



## IDAHO SOIL & WATER CONSERVATION COMMISSION

### REGULAR MEETING NOTICE & AGENDA

Idaho Soil & Water Conservation Commission  
November 5, 2020, 10:00 a.m. to 3:00 p.m. MT

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

[ZOOM Meeting Link](#)

Zoom Meeting ID: 921 7650 1906 Zoom Password: 624117

\*In order to ensure compliance with social distancing requirements at the meeting, we ask that any person planning on attending the meeting in person provide forty-eight (48) hour notice to Crystal Rosen at (208) 332-1790. Pursuant to the city of Boise's Public Health Emergency Order 20-10, persons attending the meeting in person are required to wear face covering that completely cover their nose and mouth.

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

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

### AMERICANS WITH DISABILITIES ACT COMPLIANCE

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

1.	<b>WELCOME, SELF-INTRODUCTIONS, AND ROLL CALL</b>	Chairman Wright
2.	<b>PARTNER REPORTS</b> (information only)	
* 3.	<b>AGENDA REVIEW</b> (potential action item) The Agenda may be amended by formal Board action, if necessary, at the meeting. If so, a motion that states the reason for the amendment and the good faith reason the item was not included in the original agenda will be made and approved by the Board.	Chairman Wright
<b>NON-ACTION ITEMS</b>		
4.	<b>LISTENING SESSION</b> (opportunity for Districts and other stakeholders to give input on proposed changes to Idaho Code 22:2700 and any other topic of interest/concern)	Chairman Wright

(\*) Action Item

(#) Attachment

ACTION: Staff recommended action for Commission consideration

Thursday, Nov. 5, 2020 Meeting Agenda

Date of Notice: Oct. 29, 2020

#	5.	<b>ADMINISTRATOR'S REPORT</b> <ul style="list-style-type: none"> <li>Activities</li> <li>Commissioner Reappointment</li> <li>Elimination/Reduction of Provisions in Idaho Code 22:2700</li> <li>FY 2021 Meeting Schedule</li> </ul> <u>ACTION:</u> For information only.	Murrison
	6.	<b>REPORTS</b> <i>Commissioners and staff only, no discussion</i> <u>ACTION:</u> For information only.	Commissioners, Staff
<b>ACTION ITEMS</b>			
*#	7.	<b>MINUTES</b> <ol style="list-style-type: none"> <li>October 1, 2020</li> </ol> <u>ACTION:</u> Approve.	Chairman Wright
*#	8.	<b>FINANCIAL REPORTS</b> <ol style="list-style-type: none"> <li>September 30, 2020</li> </ol> <u>ACTION:</u> Approve.	Misnick
*	9.	<b>FY 2022 BUDGET REQUEST</b> <u>ACTION:</u> Approve FY 2022 Budget Request Modifications as presented.	Misnick
*#	10.	<b>DISTRICT MATCH ALLOCATIONS</b> <u>ACTION:</u> Approve distribution of November match allocations as recommended by staff.	Trefz
*#	11.	<b>OMNIBUS FEE RULE OF THE IDAHO STATE SOIL AND WATER CONSERVATION COMMISSION, DOCKET 60-0501-2000F</b> <u>ACTION:</u> Adopt as pending and republish the Omnibus Fee Rule in the November 18, 2020 Administrative Bulletin under Docket 60-0501-2000F.	Murrison
<b>POSSIBLE ACTION ITEMS</b>			
	12.	<b>EXECUTIVE SESSION</b> <i>Executive Session is closed to the public. Under the relevant Idaho Code Section(s) noted below, any Board action will be taken publicly in open session directly following Executive Session.</i> <u>ACTION:</u> Move to enter Executive Session pursuant to Idaho Codes § 74-206(1)(b) for employee review. <u>Roll Call Vote</u>	Chairman Wright
	a.	<b>EMPLOYEE REVIEW</b> The Commission will conduct an employee evaluation. <u>ACTION:</u> For information and possible action outside of Executive Session.	
<b>RECONVENE AND ADJOURN</b> <i>The Commission will reconvene to take any action resulting from Executive Session and to adjourn. The next Regular Commission Meeting will be on December 17, 2020, at 10:00 AM MT in Boise, Idaho.</i>			

(\*) Action Item

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Thursday, Nov. 5, 2020 Meeting Agenda

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**SOIL & WATER  
CONSERVATION  
COMMISSION**

H. Norman Wright  
Chairman

Cathy Roemer  
Vice Chairman

Erik Olson  
Secretary

Gerald Trebesch  
Commissioner

Wendy Pratt  
Commissioner

Teri Murrison  
Administrator

**MEMO**

**TO: CHAIRMAN WRIGHT AND COMMISSIONERS ROEMER, TREBESCH,  
OLSON, AND PRATT**  
**FROM: TERI MURRISON, ADMINISTRATOR**  
**DATE: October 19, 2020**  
**RE: ADMINISTRATOR'S REPORT**

**Activities**

Participated in:

- Rangeland Fall Forum (Zoom)
- NASCA Annual Conference (Zoom)
- Division 1, 4, 6 meetings (Zoom)
- Monthly teleconference with VC of UI Rock Creek Ranch Advisory Board and others, Annual Advisory Board meeting (Zoom)

**Commissioner Reappointment**

There is no news from the Governor's Office on the reappointment of Commissioner Roemer.

