program Title:</b> <i>St. Joe River Streambank Stabilization and Vegetation Project Part 2</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                  |
| <i>Description of Project/Program: Promote and facilitate installation of BMPs designed to improve water quality along the St. Joe River. This program promotes coordination between private landowners and the district to facilitate feasible solution to nonpoint source pollution in the river and provides financial assistance for implementation of BMPs that will reduce loading of sediment, nutrients and promote vegetation to address river temperature. The district has been contacted by 23 different landowners requesting assistance with streambank stabilization and vegetation for their recreational river lots.</i> |                  |
| Project/Program Timeline: November 2019 – November 2021                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Priority: 1      |
| Resource Concern(s) Addressed: <i>water quality due to excessive sediment and nutrient loading</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                  |
| Available Funding (list all sources):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                  |
| Federal:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | \$0              |
| State: <i>DEQ 319 Nonpoint source</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | \$250,000        |
| District:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | \$0              |
| Other:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | \$0              |
| Notes: <i>Match requested from the State of Idaho in the amount \$100,000</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                  |
| <b>Total State Funds Needed To Complete Project:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>\$100,000</b> |

|                                       |             |
|---------------------------------------|-------------|
| <b>Project/Program Title:</b>         |             |
| Description of Project/Program:       |             |
| Project/Program Timeline:             | Priority: 2 |
| Resource Concern(s) Addressed:        |             |
| Available Funding (list all sources): |             |
| Federal:                              | \$0         |
| State:                                | \$0         |
| District:                             | \$0         |
| Other:                                | \$0         |
| Notes:                                |             |
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|                                                      |            |
|------------------------------------------------------|------------|
| <b>Total State Funds Needed To Complete Project:</b> | <b>\$0</b> |
|------------------------------------------------------|------------|

|                                                      |             |
|------------------------------------------------------|-------------|
| <b>Project/Program Title:</b>                        |             |
| Description of Project/Program:                      |             |
| Project/Program Timeline:                            | Priority: 3 |
| Resource Concern(s) Addressed:                       |             |
| Funding (list all sources):                          |             |
| Federal:                                             | \$0         |
| State:                                               | \$0         |
| District:                                            | \$0         |
| Other:                                               | \$0         |
| Notes:                                               |             |
| <b>Total State Funds Needed To Complete Project:</b> | <b>\$0</b>  |

# 2019 District Budget Hearing: Project/Program Needs

## Worksheet for FY 2021 Budget Request

|                                              |
|----------------------------------------------|
| <b>District:</b> Camas Conservation District |
| <b>Contact:</b> Kevin Wear-Chair             |

### Priority Project/Program Needs

|                                                                                                                                                                        |                   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| <b>Project/Program Title: Capacity Building</b>                                                                                                                        |                   |
| <i>Description of Project/Program: Increase office Staff hours, increase office staff training, increase supervisor training, increase supervisor meeting support.</i> |                   |
| Project/Program Timeline:                                                                                                                                              | Priority: 1       |
| Resource Concern(s) Addressed:                                                                                                                                         |                   |
| Available Funding (list all sources):                                                                                                                                  |                   |
| Federal:                                                                                                                                                               | \$0               |
| State:                                                                                                                                                                 | \$8,500.00        |
| District:                                                                                                                                                              | \$1,500.00        |
| Other:                                                                                                                                                                 | \$0               |
| Notes:                                                                                                                                                                 |                   |
| <b>Total State Funds Needed To Complete Project:</b>                                                                                                                   | <b>\$4,000.00</b> |

|                                                                                                                                                                                                                                                                                                                               |             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| <b>Project/Program Title: Technical Support</b>                                                                                                                                                                                                                                                                               |             |
| <i>Description of Project/Program: Soil Biology, fertilization testing and evaluations for acid soils and alfalfa production. There has not been thorough study of micro biology, soil fertility and various soil treatment regimes on the Camas Prairie acidic soils relating to short and long term alfalfa production.</i> |             |
| Project/Program Timeline:                                                                                                                                                                                                                                                                                                     | Priority: 2 |
| Resource Concern(s) Addressed:                                                                                                                                                                                                                                                                                                |             |
| Available Funding (list all sources):                                                                                                                                                                                                                                                                                         |             |
| Federal:                                                                                                                                                                                                                                                                                                                      | \$0         |
| State:                                                                                                                                                                                                                                                                                                                        | \$0         |
| District:                                                                                                                                                                                                                                                                                                                     | \$1,000.00  |
| Other: Cooperators                                                                                                                                                                                                                                                                                                            | \$1,000.00  |
| Notes:                                                                                                                                                                                                                                                                                                                        |             |

|                                                      |                   |
|------------------------------------------------------|-------------------|
| <b>Total State Funds Needed To Complete Project:</b> | <b>\$3,000.00</b> |
|------------------------------------------------------|-------------------|

|                                                                                                                      |                   |
|----------------------------------------------------------------------------------------------------------------------|-------------------|
| <b>Project/Program Title: Technical Support</b>                                                                      |                   |
| Description of Project/Program: Beaver Creek fire impact on Willow Creek. Stream evaluation and project suggestions. |                   |
| Project/Program Timeline:                                                                                            | Priority: 3       |
| Resource Concern(s) Addressed:                                                                                       |                   |
| Funding (list all sources):                                                                                          |                   |
| Federal:                                                                                                             | \$0               |
| State:                                                                                                               | \$0               |
| District:                                                                                                            | \$1,000.00        |
| Other:                                                                                                               | \$0               |
| Notes:                                                                                                               |                   |
| <b>Total State Funds Needed To Complete Project:</b>                                                                 | <b>\$3,500.00</b> |

# 2019 District Budget Hearing: Project/Program Needs

## Worksheet for FY 2021 Budget Request

**District:** Canyon Soil Conservation District, 2208 E. Chicago, Ste A, Caldwell, ID 83605

**Contact:** Mike Swartz, Canyon SCD Chairman / Lori Kent, Admin. Assist.

### Priority Project/Program Needs

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                           |               |          |              |         |                                 |          |                              |          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|---------------|----------|--------------|---------|---------------------------------|----------|------------------------------|----------|
| <b>Project/Program Title: Project Title: Farmers' Cooperative Ditch Company Sediment Basin &amp; Regional Conservation Partnership Program (RCPP).</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                           |               |          |              |         |                                 |          |                              |          |
| <p><b>Description of Project/Program:</b> <i>Description of Project:</i> This project consists of installing a sediment basin of about 8.8 acres under RCPP for funding, through Natural Resources Conservation Service, to address water quality on the Farmers' Coop Canal and will service to clean up the water to provide cleaner water to the downstream water users. Currently, the downstream users are experiencing problems with filters on drip systems due to the amount of sediment being transported in the canal. Runoff water from upstream will be treated to clean the water entering the canal and provide a better chance of installing drip systems downstream. This project would also be for the installation of better irrigation systems (less or no runoff), and management practice to improve the water quality.</p> |                           |               |          |              |         |                                 |          |                              |          |
| <p><b>Project/Program Timeline:</b> <i>Completed Sediment Basin, Ribbon Cutting Event March 25, 2019. Water Monitoring to begin June 2019.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p><b>Priority:</b> 1</p> |               |          |              |         |                                 |          |                              |          |
| <p><b>Resource Concern(s) Addressed:</b> <i>Concerns for water quality, water quantity and soil health.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                           |               |          |              |         |                                 |          |                              |          |
| <p><b>Available Funding (list all sources):</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Federal: EQIP</td> <td style="width: 50%; text-align: right;">\$34,000</td> </tr> <tr> <td>State: ISWCC</td> <td style="text-align: right;">\$1,000</td> </tr> <tr> <td>District: Conservation Planning</td> <td style="text-align: right;">\$10,800</td> </tr> <tr> <td>Other: Monitoring/Operations</td> <td style="text-align: right;">\$25,000</td> </tr> </table>                                                                                                                                                                                                                                                                                                                       |                           | Federal: EQIP | \$34,000 | State: ISWCC | \$1,000 | District: Conservation Planning | \$10,800 | Other: Monitoring/Operations | \$25,000 |
| Federal: EQIP                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | \$34,000                  |               |          |              |         |                                 |          |                              |          |
| State: ISWCC                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | \$1,000                   |               |          |              |         |                                 |          |                              |          |
| District: Conservation Planning                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | \$10,800                  |               |          |              |         |                                 |          |                              |          |
| Other: Monitoring/Operations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | \$25,000                  |               |          |              |         |                                 |          |                              |          |
| <p><b>Notes:</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                           |               |          |              |         |                                 |          |                              |          |
| <p><b>Total State Funds Needed To Complete Project:</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p><b>\$1,800</b></p>     |               |          |              |         |                                 |          |                              |          |

# 2019 District Budget Hearing: Water Quality Project Needs

## Worksheet for FY 2020 Budget Request

|                  |                                                 |
|------------------|-------------------------------------------------|
| <b>District:</b> | Clearwater Soil and Water Conservation District |
| <b>Contact:</b>  | Tim Roehr, Business Manager                     |

### Priority Water Quality Project Needs

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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| <b>Project Title: Scofield Creek Culvert Replacement</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                    |
| <p><i>Description of Project: Remove and replace outdated and undersized 72 inch x 60 ft long culvert that if it failed would severely degrade 12-14 miles of fish habitat downstream in Washington Creek. This culvert would be replaced with a 59 ft. x 16 ft. new bridge.</i></p> <p><i>The existing 72 inch culvert at the confluence of Scofield Creek and Washington Creek on Forest Road #246 is undersized and outdated and has a high risk factor for failure due to wood and debris collecting at the inlet. The outlet is experiencing bank scour around and below the pipe. This culvert is also a fish passage barrier. Because of the location of this pipe in the road intersection of Forest Road #246 and the Moose Creek Rd, if the pipe was to fail, a large portion of the road intersection would be compromised and potential sediment input to Washington Creek could be in excess of 2,700 tons.</i></p> |                    |
| <b>Project Timeline:</b> August 2019 – December 2019                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Priority:</b> 1 |
| <b>Resource Concern(s) Addressed:</b> Erosion, Water Quality, and Wildlife Concerns                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                    |
| <b>Available Funding (list all sources):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                    |
| <i>Federal:</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | \$0                |
| <i>State:</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | \$0                |
| <i>District:</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | \$0                |
| <i>Other: PotlatchDeltic</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | \$97,470.00        |
| <b>Notes:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                    |
| <b>Total State Funds Needed To Complete Project:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>\$97,470.00</b> |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Project Title: Orofino Creek Watershed Road Infrastructure Upgrade</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p><i>Description of Project: PotlatchDeltic has two major infrastructure projects planned in the Orofino Creek watershed within Clearwater County.</i></p> <p><i>The 1<sup>st</sup> sub-project is the removal and replacement of 54 undersized and outdated culverts varying in size from 18" to 42" along Orofino Creek from Hiway 11 to Cascade Drive in Orofino. Orofino Creek is a Class I fish-bearing stream. The estimated costs would be around \$40,000.</i></p> <p><i>The 2<sup>nd</sup> sub-project would be the removal and replacement of 30 undersized and outdated 18" culverts on the Shanghai Road between Shanghai Summit and Rhoades Creek. The estimated costs would be around \$24,000.</i></p> |

|                                                                                     |                    |
|-------------------------------------------------------------------------------------|--------------------|
|                                                                                     |                    |
| <i>Project Timeline: July 2020 – November 2020</i>                                  | <i>Priority: 2</i> |
| <i>Resource Concern(s) Addressed: Erosion, Water Quality, and Wildlife Concerns</i> |                    |
| <i>Available Funding (list all sources):</i>                                        |                    |
| <i>Federal:</i>                                                                     | \$0                |
| <i>State:</i>                                                                       | \$0                |
| <i>District:</i>                                                                    | \$0                |
| <i>Other: PotlatchDeltic</i>                                                        | \$39,680.00        |
| <i>Notes:</i>                                                                       |                    |
| <b>Total State Funds Needed To Complete Project:</b>                                | <b>\$39,680.00</b> |

|                                                      |                    |
|------------------------------------------------------|--------------------|
| <b>Project Title:</b>                                |                    |
| <i>Description of Project:</i>                       |                    |
|                                                      |                    |
| <i>Project Timeline:</i>                             | <i>Priority: 3</i> |
| <i>Resource Concern(s) Addressed:</i>                |                    |
| <i>Funding (list all sources):</i>                   |                    |
| <i>Federal:</i>                                      | \$0                |
| <i>State:</i>                                        | \$0                |
| <i>District:</i>                                     | \$0                |
| <i>Other:</i>                                        | \$0                |
| <i>Notes:</i>                                        |                    |
| <b>Total State Funds Needed To Complete Project:</b> | <b>\$0</b>         |



# 2019 District Budget Hearing: Project/Program Needs

## Worksheet for FY 2021 Budget Request

|                                                           |
|-----------------------------------------------------------|
| <b>District:</b> Gem Soil and Water Conservation District |
| <b>Contact:</b> Sheryl Stelling                           |

### Priority Project/Program Needs

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| <b>Project/Program Title:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                     |
| <i>Description of Project/Program:</i><br>Lower Payette TMDL Implementation Project. Funded through the Idaho DEQ 319 program and provides financial assistance to landowners to install BMP's that will reduce non-point source pollution in the watershed.                                                                                                                                                                                                                                                                                                                                               |                     |
| Project/Program Timeline: current – December 31, 2020                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Priority: 1         |
| Resource Concern(s) Addressed: The project area has two TMDL's – Lower Payette River and Bissel Creek. They are listed for bacteria and sediment; bacteria respectively.                                                                                                                                                                                                                                                                                                                                                                                                                                   |                     |
| Available Funding (list all sources):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                     |
| Federal:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | \$0                 |
| State:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | \$0                 |
| District:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | \$0                 |
| Other:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | \$0                 |
| Notes: The Gem SWCD has been fortunate and successful in receiving Idaho DEQ 319 funding to implement non-point source projects since 2003. Our proven track record has allowed us to continually have funding available for projects, we are on our 5 <sup>th</sup> phase. The biggest challenge we face in getting projects on the ground is a lack of engineering availability in our area. Hiring lapses with our partner agency NRCS and the already over stretched ISWCC engineering or soil conservation technician with engineering authorities would allow us to get more projects on the ground. |                     |
| <b>Total State Funds Needed To Complete Project:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>\$110,000.00</b> |

|                                       |             |
|---------------------------------------|-------------|
| <b>Project/Program Title:</b>         |             |
| Description of Project/Program:       |             |
| Project/Program Timeline:             | Priority: 2 |
| Resource Concern(s) Addressed:        |             |
| Available Funding (list all sources): |             |
| Federal:                              | \$0         |

|                                                      |            |
|------------------------------------------------------|------------|
| <i>State:</i>                                        | \$0        |
| <i>District:</i>                                     | \$0        |
| <i>Other:</i>                                        | \$0        |
| <i>Notes:</i>                                        |            |
| <b>Total State Funds Needed To Complete Project:</b> | <b>\$0</b> |

|                                                      |             |
|------------------------------------------------------|-------------|
| <b>Project/Program Title:</b>                        |             |
| Description of Project/Program:                      |             |
| Project/Program Timeline:                            | Priority: 3 |
| Resource Concern(s) Addressed:                       |             |
| Funding (list all sources):                          |             |
| Federal:                                             | \$0         |
| State:                                               | \$0         |
| District:                                            | \$0         |
| Other:                                               | \$0         |
| Notes:                                               |             |
| <b>Total State Funds Needed To Complete Project:</b> | <b>\$0</b>  |

# 2019 District Budget Hearing: project/Program Needs Worksheet for FY 2021 Budget Request

|                                         |
|-----------------------------------------|
| <b>District:</b> Kootenai-Shoshone SWCD |
| <b>Contact:</b> Karla Freeman           |

## *Priority Project/Program Needs*

|                                                                                                                                                                                                                                                                                                             |                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| <b>Project/Program Title:</b>                                                                                                                                                                                                                                                                               |                    |
| <i>Description of Project/Program:</i> Mica Creek streambank protection & revegetation. Project was proposed to 319; did not rank high enough to get funded. Landowners and Property Owners Assn. want to continue to pursue stream repairs and protection. POA has committed \$150,000 toward the project. |                    |
| <i>Project/Program Timeline:</i> 2019-2021                                                                                                                                                                                                                                                                  | <i>Priority:</i> 1 |
| <i>Resource Concern(s) Addressed:</i> Streambank erosion, sediment delivery to Coeur d'Alene Lake                                                                                                                                                                                                           |                    |
| <i>Available Funding (list all sources):</i>                                                                                                                                                                                                                                                                |                    |
| <i>Federal:</i>                                                                                                                                                                                                                                                                                             | \$0                |
| <i>State:</i> DEQ                                                                                                                                                                                                                                                                                           | \$0                |
| <i>District:</i>                                                                                                                                                                                                                                                                                            | \$0                |
| <i>Other:</i> Private landowners                                                                                                                                                                                                                                                                            | \$150,000          |
| <i>Notes:</i>                                                                                                                                                                                                                                                                                               |                    |
| <b>Total State Funds Needed To Complete Project:</b>                                                                                                                                                                                                                                                        | <b>\$150,000</b>   |

|                                                                                                                                                                                                                                                                                  |                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| <b>Project/Program Title:</b>                                                                                                                                                                                                                                                    |                    |
| <i>Description of Project/Program:</i> Coeur d'Alene River bank protection and revegetation, road protection. River is eroding & migrating toward private property and county road. Landowners will eventually lose their property and the county road will eventually collapse. |                    |
| <i>Project/Program Timeline:</i> 2019-2021                                                                                                                                                                                                                                       | <i>Priority:</i> 2 |
| <i>Resource Concern(s) Addressed:</i> Riverbank erosion, sediment delivery                                                                                                                                                                                                       |                    |
| <i>Available Funding (list all sources):</i>                                                                                                                                                                                                                                     |                    |
| <i>Federal:</i>                                                                                                                                                                                                                                                                  | \$0                |
| <i>State:</i>                                                                                                                                                                                                                                                                    | \$0                |
| <i>District:</i>                                                                                                                                                                                                                                                                 | \$0                |
| <i>Other:</i>                                                                                                                                                                                                                                                                    | \$0                |
| <i>Notes:</i>                                                                                                                                                                                                                                                                    |                    |
| <b>Total State Funds Needed To Complete Project:</b>                                                                                                                                                                                                                             | <b>\$100,000</b>   |

|                                                                                                                                                                                                                                                                                                                                                                                                                                        |                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| <b>Project/Program Title:</b>                                                                                                                                                                                                                                                                                                                                                                                                          |                    |
| <i>Description of Project/Program:</i> Wolf Lodge Creek Watershed/Coeur d'Alene Lake Sub-basin                                                                                                                                                                                                                                                                                                                                         |                    |
| <i>Project/Program Timeline:</i> 2019-2021                                                                                                                                                                                                                                                                                                                                                                                             | <i>Priority:</i> 3 |
| <i>Resource Concern(s) Addressed:</i> Wolf Lodge Creek is a 3 <sup>rd</sup> order perennial stream that drains a 40 square mile watershed into Wolf Lodge Bay on the northeast side of the Coeur d'Alene Lake. Land use in the Wolf Lodge Creek watershed is timber production, hay production, pasture and livestock production, and some ranchettes. The project is on private property down stream, of the Wolf Lodge Creek bridge. |                    |
| <i>Funding (list all sources):</i>                                                                                                                                                                                                                                                                                                                                                                                                     |                    |
| <i>Federal:</i>                                                                                                                                                                                                                                                                                                                                                                                                                        | \$0                |
| <i>State:</i>                                                                                                                                                                                                                                                                                                                                                                                                                          | \$0                |
| <i>District:</i>                                                                                                                                                                                                                                                                                                                                                                                                                       | \$0                |
| <i>Other:</i>                                                                                                                                                                                                                                                                                                                                                                                                                          | \$0                |
| <i>Notes:</i>                                                                                                                                                                                                                                                                                                                                                                                                                          |                    |
| <b>Total State Funds Needed To Complete Project:</b>                                                                                                                                                                                                                                                                                                                                                                                   | <b>\$185,000</b>   |

# 2019 District Budget Hearing: Project/Program Needs Worksheet for FY 2021 Budget Request

**District:** Lewis Soil Conservation District

**Contact:** Karo Holthaus email: karol.holthaus@id.nacdn.net

April 2019

## Priority Project/Program Needs

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| <b>Project/Program Title:</b><br><b>Soil Health in Lewis County</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                    |
| <p><i>Description of Project/Program:</i><br/> <b>This project would focus on improving soil health by assisting producers in Lewis County to implement lime application on 6000 acres, 3000 acres of split fertilizer applications, 100 ac cover crops, 300 ac micronutrient applications, 500 ac precision ag. 500 feet fencing and water facilities for grazing of cover crops.</b><br/> <b>This project would focus on improving soil health in Lewis County to target 303 (d) water bodies in Lapwai Creek, Mission Creek, Big Canyon, Little Canyon Holes/Long Hollow Creeks, Lawyer Creek, 5 Mile Creek, 6 Mile Creek and the Clearwater Plateau Groundwater priority area.</b></p> |                    |
| <i>Project/Program Timeline:</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <i>Priority: 1</i> |
| <p><i>Resource Concern(s) Addressed:</i><br/> <b>Sediment, temperature, and nutrient loading for water quality in streams within Lewis County. Improve soil health by promoting nutrient management and improve groundwater.</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                    |
| <i>Available Funding (list all sources):</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                    |
| <i>Federal:</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | \$0                |
| <i>State:</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | \$0                |
| <i>District:</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | \$0                |
| <i>Other:</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | \$0                |
| <p><i>Notes:</i><br/> <b>The District would like funding to help producers in Lewis County which have asked for cost share funding. Applying lime to the soil with low pH has been proven to accomplish soil health productivity and the yields increase from application of lime.</b><br/> <b>The purpose of this project is to demonstrate precision agriculture principles of right amount, right place, right time and right application method with respect to commercial fertilizer and lime applications to halt or reverse acidification, to improve pH levels for more productive crop and cover crop seeding. This is a great concern of producers in Lewis County.</b></p>      |                    |
| <b>Total State Funds Needed To Complete Project:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>\$250,000</b>   |

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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| <b>Project/Program Title: Lewis County Forest Health</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                    |
| <p><i>Description of Project/Program:</i><br/> <b><i>This project would work with landowners/operators to identify ways to voluntarily apply needed conservation practices. This funding would help with implementing 200 acres pre-commercial thinning, 100 acres tree/shrub plantings, and 2,000 acres of weed control.</i></b></p> <p><b><i>It would encourage producers to properly manage timber stands, and fire zones, while collaborating with public land management agencies in planning and implementing forest improvement practices.</i></b></p> |                    |
| <i>Project/Program Timeline:</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <i>Priority: 2</i> |
| <p><i>Resource Concern(s) Addressed:</i><br/> <b><i>Reduce sediment load, prevent or stop the spread of exotic insects and disease, and reduce wildfire hazard.</i></b></p>                                                                                                                                                                                                                                                                                                                                                                                   |                    |
| <i>Available Funding (list all sources):</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                    |
| <i>Federal:</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | \$0                |
| <i>State:</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | \$0                |
| <i>District:</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | \$0                |
| <i>Other:</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | \$0                |
| <p><i>Notes:</i><br/> <b><i>These practices would ensure a healthy, productive woodlands within Lewis County. This is a great concern of producers.</i></b></p>                                                                                                                                                                                                                                                                                                                                                                                               |                    |
| <b>Total State Funds Needed To Complete Project:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>\$300,500</b>   |



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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| <b>Project/Program Title:</b><br><b>Lewis County - Clearwater Complex Fire Landscape Restoration</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                    |
| <b>Description of Project/Program:</b><br><b>The 2015 Clearwater Complex (CC) fire burnt 11,118 acres in Lewis county in a High/Very High Priority Landscape. The North Central Idaho Wildfire Restoration (NCIWR) group ranked CC top priority due to fire size and severity, resources lost &amp; landowner participation in restoration efforts. This project will focus on the portion of the fire that occurred in Lewis County watersheds; which are ESA listed, Class 1 critical habitat watersheds.</b><br><b>Landscape scale restoration will restore hydrologic condition, healthy forests and ESA habitat in the Lewis county portion of the Clearwater Complex fire.</b><br><br><b>This project provides a framework for future restoration activities by 1) targeting work in the highest priority lands using BAER prioritization methods, 2) working across all ownerships to create a cohesive landscape of restoration, 3) leveraging current work on public lands, and 4) creation of a sustainable coordination group (NCIWR) to guide future work</b> |                    |
| <b>Project/Program Timeline:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Priority: 3</b> |
| <b>Resource Concern(s) Addressed: Sediment, temperature, and nutrient loading for water quality in streams within Lewis County. Improve soil health by promoting nutrient management and improve groundwater.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                    |
| <b>Funding (list all sources):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                    |
| <b>Federal:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>\$0</b>         |
| <b>State:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>\$0</b>         |
| <b>District:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>\$0</b>         |
| <b>Other:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>\$0</b>         |
| <b>Notes:</b><br><b>By addressing all lands, overall restoration success – increased forest resiliency to disease, weed invasion, and fire at a landscape scale and across ownerships – will increase significantly. Additionally, through targeted application of treatments the landscape will have a greater return on investment by providing continuous habitat for wildlife.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                    |
| <b>Total State Funds Needed To Complete Project:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>\$240,000</b>   |

# 2019 District Budget Hearing: Project/Program Needs

## Worksheet for FY 2021 Budget Request

|                                                                 |
|-----------------------------------------------------------------|
| <b>District:</b> Nez Perce Soil and Water Conservation District |
|-----------------------------------------------------------------|

|                                |
|--------------------------------|
| <b>Contact:</b> Lynn Rasmussen |
|--------------------------------|

### *Priority Project/Program Needs*

#### **Project/Program Title:**

#### *Description of Project/Program:*

The Mission / Rock Creek Floodplain Restoration Phase 3 project is located in the Lapwai Creek watershed near Jacques Spur, Idaho. Project funds will be used to install phase 3 of a 5 phase installation project along 1.7 miles of Mission and Rock Creeks within the Lapwai Creek drainage near Culdesac, Idaho. Phase 3 consists of installation of 0.5 miles of fence, installation of 35 large wood structures, and protection of 775 feet of streambank.

The Mission / Rock Creek Floodplain Restoration Project consists of 5 phases as described below:

- Phase 1 – Stabilization of bridge abutment and confluence of Rock and Mission Creeks. Project completed in 2012 using SRBA funds.
- Phase 2 – Replacement of Mission Creek Bridge with larger structure spanning bankfull and floodprone width. Project installed with SRBA funds.
- Phase 3 – Protection of public and private infrastructure, connection of stream to 100 year floodplain, and addition of large woody debris to provide floodplain roughness and steelhead in-stream habitat complexity.
- Phase 4 – Planting riparian zone and bank protection. Installation of stream crossing in unit 5. Floodplain connectivity.
- Phase 5 – Planting riparian zone in phase 3 construction areas.

This purpose of this project is to improve in-stream aquatic habitat, reduce sediment transport to Mission Creek, and increase floodplain connectivity.

|                                                           |
|-----------------------------------------------------------|
| <i>Project/Program Timeline: May 2020 – December 2023</i> |
|-----------------------------------------------------------|

|                    |
|--------------------|
| <i>Priority: 1</i> |
|--------------------|

#### *Resource Concern(s) Addressed:*

Mission/Rock Creek does not meet State water quality standards due to excess sediment, nutrients, bacteria levels, high stream temperatures. Does not meet NOAA limiting factors for ESA-listed steelhead for excess sediment channel/bank form and habitat complexity.

#### *Available Funding (list all sources):*

|                  |           |
|------------------|-----------|
| <i>Federal:</i>  | \$221,557 |
| <i>State:</i>    | \$0       |
| <i>District:</i> | \$10,000  |
| <i>Other:</i>    | \$45,000  |

Notes:

**Total State Funds Needed To Complete Project:****\$75,000****Project/Program Title:** Middle Mission Creek and White Road Bridge Designs*Description of Project/Program:**Description of Project:**White Road Bridge Design*

*The White Bridge project is located along Tom Beall Creek and is the first barrier upstream of the stream's confluence with Lapwai Creek . This barrier was identified in 2004 as a full passage barrier due to the outlet drop exceeding the passage criteria as well as steepness of slope(Taylor, 2004).*

*Planning and implementation efforts along Tom Beall Creek have been underway since 2013. The 17.36 square mile drainage is a tributary to Lapwai Creek. The objectives of treating this subwatershed within the Lapwai Creek system is to reduce sediment delivery to the stream, increase shading, reconnect the channel to its floodplain, and restore fish passage. The following activities have been completed or are underway within this drainage :*

- 1. Barrier Assessment. This project was completed by the Nez Perce Tribe in 2004. This assessment was funded by the Bonneville Power Administration.*
- 2. Stream Inventory and Assessment completed in 2015 using BPA funds.*
- 3. Stream Temperature monitoring – thermographs and a continuous sampling site have been installed since 2009. Funding is through BPA.*
- 4. Tom Beall Buffer Plan completed in 2016. Plan funded through BPA.*
- 5. Animal Feeding Operation relocation and enhancements. Completed using DEQ 319 and PL566 funds in 2003. Moved a feedlot to another location, installed runoff control measures, and watering system.*
- 6. Riparian Restoration projects along 2.2 miles of stream. Began in 2003 with largest site completed in 2016. Funding through BPA and DEQ 319.*
- 7. 4 barrier designs completed. Funding through BPA and DEQ 319.*
- 8. Tom Beall reconnect project to move stream back to its original channel. Project is in Phase 2 of a 3 part planning process. Funded by BPA*
- 9. Streambank stabilization designs completed for 2 critical areas along public road.*

*This White Road bridge design is one of the last projects that need to be designed which will allow for fish access to 4.5 miles of stream. The White Bridge structure was originally installed in the 1930s and is a concrete structure and metal pipe extension. The survey, biological assessment and National Historic Preservation Act section 106 consultations will be completed through the BPA project proposal sponsored by the NPSWCD.*

*The existing structure will be removed, grade control structures installed to prevent downcutting and to allow for fish passage and then a bridge installed. The project funds will be used to contract with an engineer to finish the bridge design component of the project. . Steelhead spawning occurs downstream of the Lapwai and Tom Beall confluence. However adult and juvenile use of Tom Beall Creek is prohibited due to this barrier. Removal of the barrier will result in access to 4.5 miles of stream.*

*Mission Creek Design*

*The Mission Creek Bridge project is needed to allow access to cropland and a winter feeding area for cattle. The NPSWCD has been working with the private landowner on a stream restoration plan. The habitat restoration plan is slated for completion in February 2019 and consists of a 1.2 mile segment of stream. A project area video was completed in 2016 and is available for viewing on you tube at*

<https://www.youtube.com/watch?v=ecv31oNplF0&t=9s>. The video shows the stream cross sections, flow volume and vegetation conditions from the spring of 2016.

The landowner has agreed to fence the stream, install large wood, and plant riparian vegetation once the restoration plan is completed. These components will be installed through the NPSWCD BPA funded project in Lapwai Creek. The bridge is needed to allow landowner access, protect spawning habitat and remove a seasonal barrier created by the existing crossing. In order to finalize the restoration plan, a bridge design is needed. Project funds will be used to contract with an engineer to develop a construction level design package and cost estimates. The existing crossing requires continual maintenance which causes channel disturbance impacting stream channel stability and creating a seasonal passage barrier. The following activities have been completed or are underway within this drainage:

1. The Mission Creek stream restoration plan is funded in the BPA 2016 project with NPSWCD. This plan identifies stream restoration needs along a 1.2 mile segment of Mission Creek.
2. 5 miles downstream of the Mission Creek project site is work identified as Rock Creek Floodplain Restoration Phases 1 through 5. Phases 1 through 2 are completed and Phase 3 is pending funding approval. This work has been funded by the BPA.
3. Mission Creek Bridge barrier removal was completed in November 2016 and is located 5 miles downstream of the proposed project site. Project funded by SRBA.
4. Mission Creek streambank stabilization project is located at the confluence of Mission and Rock Creeks and was completed in 2012. This work was funded by Pacific Coast Salmon Recovery Funds, SRBA, and BPA.
5. Riparian Restoration along 1.7 miles of stream was completed through fencing the stream, installation of 4 alternative water developments and vegetative plantings. This work began in 2007 and was completed in 2016. The work was funded through a combination of DEQ 319, PL566, SRBA, and BPA funds.

Project/Program Timeline: January 2020 – December 2020

Priority: 2

Resource Concern(s) Addressed: Mission/Tom Beall Creek does not meet State water quality standards due to excess sediment, nutrients, bacteria levels, high stream temperatures. Does not meet NOAA limiting factors for ESA-listed steelhead for excess sediment channel/bank form and habitat complexity.

Available Funding (list all sources):

|           |          |
|-----------|----------|
| Federal:  | \$61,970 |
| State:    | \$0      |
| District: | \$2,200  |
| Other:    | \$4,000  |

Notes:

**Total State Funds Needed To Complete Project:**

**\$40,000**

**Project/Program Title:** Lindsay Creek Water Quality Phase I

**Description of Project/Program:**

This project proposes landowner solicitation to all 65 homes along the City of Lewiston's main trunk line, with installation of 10 sewer hookup systems and decommission of these systems. Project sites will be prioritized based on the following:

- proximity to spring, stream, or shallow water aquifer

- age of septic system
- number of bedroom
- record of previous system failure
- other: soils, drainage features, etc.

The landowner cost for each system is approximately \$16,000 dollars to install, \$3,000 for equity buy in and connection fees, \$3,600 to decommission the current septic system, and \$9,200 to construct the line from the home to the trunk main. Design work and construction inspection will be completed by the City of Lewiston.

*The NPSWCD is requesting funds to install 10 systems for Phase I.*

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  |             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-------------|
| Project/Program Timeline: January 2020 to May 2022                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  | Priority: 3 |
| <p><b>Resource Concern(s) Addressed:</b><br/> <i>Surface Water: Lindsay Creek Subbasin Assessment and Total Maximum Daily Loads</i><br/> <i>Lindsay Creek is a third order tributary to the Clearwater River. DEQ is establishing TMDLs to control bacteria, excess nutrients, and sediment in Lindsay Creek. Lindsay Creek was originally listed as not meeting state water quality standards on the 1998 303(d) list. Pollutants of concern include sediment, nutrients, bacteria, stream temperatures, dissolved oxygen, and flow alteration and habitat alteration.</i></p> <p><b>BACTERIA</b><br/> <i>Monitoring conducted in April 2005 indicates that the development of bacteria TMDL is needed to comply with Idaho water quality standards. Forty-one percent of the E. coli bacteria samples collected during the 2001-2002 monitoring season were measured and found to be above Idaho's instantaneous water quality criterion, defined in IDAPA 58.01.02.251. Water quality monitoring conducted in 2005 showed E. coli bacteria in Lindsay Creek were above Idaho's water quality standard.</i></p> <p><i>Consequently, an E. coli bacteria TMDL was developed and allocated a daily concentration equal to the state standard to all nonpoint sources contributing E. coli bacteria to the Lindsay Creek watershed. As such, all contributing sources should be reduced by 66%.</i></p> <p><b>NUTRIENTS</b><br/> <i>A nutrient TMDL has been developed to initiate protective ground water quality management actions, reduce nitrogen loading to the creek, and address the effects on the cold water aquatic life in the creek. Ground water flow to Lindsay Creek is significant year round, and nitrogen concentrations in ground water are typically measured as nitrite plus nitrate as nitrogen (nitrite+nitrate-N). Nitrite (NO<sub>2</sub>) is a compound that is short an oxygen molecule comparatively, and when exposed to oxygen changes to nitrate (NO<sub>3</sub>). Total phosphorus concentrations ranged from 0.045 mg/L to 1.7 mg/L. The collective annual average was 0.203 mg/L.</i></p> <p><i>Elevated nutrient levels in Lindsay Creek appear to originate within the watershed and from ground water springs entering the watershed. Nitrogen concentrations in the groundwater indicate impacts are occurring to ground water quality, causing nitrogen concentrations to exceed the ground water management action threshold.</i></p> |  |             |
| Funding (list all sources):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |             |
| Federal:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  | \$0         |

|                                                             |                  |
|-------------------------------------------------------------|------------------|
| <i>State:</i>                                               | \$0              |
| <i>District:</i>                                            | \$0              |
| <i>Other:</i>                                               | \$0              |
| <i>Notes:</i>                                               |                  |
| <b><i>Total State Funds Needed To Complete Project:</i></b> | <b>\$364,070</b> |



# 2019 District Budget Hearing: Project/Program Needs

## Worksheet for FY 2021 Budget Request

|                                                         |
|---------------------------------------------------------|
| <b>District:</b> Squaw Creek Soil Conservation District |
| <b>Contact:</b> Sheryl Stelling                         |

### Priority Project/Program Needs

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| <b>Project/Program Title:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                     |
| <i>Description of Project/Program:</i><br>Lower Payette TMDL Implementation Project. Funded through the Idaho DEQ 319 program and provides financial assistance to landowners to install BMP's that will reduce non-point source pollution in the watershed.                                                                                                                                                                                                                                                                                                                                              |                     |
| Project/Program Timeline: current – December 31, 2020                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Priority: 1         |
| Resource Concern(s) Addressed: The project area has two TMDL's – Lower Payette River and Bissel Creek. They are listed for bacteria and sediment; bacteria respectively.                                                                                                                                                                                                                                                                                                                                                                                                                                  |                     |
| Available Funding (list all sources):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                     |
| Federal:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | \$0                 |
| State:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | \$0                 |
| District:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | \$0                 |
| Other:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | \$0                 |
| Notes: The Squaw Creek SCD partnered with the Gem SWCD on the last couple of Idaho DEQ 319 funding to implement non-point source projects. The proven track record has allowed us to continually have funding available for projects, we are on our 5 <sup>th</sup> phase. The biggest challenge we face in getting projects on the ground is a lack of engineering availability in our area. Hiring lapses with our partner agency NRCS and the already over stretched ISWCC engineering or soil conservation technician with engineering authorities would allow us to get more projects on the ground. |                     |
| <b>Total State Funds Needed To Complete Project:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>\$110,000.00</b> |

|                                       |             |
|---------------------------------------|-------------|
| <b>Project/Program Title:</b>         |             |
| Description of Project/Program:       |             |
| Project/Program Timeline:             | Priority: 2 |
| Resource Concern(s) Addressed:        |             |
| Available Funding (list all sources): |             |
| Federal:                              | \$0         |
| State:                                | \$0         |

|                                                      |            |
|------------------------------------------------------|------------|
| <i>District:</i>                                     | \$0        |
| <i>Other:</i>                                        | \$0        |
| <i>Notes:</i>                                        |            |
| <b>Total State Funds Needed To Complete Project:</b> | <b>\$0</b> |

|                                                      |             |
|------------------------------------------------------|-------------|
| <b>Project/Program Title:</b>                        |             |
| Description of Project/Program:                      |             |
| Project/Program Timeline:                            | Priority: 3 |
| Resource Concern(s) Addressed:                       |             |
| Funding (list all sources):                          |             |
| Federal:                                             | \$0         |
| State:                                               | \$0         |
| District:                                            | \$0         |
| Other:                                               | \$0         |
| Notes:                                               |             |
| <b>Total State Funds Needed To Complete Project:</b> | <b>\$0</b>  |

# 2019 District Budget Hearing: Project/Program Needs

## Worksheet for FY 2021 Budget Request

### Priority Project/Program Needs

|                                                            |
|------------------------------------------------------------|
| <b>District:</b> Valley Soil & Water Conservation District |
| <b>Contact:</b> Durena Farr, District Manager              |

|                                                                                                                                                             |                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| <b>Project/Program Title:</b> <i>City of Donnelly Surface Water Drainage Improvements and Flood Control</i>                                                 |                           |
| <b>Description of Project/Program:</b> <i>Inadequate culverts and damaged ditch banks are creating an annual flooding at north end of City of Donnelly.</i> |                           |
| <b>Project/Program Timeline:</b> <i>As funds allow</i>                                                                                                      | <b>Priority:</b> <i>1</i> |
| <b>Resource Concern(s) Addressed:</b> <i>Water quality, public health, water conservation</i>                                                               |                           |
| <b>Available Funding (list all sources):</b>                                                                                                                |                           |
| <i>Federal:</i>                                                                                                                                             | \$0                       |
| <i>State:</i>                                                                                                                                               | \$0                       |
| <i>District:</i>                                                                                                                                            | \$0                       |
| <i>Other:</i>                                                                                                                                               | \$0                       |
| <b>Notes:</b> <i>Valley County Commissioners requested the District to investigate.</i>                                                                     |                           |
| <b>Total State Funds Needed To Complete Project:</b>                                                                                                        | <b>\$15,000</b>           |

|                                                                                                                                                                                                                                                                                                                                                                |                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| <b>Project/Program Title:</b> <i>Expansion of Youth Educational Outreach</i>                                                                                                                                                                                                                                                                                   |                           |
| <b>Description of Project/Program:</b> <i>Expand Envirothon and speech and poster contest outreach to additional school districts and home school community; Purchase Enviroscope Hands-on Watershed/Nonpoint Source Model and Enviroscope Hands-On Ecological Restoration (Wetlands and Floodplain) Model for school and community educational activities</i> |                           |
| <b>Project/Program Timeline:</b> <i>Spring, 2019 and Fall, 2019</i>                                                                                                                                                                                                                                                                                            | <b>Priority:</b> <i>2</i> |
| <b>Resource Concern(s) Addressed:</b> <i>Water Quality</i>                                                                                                                                                                                                                                                                                                     |                           |
| <b>Available Funding (list all sources):</b>                                                                                                                                                                                                                                                                                                                   |                           |
| <i>Federal:</i>                                                                                                                                                                                                                                                                                                                                                | \$0                       |
| <i>State:</i>                                                                                                                                                                                                                                                                                                                                                  | \$0                       |
| <i>District:</i>                                                                                                                                                                                                                                                                                                                                               | \$0                       |
| <i>Other:</i>                                                                                                                                                                                                                                                                                                                                                  | \$0                       |
| <b>Notes:</b> <i>Student outreach and citizen education and participation is critical to long-term watershed health.</i>                                                                                                                                                                                                                                       |                           |
| <b>Total State Funds Needed To Complete Project:</b>                                                                                                                                                                                                                                                                                                           | <b>\$4,500</b>            |

|                                                                                                                      |                           |
|----------------------------------------------------------------------------------------------------------------------|---------------------------|
| <b>Project/Program Title:</b> <i>Composting Toilet or Equivalent at Boulder Lake</i>                                 |                           |
| <b>Description of Project/Program:</b> <i>Address high levels of human waste at an area without motorized access</i> |                           |
| <b>Project/Program Timeline:</b>                                                                                     | <b>Priority:</b> <i>3</i> |
| <b>Resource Concern(s) Addressed:</b> <i>Water Quality, public health</i>                                            |                           |
| <b>Funding (list all sources):</b>                                                                                   |                           |
| <i>Federal:</i>                                                                                                      | \$0                       |

**2019 District Budget Hearing: Project/Program Needs**  
**Worksheet for FY 2021 Budget Request**  
**Priority Project/Program Needs**

|                                                            |
|------------------------------------------------------------|
| <b>District:</b> Valley Soil & Water Conservation District |
| <b>Contact:</b> Durena Farr, District Manager              |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| <i>State:</i>                                                                                                                                                                                                                                                                                                                                                                                                                                         | \$0             |
| <i>District:</i>                                                                                                                                                                                                                                                                                                                                                                                                                                      | \$0             |
| <i>Other:</i>                                                                                                                                                                                                                                                                                                                                                                                                                                         | \$0             |
| <b>Notes:</b> The District addressed this issue at the lower trailhead through grants and funded a vault toilet bridging four entities (IDL, U.S.Forest Service trails, Valley County Parks and Rec and an Irrigation District) to bring about a solution. Now, the district is ready to address much needed solution at Boulder Lake at the end of the trail. There is no motorized access, so a composting toilet or equivalent solution is needed. |                 |
| <b>Total State Funds Needed To Complete Project:</b>                                                                                                                                                                                                                                                                                                                                                                                                  | <b>\$20,000</b> |

|                                                                                                                                                                                                                               |                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| <b>Project/Program Title: Lake Irrigation Ditch Diversion Improvements</b>                                                                                                                                                    |                    |
| <b>Description of Project/Program:</b> Convert Lake Irrigation District ditch on East side of Highway 55 to pipeline. Install Lake Irrigation ditch diversion improvements with AOP culverts on Lake Fork Ck. (fish friendly) |                    |
| <b>Project/Program Timeline:</b> As funds allow                                                                                                                                                                               | <b>Priority:</b> 3 |
| <b>Resource Concern(s) Addressed:</b> Water quality, water conservation, habitat                                                                                                                                              |                    |
| <b>Funding (list all sources):</b>                                                                                                                                                                                            |                    |
| <i>Federal:</i>                                                                                                                                                                                                               | \$0                |
| <i>State:</i>                                                                                                                                                                                                                 | \$0                |
| <i>District:</i>                                                                                                                                                                                                              | \$0                |
| <i>Other:</i>                                                                                                                                                                                                                 | \$0                |
| <b>Notes:</b> Has been a Board discussion for several years but hasn't moved ahead because of limited funding for irrigation projects. Now may be possible to address through Farm Bill changes.                              |                    |
| <b>Total State Funds Needed To Complete Project:</b>                                                                                                                                                                          | <b>\$0</b>         |

|                                                                                                                                                                                                                                                                                                                                                                    |                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| <b>Project/Program Title: Mahala Ditch Diversion on Lake Fork Creek</b>                                                                                                                                                                                                                                                                                            |                    |
| <b>Description of Project/Program:</b> Make Mahala ditch diversion on Lake Fork Ck. fish friendly with AOP culverts. The VSWCD was involved in cost sharing the construction of the present diversion several years ago. At that time it included fish screens. The screens never self-cleaned properly and were soon abandoned, allowing fish to enter the ditch. |                    |
| <b>Project/Program Timeline:</b>                                                                                                                                                                                                                                                                                                                                   | <b>Priority:</b> 3 |
| <b>Resource Concern(s) Addressed:</b> Water quality, water conservation, habitat                                                                                                                                                                                                                                                                                   |                    |
| <b>Funding (list all sources):</b>                                                                                                                                                                                                                                                                                                                                 |                    |
| <i>Federal:</i>                                                                                                                                                                                                                                                                                                                                                    | \$0                |
| <i>State:</i>                                                                                                                                                                                                                                                                                                                                                      | \$0                |
| <i>District:</i>                                                                                                                                                                                                                                                                                                                                                   | \$0                |

## 2019 District Budget Hearing: Project/Program Needs

### Worksheet for FY 2021 Budget Request

#### Priority Project/Program Needs

|                                                            |
|------------------------------------------------------------|
| <b>District:</b> Valley Soil & Water Conservation District |
| <b>Contact:</b> Durena Farr, District Manager              |

|                                                                                                                                                                                                  |             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| <b>Other:</b>                                                                                                                                                                                    | \$0         |
| <b>Notes:</b> Has been a Board discussion for several years but hasn't moved ahead because of limited funding for irrigation projects. Now may be possible to address through Farm Bill changes. |             |
| <b>Total State Funds Needed To Complete Project:</b>                                                                                                                                             | <b>\$??</b> |

|                                                                                                                                                                                                 |                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| <b>Project/Program Title: Barker Lane Water Conservation Irrigation Improvements</b>                                                                                                            |                    |
| <b>Description of Project/Program:</b> The last landowner with water rights is not receiving water due to irrigation system. This project will need to be addressed by the Irrigation District. |                    |
| <b>Project/Program Timeline:</b>                                                                                                                                                                | <b>Priority: 3</b> |
| <b>Resource Concern(s) Addressed:</b> Water quality, water conservation, energy conservation                                                                                                    |                    |
| <b>Funding (list all sources):</b>                                                                                                                                                              |                    |
| Federal:                                                                                                                                                                                        | \$0                |
| State:                                                                                                                                                                                          | \$0                |
| District:                                                                                                                                                                                       | \$0                |
| Other:                                                                                                                                                                                          | \$0                |
| <b>Notes:</b> Bill Lillibridge has assessed this system. Requires action and funding for the Irrigation District with our technical and administrative support.                                 |                    |
| <b>Total State Funds Needed To Complete Project:</b>                                                                                                                                            | <b>\$10,000</b>    |

|                                                                                                                                                                                                                                                                                                                                                                                                     |                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| <b>Project/Program Title: Dry Grazing Alternative Water Source</b>                                                                                                                                                                                                                                                                                                                                  |                    |
| <b>Description of Project/Program:</b> This projects supports the IDEQ lake buffer zone BMP (Ref: 2000 IDEQ Implementation Plan) to keep cattle from drinking lake water and defecating in or near the lakeshore by providing fresh drinking water source(s) at locations higher in pasture areas. The project consists of design and delivering fresh water to water troughs or cattle head pumps. |                    |
| <b>Project/Program Timeline:</b> 2 years                                                                                                                                                                                                                                                                                                                                                            | <b>Priority: 1</b> |
| <b>Resource Concern(s) Addressed:</b> Lake Cascade toxic algae.<br>Several studies indicate that dropping from 1 cow in 1 day can provide enough phosphorous to create an algae bloom in 250,000 gallons of water. The farther we can keep livestock from the lake/stream shorelines, the more time the soil and plants have to uptake or degrade nutrients.                                        |                    |
| <b>Funding (list all sources):</b>                                                                                                                                                                                                                                                                                                                                                                  |                    |
| Federal:                                                                                                                                                                                                                                                                                                                                                                                            | \$0                |
| State:                                                                                                                                                                                                                                                                                                                                                                                              | \$0                |
| District:                                                                                                                                                                                                                                                                                                                                                                                           | \$0                |
| Other:                                                                                                                                                                                                                                                                                                                                                                                              | \$0                |
| <b>Notes:</b> Actual costs will vary depending on the volunteer rancher for the program, size of herd and terrain constraints.                                                                                                                                                                                                                                                                      |                    |
| <b>Total State Funds Needed To Complete Project:</b>                                                                                                                                                                                                                                                                                                                                                | <b>\$65,000</b>    |

## 2019 District Budget Hearing: Project/Program Needs

### Worksheet for FY 2021 Budget Request

#### Priority Project/Program Needs

|                                                            |
|------------------------------------------------------------|
| <b>District:</b> Valley Soil & Water Conservation District |
| <b>Contact:</b> Durena Farr, District Manager              |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| <b>Project/Program Title: <i>Septic Education Program</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                    |
| <b>Description of Project/Program:</b> A health department survey indicates the South Lake Cascade watershed has hundreds of septic systems/privies that do not meet current state health standards and were “grandfathered-in” 30-years ago. The specific action is to conduct an groundwater and lake water investigation to determine septic contribution to lake nutrients and secondly, a media campaign to educate and make people aware of the environmental situation, explain toxic algae relation to septic leach field nitrates as a sense of importance and the septic contribution to the lakes problem, provide realistic solutions, provide factual information in an easy to understand format, and basically help the public make the right intellectual, ethical and moral decision to improve the water quality of Lake Cascade. |                    |
| <b>Project/Program Timeline:</b> 2 years                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>Priority:</b> 2 |
| <b>Resource Concern(s) Addressed:</b> Lake Cascade toxic algae and septic nutrient loading. This projects supports the IDEQ Lake Cascade septic system improvements (Ref: 2000 IDEQ Implementation Plan) to reduce nutrient loading in the lake.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                    |
| <b>Funding (list all sources):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                    |
| Federal:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | \$0                |
| State:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | \$0                |
| District:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | \$0                |
| Other:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | \$0                |
| <b>Notes:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                    |
| <b>Total State Funds Needed To Complete Project:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>\$150,000</b>   |

|                                                                                                                                                                                                                                         |                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| <b>Project/Program Title: <i>Road Dust Stabilization</i></b>                                                                                                                                                                            |                    |
| <b>Description of Project/Program:</b> Work with Valley County to provide a 3 mile southerly portion of West Mt Road with dust stabilizer to control summertime dust clouds which sometimes exceed 100 ft high and drift over the lake. |                    |
| <b>Project/Program Timeline:</b> 4 months                                                                                                                                                                                               | <b>Priority:</b> 3 |
| <b>Resource Concern(s) Addressed:</b> Lake Cascade toxic algae.<br>This projects supports the IDEQ Lake Cascade dust BMP (Ref: 2000 IDEQ Implementation Plan) to reduce nutrient and turbidity loading in the lake.                     |                    |
| <b>Funding (list all sources):</b>                                                                                                                                                                                                      |                    |
| Federal: 319 funds?                                                                                                                                                                                                                     | \$0                |
| State:                                                                                                                                                                                                                                  | \$0                |
| District:                                                                                                                                                                                                                               | \$0                |
| Other:                                                                                                                                                                                                                                  | \$0                |
| <b>Notes:</b>                                                                                                                                                                                                                           |                    |
| <b>Total State Funds Needed To Complete Project:</b>                                                                                                                                                                                    | <b>\$10,000</b>    |



## 2019 District Budget Hearing: Project/Program Needs

### Worksheet for FY 2021 Budget Request

#### Priority Project/Program Needs

|                                                            |
|------------------------------------------------------------|
| <b>District:</b> Valley Soil & Water Conservation District |
| <b>Contact:</b> Durena Farr, District Manager              |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| <b>Project/Program Title: Lake Water Quality Monitoring Equipment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                    |
| <b>Description of Project/Program:</b> For use by IDEQ and local community based citizens' science group, lake water quality monitoring programs. A state-of-the-art instrument is needed to be able to rapidly and accurately sample many locations in a timely manner for trend analysis and spatial distribution. The equipment requested is a YSI Multiparameter Sonde 7 port EXO2. Reads pH, DO, Turbidity, Temperature, Chlorophyll, blue-green algae, and nitrate. This in-situ instrument can save thousands of dollars annually in analytical laboratory costs. |                    |
| <b>Project/Program Timeline:</b> 4 months                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>Priority:</b> 3 |
| <b>Resource Concern(s) Addressed:</b> Lake Cascade toxic algae.<br>This project supports the IDEQ Lake Cascade water quality monitoring program and enhances the community's ability to respond and manage toxic algae issues.                                                                                                                                                                                                                                                                                                                                           |                    |
| <b>Funding (list all sources):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                    |
| Federal:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | \$0                |
| State:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | \$0                |
| District:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | \$0                |
| Other:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | \$0                |
| <b>Notes:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                    |
| <b>Total State Funds Needed To Complete Project:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>\$15,000</b>    |

|                                                                                                                                                                                                   |                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| <b>Project/Program Title: Lakeside Dog Waste Stations</b>                                                                                                                                         |                    |
| <b>Description of Project/Program:</b> Working with USBOR and volunteers, install 5 dog poop bag stations at public turnouts/dog walk areas along the lakeshore. Volunteers to install.           |                    |
| <b>Project/Program Timeline:</b> 5 months                                                                                                                                                         | <b>Priority:</b> 3 |
| <b>Resource Concern(s) Addressed:</b> Lake Cascade toxic algae.<br>This project supports the IDEQ Lake Cascade water quality algae issues by removing animal fecal wastes from entering the lake. |                    |
| <b>Funding (list all sources):</b>                                                                                                                                                                |                    |
| Federal:                                                                                                                                                                                          | \$0                |
| State:                                                                                                                                                                                            | \$0                |
| District:                                                                                                                                                                                         | \$0                |
| Other:                                                                                                                                                                                            | \$0                |
| <b>Notes: grant funding?</b>                                                                                                                                                                      |                    |
| <b>Total State Funds Needed To Complete Project:</b>                                                                                                                                              | <b>\$1,600</b>     |

|                                                                                                                                                                                                                                                                                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Project/Program Title: Waterfront Livestock Manure By Product Collection</b>                                                                                                                                                                                                                                        |
| <b>Description of Project/Program:</b> Working with USBOR, volunteer rancher, volunteer farmer, summer labor and local volunteers, to collect livestock byproducts within 200 feet of the lakeshore and major tributary drainages using a small rental tractor scraper/rake, and deliver to a compost pile in prepared |

## 2019 District Budget Hearing: Project/Program Needs

### Worksheet for FY 2021 Budget Request

#### Priority Project/Program Needs

|                                                            |
|------------------------------------------------------------|
| <b>District:</b> Valley Soil & Water Conservation District |
| <b>Contact:</b> Durena Farr, District Manager              |

area and then after the compost is cured, export for reuse as fertilizer. Follow NRCS Animal Manure Management guidelines. Volunteer rancher needed and hire summer intern.

**Project/Program Timeline:** 1 year

**Priority:** 3

**Resource Concern(s) Addressed:** Lake Cascade toxic algae. Reduces nutrients, organics and pathogens from entering the lake. This project supports the IDEQ Lake Cascade water quality algae issues by removing animal fecal wastes from entering the lake.

**Funding (list all sources):**

|                  |     |
|------------------|-----|
| <i>Federal:</i>  | \$0 |
| <i>State:</i>    | \$0 |
| <i>District:</i> | \$0 |
| <i>Other:</i>    | \$0 |

**Notes:**

**Total State Funds Needed To Complete Project:** **\$25,000**

#### **Project/Program Title: North Fork Payette River Watershed Network**

**Description of Project/Program:** There is a renewed spotlight on the watershed because of continuing decreases in water quality, including a month-long closure of Lake Cascade due to cyanobacteria outbreaks in 2018. There are numerous aging septic systems and cattle grazing on the shoreline. In 2018 the North Fork between Payette Lake and Lake Cascade was listed as Category 5. DEQ is recreating a Watershed Advisory Group and asking the District to take the lead to ensure long-term continuity and increased focus on the numerous contributors to the degraded watershed. All of our projects contribute to watershed health at some level, and we are asking that the watershed be evaluated and designated as a priority watershed to bring increased resources and expertise to the table.

**Project/Program Timeline:**

**Priority:** 1

**Resource Concern(s) Addressed:** Water quality, water conservation, habitat, recreation and tourism

**Funding (list all sources):**

|                  |     |
|------------------|-----|
| <i>Federal:</i>  | \$0 |
| <i>State:</i>    | \$0 |
| <i>District:</i> | \$0 |
| <i>Other:</i>    | \$0 |

**Notes:** Over the years many organizations have come and gone and it is critical to have consistent and long-term leadership. This process will take much outreach and education for both Supervisors and Administration. We also have an aged and expensive printer to maintain and operate, with increased need for printing capabilities to support outreach and education. There is a need for additional FTE and grant writing resources to begin to effectively respond the watershed demands.

**Total State Funds Needed To Complete Project:** **\$0**

**2019 District Budget Hearing: Project/Program Needs**  
**Worksheet for FY 2021 Budget Request**  
*Priority Project/Program Needs*

|                                                            |
|------------------------------------------------------------|
| <b>District:</b> Valley Soil & Water Conservation District |
| <b>Contact:</b> Durena Farr, District Manager              |

|                                                                                                                                                                                                                                                                                                                                                        |                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| <b>Project/Program Title:</b> <i>Community Environmental Stewardship</i>                                                                                                                                                                                                                                                                               |                  |
| <b>Description of Project/Program:</b> <i>See attached documents for Next Generation Youth Employment and Conservation Education program and the Bridge to Bridge Community Environmental Stewardship Coalition. These efforts support a community stewardship focus with projects and education to sustain of our natural resources and heritage.</i> |                  |
| <b>Project/Program Timeline:</b> <i>Initiate 2019 and continue</i>                                                                                                                                                                                                                                                                                     | <b>Priority:</b> |
| <b>Resource Concern(s) Addressed:</b> <i>Water quality, natural resources, open spaces, ecosystem, habitat, recreation, youth employment, economic vitality</i>                                                                                                                                                                                        |                  |
| <b>Funding (list all sources):</b>                                                                                                                                                                                                                                                                                                                     |                  |
| <i>Federal:</i>                                                                                                                                                                                                                                                                                                                                        | \$0              |
| <i>State:</i>                                                                                                                                                                                                                                                                                                                                          | \$0              |
| <i>District:</i>                                                                                                                                                                                                                                                                                                                                       | \$0              |
| <i>Other:</i>                                                                                                                                                                                                                                                                                                                                          | \$0              |
| <b>Notes:</b> <i>There are numerous grant opportunities and community partnerships available. These efforts require time for partnership building and coordination. These programs would be effective in promoting the watershed focus and addressing projects that had a direct result on watershed health.</i>                                       |                  |
| <b>Total State Funds Needed To Complete Project:</b>                                                                                                                                                                                                                                                                                                   | <b>\$0</b>       |

# District Budget Hearing: Project/Program Needs

## Worksheet Budget Request

**District:** Weiser River SCD

**Address:** 847 E. 9<sup>th</sup> St., Weiser, Idaho 83672

**Phone:** 208-549-2628 X112

**E-mail:** Vicki.lukehart@id.nacdnet.net

**Contact:** Vicki Lukehart

**DATE:** April 2, 2019

### PART 1: Project/Program Priorities

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| <b>Project/Program Title: Phase II Streambank Restoration Project</b>                                                                                                                                                                                                                                                                                                                                                                                                                           |                    |
| <i>Description of Project/Program: Streambank Restoration Project Phase II. Phase I removed a large sediment bar at the confluence of the City of Weiser intake and restored the streambank near the confluence area. Phase II is needed to prevent future erosion that is causing the issues, by working the Railroad to help at rock barbs to redirect the flow of water from the train bridge. This will prevent or greatly slow down the erosion on the south bank of the Weiser River.</i> |                    |
| <i>Project/Program Timeline: August 2020- December 2021</i>                                                                                                                                                                                                                                                                                                                                                                                                                                     | <i>Priority: 1</i> |
| <i>Resource Concern(s) Addressed: Soil Erosion and water quality on the TMDL listed Weiser River</i>                                                                                                                                                                                                                                                                                                                                                                                            |                    |
| <i>Funding Sources (list all sources):</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                    |
| <i>Federal:</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | \$0                |
| <i>State: Railway</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | \$50,000.00        |
| <i>District: WRSCD District</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | \$5,000.00         |
| <i>Other: City of Weiser</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | \$100,000.00       |
| <i>Notes:</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                    |
| <b>TOTAL FUNDS REQUESTED:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>\$75,000.00</b> |

|                                                                                                                                                                                                                                         |                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| <b>Project/Program Title: Restoration of Galloway Dam Spillway</b>                                                                                                                                                                      |                    |
| <i>Description of Project/Program: The cement spillway is over 100 years old and degraded significantly. Large areas of cement are eroding causing streambank erosion, safety issues and water quality issues from excess sediment.</i> |                    |
| <i>Project/Program Timeline: June 2020-December 2021</i>                                                                                                                                                                                | <i>Priority: 2</i> |
| <i>Resource Concern(s) Addressed: Water quality and soil erosion</i>                                                                                                                                                                    |                    |

|                                            |                    |
|--------------------------------------------|--------------------|
| <i>Funding Sources (list all sources):</i> |                    |
| <i>Federal:</i>                            | \$0                |
| <i>State: IDEQ 319</i>                     | \$50,000.00        |
| <i>District: Weiser River SCD</i>          | \$5,000.00         |
| <i>Other:</i>                              | \$0                |
| <i>Notes:</i>                              |                    |
| <b>TOTAL FUNDS REQUESTED:</b>              | <b>\$50,000.00</b> |

|                                                                                                                                                                                                                                                                               |                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| <b>Project/Program Title: Monroe Creek Restoration Project</b>                                                                                                                                                                                                                |                    |
| <i>Description of Project/Program: Monroe Creek is listed as a stream of concern by EPA. Due to a number of trees dying, the Creek is now changing its course. This is causing land to be damaged on local farm and ranches. Monroe Creek is approximately 25 miles long.</i> |                    |
| <i>Project/Program Timeline: January 2020-December 2021</i>                                                                                                                                                                                                                   | <i>Priority: 3</i> |
| <i>Resource Concern(s) Addressed: Water Quality and Soil Erosion</i>                                                                                                                                                                                                          |                    |
| <i>Funding Sources (list all sources):</i>                                                                                                                                                                                                                                    |                    |
| <i>Federal: NRCS EQIP (small watershed program)</i>                                                                                                                                                                                                                           | \$100,000.00       |
| <i>State: IDEQ 319</i>                                                                                                                                                                                                                                                        | \$150,000.00       |
| <i>District: Weiser River SCD</i>                                                                                                                                                                                                                                             | \$7,000.00         |
| <i>Other: Landowners</i>                                                                                                                                                                                                                                                      | \$25,000.00        |
| <i>Notes:</i>                                                                                                                                                                                                                                                                 |                    |
| <b>DATE</b>                                                                                                                                                                                                                                                                   |                    |
| <b>TOTAL FUNDS REQUESTED:</b>                                                                                                                                                                                                                                                 | <b>\$50,000.00</b> |

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# IDAHO SOIL & WATER CONSERVATION COMMISSION

Item # 5

**TO: CHAIRMAN WRIGHT AND COMMISSIONERS ROEMER, RADFORD, SLICHTER, AND TREBESCH**  
**FROM: DELWYNE TREFZ, DISTRICT SUPPORT SERVICES**  
**DATE: MAY 29, 2019**  
**RE: DISTRICT SUPPORT SERVICES TECHNICAL ASSISTANCE ALLOCATION UPDATE**

## DISTRICT TECHNICAL ASSISTANCE AWARDS

In accordance with the Technical Assistance Allocation Process approved by the Commission, district requests for FY2020 SWCC assistance were prioritized within each Division using the individual ranking system selected by each Division. SWCC staff considered the recommendations submitted by the evaluation teams and to the extent that it was logistically possible based the allocation of the available SWCC staff hours upon those recommendations.

Table 1 shows that 10,746 hours of SWCC field staff time have been committed to district support in FY2020.

| <b>Table 1. Idaho Soil and Water Conservation Commission FY 2020 Field Staff Hours</b> |                                                               |                                                           |                                                                    |
|----------------------------------------------------------------------------------------|---------------------------------------------------------------|-----------------------------------------------------------|--------------------------------------------------------------------|
| <b>STAFF</b>                                                                           | <b>District Support Hours</b>                                 |                                                           |                                                                    |
|                                                                                        | <b>Hours Available for Allocating to District TA Requests</b> | <b>Hours Available for Discretionary District Support</b> | <b>Hours Available for District, Division &amp; IASCD Meetings</b> |
| Allan Johnson                                                                          | 1,002                                                         | 443                                                       | 82                                                                 |
| Bill Lillibridge                                                                       | 1,004                                                         | 274                                                       | 91                                                                 |
| Brad Shelton                                                                           | 568                                                           | 400                                                       | 136                                                                |
| Brian Reed                                                                             | 158                                                           | 320                                                       | 185                                                                |
| Carolyn Firth                                                                          | 200                                                           | 190                                                       | 123                                                                |
| Chuck Pentzer                                                                          | 200                                                           | 43                                                        | 172                                                                |
| Delwyne Trefz                                                                          | 30                                                            | 228                                                       | 166                                                                |
| Eileen Rowan                                                                           | 900                                                           | 195                                                       | 112                                                                |
| George Hitz                                                                            | 600                                                           | 224                                                       | 184                                                                |
| Jon Beals                                                                              | 511                                                           | 269                                                       | 137                                                                |
| Loretta Strickland                                                                     | 450                                                           | 300                                                       | 132                                                                |
| Maria Minicucci                                                                        | 100                                                           | 40                                                        | 65                                                                 |
| Rob Sharpknack                                                                         | 165                                                           | 108                                                       | 239                                                                |
| <b>TOTAL</b>                                                                           | <b>5,888</b>                                                  | <b>3,034</b>                                              | <b>1,824</b>                                                       |
| <b>GRAND TOTAL</b>                                                                     | <b>10,746</b>                                                 |                                                           |                                                                    |

District requests for assistance, and the number of SWCC field staff hours allocated to district requests for the years 2015 – 2020 are summarized in Table 2.



**Table 2. Summary of District Requests for SWCC Assistance, 2015 - 2020**

|                                                                                                                          | Fiscal Year |        |       |       |       |       |
|--------------------------------------------------------------------------------------------------------------------------|-------------|--------|-------|-------|-------|-------|
|                                                                                                                          | 2015        | 2016   | 2017  | 2018  | 2019  | 2020  |
| Districts requesting assistance                                                                                          | 40          | 37     | 39    | 42    | 40    | 40    |
| Individual projects districts requested help with                                                                        | 129         | 122    | 122   | 108   | 103   | 113   |
| SWCC staff hours requested                                                                                               | 10,855      | 10,751 | 8,692 | 7,630 | 7,654 | 7,355 |
| SWCC staff hours available for allocation to district requests (does not include 2,448 FY19 hours of discretionary time) | 5,351       | 5,733  | 5,885 | 5,891 | 6,061 | 5,888 |
| Additional hours required to provide all requested assistance                                                            | 5,504       | 5,018  | 2,807 | 1,739 | 1,593 | 1,467 |
| Available hours as a percentage of requested hrs                                                                         | 49%         | 53%    | 68%   | 77%   | 79%   | 80%   |

The attached spreadsheets show how FY2020 staff hours are allocated in each Division. **It is essential that district staff work together with commission staff to schedule the use of commission staff hours allocated to district activities!** Districts must communicate to SWCC staff the date when each deliverable is due. SWCC field staff must be provided with a map, GIS coordinates if needed, and landowner contact info so they are able to locate the project sites and complete the work on their schedule.

In cases where a district requires that their staff accompany SWCC staff to the job site, district staff must work with SWCC staff to schedule mutually agreeable dates and times for such site visits.

Each district that requested assistance has been informed of the SWCC staff hours allocated to them for FY 2020.

RECOMMENDED ACTION: For information only

ATTACHMENT:

- District Technical Assistance Hours Requested and Allocated for FY2020, by Division

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## DIVISION 1 -- TECHNICAL ASSISTANCE REQUESTED &amp; ALLOCATED FOR FY2020

| DISTRICT                                                 | PROJECT                                                                       | HOURS REQUESTED | HOURS ALLOCATED |            |
|----------------------------------------------------------|-------------------------------------------------------------------------------|-----------------|-----------------|------------|
|                                                          |                                                                               |                 | BRAD            | BILL       |
| BENEWAH SWCD                                             | St. Joe R. Streambank Stabilization/Vegetation Project                        | 20              | 20              |            |
|                                                          | Identify & Develop Potential Projects                                         | 96              | 96              |            |
|                                                          | District Mtng Attendance                                                      | 15              | 15              |            |
|                                                          | Conifer seedlings sorting and delivery                                        | 10              | 10              |            |
|                                                          | <b>BENEWAH TOTALS FOR BRAD</b>                                                | <b>141</b>      | <b>141</b>      |            |
|                                                          | St. Joe River Streambank Stabilization & Vegetation Project Engineering       | <b>120</b>      |                 | <b>120</b> |
| BONNER SWCD                                              | District meeting attendance                                                   | 20              |                 |            |
|                                                          | Idaho State Forestry Contest                                                  | 10              | 10              |            |
|                                                          | Water Festival                                                                | 20              | 20              |            |
|                                                          | Natural Resource Inventory                                                    | 40              | 31              |            |
|                                                          | Spring Cr Rd and Lightning Cr Breach 319                                      | 40              | 40              |            |
|                                                          | Grant Writing Assistance                                                      | 40              | 31              |            |
|                                                          | Seedling Program                                                              | 10              | 10              |            |
|                                                          | <b>BONNER TOTALS FOR BRAD</b>                                                 | <b>180</b>      | <b>142</b>      |            |
|                                                          | Spring Cr Rd 319 Engineering                                                  | 24              |                 | 24         |
|                                                          | Idaho State Forestry Contest                                                  | 10              |                 | 10         |
|                                                          | <b>BONNER TOTALS FOR BILL</b>                                                 | <b>34</b>       |                 | <b>34</b>  |
| BOUNDARY SWCD                                            | County Resource Inventory                                                     | 50              | 50              |            |
|                                                          | TA for Tentative Future Grants (Fleming Cr., Kerr Lake Rd., Cow Cr.)          | 30              | 30              |            |
|                                                          | As Needed (HS Greenhouse, Ag Orchard, Outdoor School, Fair)                   | 25              | 25              |            |
|                                                          | <b>BOUNDARY TOTALS FOR BRAD</b>                                               | <b>105</b>      | <b>105</b>      |            |
|                                                          | Engineering support of ongoing projects                                       | 30              |                 | 30         |
|                                                          | Engineering support of tentative future grants                                | 25              |                 | 0          |
|                                                          | <b>BOUNDARY TOTALS FOR BILL</b>                                               | <b>55</b>       |                 | <b>30</b>  |
| KOOTENAI-SHOSHONE SWCD                                   | Mica Cr, work with property owners to develop projects funded by Mica Bay POA | 20              | 20              |            |
|                                                          | Seedling Program Sorting and Delivery                                         | 15              | 15              |            |
|                                                          | CdA Lake Watershed Project Scoping, Development and Grant Writing Assistance  | 67              | 60              |            |
|                                                          | District Operations--Planning Tasks, Mtngs & Tours                            | 45              | 45              |            |
|                                                          | Wolf Lodge Restoration Partnership                                            | 40              | 40              |            |
|                                                          | <b>K-S TOTALS FOR BRAD</b>                                                    | <b>187</b>      | <b>180</b>      |            |
|                                                          | CdA Lake Watershed Project Design and Implementation                          | 100             |                 | 100        |
|                                                          | District Operations--Planning Tasks, Mtngs & Tours                            | 25              |                 | 0          |
|                                                          | Wolf Lodge Restoration Partnership                                            | 80              |                 | 80         |
|                                                          | <b>K-S TOTALS FOR BILL</b>                                                    | <b>205</b>      |                 | <b>180</b> |
| <b>TOTAL BRAD'S HOURS (568 Available for Allocation)</b> |                                                                               | <b>613</b>      | <b>568</b>      |            |
| <b>TOTAL BILL'S HOURS</b>                                |                                                                               | <b>414</b>      |                 | <b>364</b> |
| <b>TOTAL HOURS</b>                                       |                                                                               | <b>1027</b>     | <b>932</b>      |            |

**DIVISION 2 -- TECHNICAL ASSISTANCE REQUESTED & ALLOCATED FOR FY2020**

| DISTRICT                                                               | PROJECT                                                                                                      | HOURS REQUESTED | HRS ALLOCATED |            |
|------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|-----------------|---------------|------------|
|                                                                        |                                                                                                              |                 | EILEEN        | BILL       |
| CLEARWATER SWCD,<br>IDAHO SWCD,<br>LEWIS SCD<br>JOINT REQUEST          | Youth / Adult Education--Assist with workshops, field tours, info for newsletter articles & fair booth       | 80              | 80            |            |
|                                                                        | TA--Minimum of 25 field visits & 8 new grant applications                                                    | 1100            | 595           |            |
|                                                                        | <b>JOINT REQUEST TOTAL EILEEN'S HOURS</b>                                                                    | <b>1180</b>     | <b>675</b>    |            |
|                                                                        | Existing & Future Project Engineering--4 engineering packages & construction oversight of 2 culvert projects | 300             |               | 300        |
|                                                                        | <b>JOINT REQUEST TOTAL BILL'S HOURS</b>                                                                      | <b>300</b>      |               | <b>300</b> |
| NEZ PERCE SWCD *<br><br>(Eileen)                                       | Environmental Awareness Days soils presentation (2 days in May). Classroom presentations in March.           | 60              | 20            |            |
|                                                                        | Sweetwater Forestry Project--develop forest thinning and stewardship plans                                   | 160             | 85            |            |
|                                                                        | Soil Quality Monitoring--Sample collection June-Aug post-harvest, pre-fall seeding.                          | 40              | 40            |            |
|                                                                        | Thermograph monitoring--Retrieve 15 gages during Oct., 2019; place 20 gages during Mar, 2020.                | 80              | 80            |            |
|                                                                        | Spatial analysis of land cover on hydric soils                                                               | 80              |               |            |
|                                                                        | <b>NEZ PERCE SWCD TOTALS:</b>                                                                                | <b>420</b>      | <b>225</b>    |            |
| <b>EILEEN'S TOTAL HOURS (900 available for allocation)</b>             |                                                                                                              | <b>1600</b>     | <b>900</b>    |            |
| <b>BILL'S TOTAL HOURS (1,004 available for allocation, state-wide)</b> |                                                                                                              | <b>300</b>      |               | <b>300</b> |
| <b>TOTAL HOURS</b>                                                     |                                                                                                              | <b>1900</b>     | <b>1200</b>   |            |

**DIVISION 3 -- TECHNICAL ASSISTANCE REQUESTED & ALLOCATED FOR FY2020**

| DISTRICT                                                    | PROJECT                                                                                                                                    | HOURS REQUESTED | HOURS ALLOCATED |            |         |      |
|-------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-----------------|------------|---------|------|
|                                                             |                                                                                                                                            |                 | LORETTA         | JON        | DELWYNE | BILL |
| ADAMS SWCD<br>(Loretta)                                     | 319 Proj Development, Cons Planning, Contracting & Reporting                                                                               | 50              | 50              |            |         |      |
|                                                             | Engineering--Project Design & Consultation                                                                                                 | 75              |                 |            |         | 75   |
| CANYON SCD<br><br>(Jon)                                     | Collaborative work with Farmers Co-Op on return flows and sediment/nutrient reduction. Educate/inform the public & install sediment basins | 50              |                 | 50         |         |      |
|                                                             | Provide district training on 5-Yr & Annual Plan development                                                                                | 20              |                 | 20         |         |      |
|                                                             | <b>CANYON TA TOTAL</b>                                                                                                                     | <b>70</b>       |                 | <b>70</b>  |         |      |
|                                                             | Engineering--review designs and project construction to certify NRCS Stds are met                                                          | 137             |                 | 0          |         | 137  |
| ELMORE SWCD<br><br>(Jon)                                    | District Board Meeting Attendance                                                                                                          | 24              |                 | 24         |         |      |
|                                                             | Develop Potential Atlanta Fire Suppression and MH Irrig Dist Tunnel Upgrade Projects                                                       | 150             |                 | 150        |         |      |
|                                                             | <b>ELMORE TA TOTAL</b>                                                                                                                     | <b>174</b>      |                 | <b>174</b> |         |      |
|                                                             | Atlanta Fire Suppression and MH Irrig Tunnel Upgrade Projects Engineering                                                                  | 100             |                 |            |         | 100  |
| GEM SWCD (Loretta)                                          | Lower Payette River Phase 5 319 Project Implementation                                                                                     | 150             | 150             |            |         |      |
|                                                             | L Payette R Phase 5 319 Streambank Project Engineering (Bill)                                                                              | 40              |                 |            |         | 40   |
| OWYHEE CD<br>(Jon)                                          | Attend Monthly Board Meetings                                                                                                              | 25              |                 | 25         |         |      |
|                                                             | Reserach partnerships, potential grants                                                                                                    | 25              |                 | 25         |         |      |
|                                                             | Ag. Literacy, school education, soil health classes                                                                                        | 100             |                 | 100        |         |      |
|                                                             | <b>OWYHEE TA TOTAL</b>                                                                                                                     | <b>150</b>      |                 | <b>150</b> |         |      |
| PAYETTE SWCD<br>(Loretta)                                   | Attend meetings, tours, advise on SWCC requirements                                                                                        | 60              | 50              |            |         |      |
|                                                             | Engineering Assistance Reviewing BMP Designs                                                                                               | 60              |                 |            |         | 60   |
| SQUAW CREEK SCD<br>(Loretta)                                | Payette River 319 Project implementation, BMP effectiveness monitoring & sediment load reduction calculations                              | 100             | 50              |            |         |      |
|                                                             | Lower Payette Phase 5 Engineering Assistance                                                                                               | 40              |                 |            |         | 40   |
| VALLEY SWCD<br>(Loretta)                                    | N Fork Payette River 319 Invoicing, Reporting and New Grant Applications                                                                   | 150             | 150             |            |         |      |
|                                                             | N Fork Payette River 319 Engineering                                                                                                       | 100             |                 |            |         | 100  |
| WEISER RIVER SCD<br>(Delwyne)                               | Attend tours, provide supervisor advise and training                                                                                       | 30              |                 |            | 30      |      |
|                                                             | Engineering--Consult, design & inspect City intake, Galloway Dam spillway & Monroe Cr projects                                             | 30              |                 |            |         | 30   |
| <b>TOTAL LORETTA'S HOURS (450 Available for Allocation)</b> |                                                                                                                                            | 510             | 450             |            |         |      |
| <b>TOTAL JON'S HOURS (511 Available for Allocation)</b>     |                                                                                                                                            | 394             |                 | 394        |         |      |
| <b>TOTAL MARIA'S HOURS (100 Available for Allocation)</b>   |                                                                                                                                            | 0               |                 |            |         |      |
| <b>TOTAL DELWYNE'S HOURS (30 Available for Allocation)</b>  |                                                                                                                                            | 30              |                 |            | 30      |      |
| <b>TOTAL BILL'S HOURS</b>                                   |                                                                                                                                            | 582             |                 |            |         | 582  |
| <b>TOTAL HOURS</b>                                          |                                                                                                                                            | <b>1516</b>     | <b>1456</b>     |            |         |      |

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**DIVISION 4 -- TECHNICAL ASSISTANCE REQUESTED & ALLOCATED FOR FY2020**

| DISTRICT                                                          | PROJECT                                                        | HOURS<br>REQUESTED | HOURS ALLOCATED |            |           |       |
|-------------------------------------------------------------------|----------------------------------------------------------------|--------------------|-----------------|------------|-----------|-------|
|                                                                   |                                                                |                    | CAROLYN         | CHUCK      | ROB       | ALLAN |
| BALANCED ROCK<br>Chuck                                            | Soil Health Sampling Project                                   | 12                 |                 | 20         |           |       |
|                                                                   | Soil Health Sampling Administrative                            | 4                  |                 | 4          |           |       |
|                                                                   | Monthly Meetings                                               | 32                 |                 | 0          |           |       |
|                                                                   | Project Cooperator Planning Meeting                            | 8                  |                 | 8          |           |       |
|                                                                   | <b>Balanced Rock Total</b>                                     | <b>56</b>          |                 | <b>32</b>  |           |       |
| BLAINE SCD<br>Rob                                                 | Comprehensive Assistance - I and E With Board and Landowners   | 30                 |                 |            | 30        |       |
|                                                                   | <b>Blaine Total</b>                                            | <b>30</b>          |                 |            | <b>30</b> |       |
| CAMAS CD<br>Rob                                                   | Attend Brd Mtngs, Assist with Dist Rpts, Collaborate with NRCS | 20                 |                 |            | 20        |       |
|                                                                   | <b>Camas Total</b>                                             | <b>20</b>          |                 |            | <b>20</b> |       |
| MINIDOKA SWCD<br>Carolyn                                          | Soil Health Sampling Project                                   | 40                 | 40              |            |           |       |
|                                                                   | Multi-media Campaign Assistance                                | 20                 | 20              |            |           |       |
|                                                                   | <b>Minidoka Total</b>                                          | <b>60</b>          | <b>60</b>       |            |           |       |
| NORTH SIDE SWCD<br>Chuck                                          | Monthly Meetings, Report Assistance, Collaborate with NRCS DC  | 20                 |                 | 20         |           |       |
|                                                                   | Soil Health Sampling Project                                   | 20                 |                 | 20         |           |       |
|                                                                   | <b>North Side Total</b>                                        | <b>40</b>          |                 | <b>40</b>  |           |       |
| SNAKE RIVER SWCD<br>Chuck                                         | Soil Health Sampling Project                                   | 12                 |                 | 20         |           |       |
|                                                                   | Soil Health Sampling Administrative                            | 4                  |                 | 4          |           |       |
|                                                                   | Monthly Meetings                                               | 32                 |                 | 0          |           |       |
|                                                                   | Project Cooperator Planning Meeting                            | 8                  |                 | 8          |           |       |
|                                                                   | <b>Snake River Total</b>                                       | <b>56</b>          |                 | <b>32</b>  |           |       |
| TWIN FALLS SWCD<br>Chuck                                          | Soil Health Sampling Project                                   | 12                 |                 | 20         |           |       |
|                                                                   | Soil Health Sampling Administrative                            | 4                  |                 | 4          |           |       |
|                                                                   | Monthly Meetings                                               | 32                 |                 | 0          |           |       |
|                                                                   | Project Cooperator Planning Meeting                            | 8                  |                 | 8          |           |       |
|                                                                   | <b>Twin Falls Total</b>                                        | <b>56</b>          |                 | <b>32</b>  |           |       |
| West Cassia SWCD<br>Carolyn                                       | Soil Health Sampling Project                                   | 40                 | 40              |            |           |       |
|                                                                   | <b>West Cassia Total</b>                                       | <b>40</b>          | <b>40</b>       |            |           |       |
| <b>TOTAL CHUCK'S HOURS (200 hours available for allocation)</b>   |                                                                | 208                |                 | 136        |           |       |
| <b>TOTAL CAROLYN'S HOURS (200 hours available for allocation)</b> |                                                                | 100                | 100             |            |           |       |
| <b>TOTAL ROB'S HOURS (165 hours available for allocation)</b>     |                                                                | 50                 |                 |            | 50        |       |
| <b>TOTAL ALLAN'S HOURS</b>                                        |                                                                |                    |                 |            |           |       |
| <b>TOTAL HOURS</b>                                                |                                                                | <b>358</b>         |                 | <b>286</b> |           |       |

**DIVISION 5 -- TECHNICAL ASSISTANCE REQUESTED & ALLOCATED FOR FY2020**

| DISTRICT                          | PROJECT                                                                                                                                                                                                                                                                                                                    | HOURS REQUESTED |            | HOURS ALLOCATED |            |
|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|------------|-----------------|------------|
|                                   |                                                                                                                                                                                                                                                                                                                            | GEORGE          | ALLAN      | GEORGE          | ALLAN      |
| BEAR LAKE SWCD Allan J & George H | #1: Thomas Fork AFOs 319--Boehme, design retaining wall & waste storage containment; Loertscher, design corral and water system; Joel Teuscher, design water system & waste storage containment; James Teuscher, design Hershey Cr Diversion and irrig pipeline system, design Preuss Cr diversion & irrig pipeline system | 128             | 170        | 128             | 170        |
|                                   | #2: Bear Lake Diversions and Streambank Stabilization--Design Bennington Cr Irrig system & diversion; Design St Charles Cr irrig pipeline system; Design Georgetown Irrig pipelins system.                                                                                                                                 | 154             | 340        |                 |            |
|                                   | <b>Bear Lake Totals</b>                                                                                                                                                                                                                                                                                                    | <b>282</b>      | <b>510</b> | <b>128</b>      | <b>170</b> |
| CARIBOU SCD Allan J               | #1: Middle Bear R 319--Barthlome, diversion design, weir improvement; Toone, Stock water line design, storage tank, troughs; Nichols, diversion design, spring dvlpmnt design, pipeline & troughs; Sweers, spring dvlpmnt, stock water system design.                                                                      | 150             | 305        | 150             | 305        |
|                                   | <b>Caribou Totals</b>                                                                                                                                                                                                                                                                                                      | <b>150</b>      | <b>305</b> | <b>150</b>      | <b>305</b> |
| CENTRAL BINGHAM CD George H       | #1 George: Water Quantity Project Development and Grant Application, Grant Write-up and Mapping                                                                                                                                                                                                                            | 30              |            |                 |            |
|                                   | #2 Tour, Workshop and Field Day                                                                                                                                                                                                                                                                                            | 20              |            |                 |            |
|                                   | #3 Ag Day Presentations                                                                                                                                                                                                                                                                                                    | 20              |            |                 |            |
|                                   | <b>Central Bingham TOTALS</b>                                                                                                                                                                                                                                                                                              | <b>70</b>       | <b>0</b>   | <b>0</b>        | <b>0</b>   |
| FRANKLIN SWCD George H            | #1 Allan: BoR--Engineering, of Hi Low Bypass Pipe & Riverdale canal projects, timeline 2017-3/31/2020.                                                                                                                                                                                                                     | 24              | 44         |                 | 44         |
|                                   | #2 Allan: ECC John Mussler, construction inspection and final certification                                                                                                                                                                                                                                                | 30              | 9          |                 |            |
|                                   | #1 George: Stream Flow Measurements                                                                                                                                                                                                                                                                                        | 26              | 10         | 26              |            |
|                                   | #2 George: Technical & Administrative Staff training, education & mentoring                                                                                                                                                                                                                                                | 108             |            |                 |            |
|                                   | Not ranked: Mink Creek Monitoring                                                                                                                                                                                                                                                                                          | 12              |            |                 |            |
|                                   | Not ranked: Grant applications; Assist with development of pending applications                                                                                                                                                                                                                                            |                 |            |                 |            |
|                                   | Not ranked: FCHS Ecology, provide education                                                                                                                                                                                                                                                                                | 10              |            |                 |            |
|                                   | Not ranked: 8th grade water fair, run a station                                                                                                                                                                                                                                                                            | 14              |            |                 |            |
|                                   | <b>Franklin Totals</b>                                                                                                                                                                                                                                                                                                     | <b>224</b>      | <b>63</b>  | <b>26</b>       | <b>44</b>  |
| NORTH BINGHAM CD George H         | #1 George: Tour, Field Day, & workshop presentation on soil health                                                                                                                                                                                                                                                         | 30              |            | 30              |            |
|                                   | #2 George: Assist with project development, grant application write-up & mapping assistance                                                                                                                                                                                                                                | 30              |            |                 |            |
|                                   | #3 George: Assistance Developing Updated Outreach Materials for School Presentations                                                                                                                                                                                                                                       | 25              |            |                 |            |
|                                   | <b>North Bingham TOTALS</b>                                                                                                                                                                                                                                                                                                | <b>85</b>       | <b>0</b>   | <b>30</b>       | <b>0</b>   |
| ONEIDA SWCD George H              | #1: Cottonwood Cr Off-Stream Watering Project; assist with maps, surveys, contracting & conservation plan development                                                                                                                                                                                                      | 120             | 120        | 120             | 120        |
|                                   | #2: Oneida No-Till: Assist with landowner meetings, contractig, demonstration projects, site visits, Board meetings & writing new grants                                                                                                                                                                                   | 120             |            |                 |            |
|                                   | <b>Oneida Totals</b>                                                                                                                                                                                                                                                                                                       | <b>240</b>      | <b>120</b> | <b>120</b>      | <b>120</b> |



**DIVISION 5 (cont.) -- TECHNICAL ASSISTANCE REQUESTED & ALLOCATED FOR FY2020**

| DISTRICT                                                         | PROJECT                                                                                                                                                                                                                                  | HOURS REQUESTED |          | HOURS ALLOCATED |          |
|------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|----------|-----------------|----------|
|                                                                  |                                                                                                                                                                                                                                          | GEORGE          | ALLAN    | GEORGE          | ALLAN    |
| PORTNEUF SWCD<br><br>George H                                    | #1: Assist in identifying & developing project proposals and grant applications. Assist with community education & landowner outreach efforts.                                                                                           | 56              |          | 56              |          |
|                                                                  | #2: Connor Academy, assist with windbreak tree planting & education day                                                                                                                                                                  | 16              |          |                 |          |
|                                                                  | #3: Marsh Creek Small Acreage Water Quality Improvement Project; assist with landowner outreach and project implementation                                                                                                               | 8               |          |                 |          |
|                                                                  | <b>Portneuf Totals</b>                                                                                                                                                                                                                   | <b>80</b>       | <b>0</b> | <b>56</b>       | <b>0</b> |
| POWER SWCD<br>George H                                           | #1: Education & outreach assistance; Assist with youth & landowner education (Ag Day, Workshops); Assist with project development & project education & outreach (workshop & project meetings); Assist with grant writing & application. | <b>90</b>       |          | <b>90</b>       |          |
| <b>TOTAL GEORGE'S HOURS (615 hours available for allocation)</b> |                                                                                                                                                                                                                                          | 1221            |          | 600             |          |
| <b>TOTAL ALLAN'S HOURS</b>                                       |                                                                                                                                                                                                                                          |                 | 998      |                 | 639      |
| <b>TOTAL HOURS</b>                                               |                                                                                                                                                                                                                                          | <b>2219</b>     |          | <b>1239</b>     |          |

**DIVISION 6 -- TECHNICAL ASSISTANCE REQUESTED & ALLOCATED FOR FY2020**

| DISTRICT                                                  | PROJECT                                                                    | HOURS REQUESTED | HOURS ALLOCATED |          |            |
|-----------------------------------------------------------|----------------------------------------------------------------------------|-----------------|-----------------|----------|------------|
|                                                           |                                                                            |                 | BRIAN           | ROB      | ALLAN      |
| BUTTE SWCD (Rob)                                          | 2020 State Envirothon (not necessary to request hrs, SWCC will provide)    | 20              |                 | 0        |            |
| CLARK SCD (Brian)                                         | Attend Brd Mtngs, Tours, Etc.                                              | 32              | 32              |          |            |
| EAST SIDE SWCD (Brian)                                    | Attend District Brd Meetings                                               | 6               | 6               |          |            |
| JEFFERSON SWCD (Brian)                                    | Attend District Brd Meetings                                               | 16              | 16              |          |            |
| MADISON SWCD (Brian)                                      | Attend Brd Mtngs, Tours, Etc.                                              | 20              | 28              |          |            |
| TETON SCD (Brian)                                         | Attend Brd Mtngs, Workshops, Tours                                         | 100             | 70              |          |            |
|                                                           | Fox Cr Mitigation Proj Engineering Oversight & Final Inspection            | 5               |                 |          | 5          |
|                                                           | Fox Cr Mitigation Engineering presentation                                 | 10              |                 |          | 10         |
|                                                           | Tonks Canal Diversion Engineering--Design Headgate, Construction Oversight | 120             |                 |          | 120        |
| WEST SIDE SWCD (Brian)                                    | Attend District Brd Meetings                                               | 6               | 6               |          |            |
| <b>TOTAL BRIAN'S HOURS (158 AVAILABLE FOR ALLOCATION)</b> |                                                                            | <b>180</b>      | <b>158</b>      |          |            |
| <b>TOTAL ROB'S HOURS</b>                                  |                                                                            | <b>20</b>       |                 | <b>0</b> |            |
| <b>TOTAL ALLAN'S HOURS</b>                                |                                                                            | <b>135</b>      |                 |          | <b>135</b> |
| <b>TOTAL HOURS</b>                                        |                                                                            | <b>335</b>      | <b>293</b>      |          |            |

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**SOIL & WATER  
CONSERVATION  
COMMISSION**

H. Norman Wright  
Chairman

Cathy Roemer  
Vice Chairman

Gerald Trebesch  
Commissioner

Erik Olson  
Commissioner

Vacant  
Commissioner

Teri Murrison  
Administrator

**MEMO**

**TO: CHAIRMAN WRIGHT AND COMMISSIONERS ROEMER, TREBESCH,  
AND OLSON**  
**FROM: DELWYNE TREFZ, DISTRICT SUPPORT SERVICES**  
**DATE: MAY 23, 2019**  
**RE: DISTRICT REFERENCE MANUAL UPDATES FOR FY2020**

To keep our District Reference Manual current and useful we rely upon those whom the manual is intended to assist--district supervisors and staff, IASCD and IDEA directors—to submit suggestions for ways it may be improved. This year we received no suggestions for modifications to the manual. However, in order to clarify a couple of items about which districts often express confusion, Commission staff made the following two revisions.

1. To clarify that 5-year plans must be reviewed and updated annually, the 5-Year and Annual Work Plan section of the Manual was modified as follows:

The paragraph which reads:

**“Guidelines for Preparing the Five Year (5) Plan**

IDAPA 60.05.02.025 defines the components of a five-year plan. Districts are not required to replace or re-do previously submitted Five-Year Plans. Instead, this manual is intended to assist districts in revising their existing plans as necessary to ensure they contain all of the required components outlined in Section 25 of IDAPA 60.05.02 and to offer suggestions for expanding the document as a whole and for each section.”

was deleted and replaced with:

**“Guidelines for Reviewing and Updating the Five Year (5) Plan**

Conservation District five-year plans are described in the Antidegradation Rule, IDAPA 60.05.02. This Rule require each Districts to have completed an initial five-year plan by December 31, 1990, and each year thereafter to review and update that plan. The guidance provided in this manual is intended to assist districts in reviewing their existing plan and updating it as necessary to ensure it contains current information related to all of the required components described in Section 60.05.02.25 of the rule.”

2. In the “Verification by the Idaho Soil and Water Conservation Commission” subsection of the “Financial and Match Reports” section of the Reference Manual, staff added a statement provided by the Idaho State Controller’s Office which directs state employees on what to do if they come upon an instance of fraud:

“If SWCC staff encounter an instance of fraud, they will follow this guidance provided by the State of Idaho: “If you encounter an instance of fraud, after you have informed your appropriate management, contact the Attorney General’s office.”

RECOMMENDED ACTION: For information only

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