**Elimination/Reduction of Provisions in Idaho Code 22:2700**

We were notified on October 13<sup>th</sup> that the Governor's Office has approved submission of your Board's proposed changes to Title 22, Chapter 17 for consideration in the next Legislation session (see attached).

The proposed changes are:

1. eliminating OnePlan from statute (the program is now defunct) and
2. standardizing references to the Commission and Districts as the "Conservation Commission" and "Conservation Districts" instead of "Soil" and "Soil and Water" Districts and the Commission

Your Board has provided multiple opportunities to Districts and other stakeholders to comment (including at your August and October Board meetings, via email requests for input to all District supervisors and Conservation Districts, and during the Listening Session earlier in your meeting. Commissioners should give thought to the identification of a sponsoring Legislator(s) in the House and Senate to carry the proposed changes this session.

### FY 2021 Commission Meeting Schedule

Date & Time	Meeting, Teleconference to be held	Meeting Type*
Dec. 17, 2020, 10-3, MT	Regular meeting, 322 E. Front Street, Suite 560, Boise	Video Conf. via Zoom, teleconference
Jan. 21, 2021, 10-3, MT	Regular meeting, Regular meeting, 322 E. Front Street, Suite 560, Boise	Video Conf. via Zoom, teleconference
Feb. 18, 2021, 10-3, MT	Regular meeting, 322 E. Front Street, Suite 560, Boise	Video Conf. via Zoom, teleconference
Mar. 18, 2021, 10-3, MT	Regular meeting, Regular meeting, 322 E. Front Street, Suite 560, Boise	Video Conf. via Zoom, teleconference
Apr. 15, 2021, 10-3, MT	Regular meeting, 322 E. Front Street, Suite 560, Boise	Video Conf. via Zoom, teleconference
May 20, 2021, 10-3, MT	Regular meeting, 322 E. Front Street, Suite 560, Boise	Video Conf. via Zoom, teleconference
Jun. 17, 2021, 10-3, MT	Regular meeting, 322 E. Front Street, Suite 560, Boise	Video Conf. via Zoom, teleconference

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

**REQUESTED ACTION:** For information only

**ATTACHMENTS:**

- T22CH27 Proposed Changes, SWC Approved 08172020

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TITLE 22  
AGRICULTURE AND HORTICULTURE

CHAPTER 27  
~~SOIL~~ CONSERVATION DISTRICTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(19)~~(18) "Project sponsor" means a conservation district, irrigation district, canal company, or other agricultural or grazing interest, as determined appropriate by the commission, that enters into a conservation improvement or water quality project agreement with the commission.

~~(20)~~(19) "Qualified elector" means any person who is qualified to vote pursuant to the requirements of section 34-104, Idaho Code.

~~(21)~~(20) "Riparian land" means the beds of streams, the adjacent vegetation communities and the land thereunder, which are predominately influenced by their association with water and are privately owned.

~~(22)~~(21) "Specifications" means the materials, operations and procedures necessary to obtain the desired standards of construction and installation.

~~(23)~~(22) "Standards" means the minimum limits of technical excellence of a component practice for its planning, design and construction.

~~(24)~~(23) "State" means the state of Idaho.

~~(25)~~(24) "Supervisor" means one (1) of the members of the governing body of a district elected or appointed in accordance with the provisions of this chapter.

~~(26)~~(25) "Total maximum daily load" is as defined in section 39-3602, Idaho Code.

~~(27)~~(26) "United States" or "agencies of the United States" includes the United States of America, the natural resources conservation service of the United States department of agriculture, and any other agency or instrumentality, corporate or otherwise, of the United States of America.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The proposed name of said district;

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

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

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

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

(2) Within thirty (30) days after such petition has been filed with the ~~state soil and water~~ conservation commission, it shall cause due notice to be given of a proposed hearing upon the question of the desirability and necessity, in the interest of the public health, safety and welfare, of the creation of such district, upon the question of the appropriate boundaries to be assigned to such district, upon the propriety of the petition and other proceedings taken under this chapter, and upon all questions

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

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

proposed district as determined by the commission. All qualified electors who own lands or reside within the proposed district shall be eligible to vote in said referendum.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

(6) A majority of the supervisors shall constitute a quorum and the concurrence of a majority in any matter within their duties shall be required for its determination. A supervisor shall be entitled to expenses, including travel expense, necessarily incurred in the discharge of duties. A supervisor shall receive no compensation for services from regular district

funds, county funds authorized in section [22-2726](#), Idaho Code, or state funds authorized in section [22-2727](#), Idaho Code.

(7) In the event the district has a special project, approved by the ~~state soil and water~~ conservation commission, making project funds available from federal or other sources, a supervisor may receive compensation not to exceed thirty-five dollars (\$35.00) per day plus actual and necessary expenses from project funds for services directly related to the project.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) years.

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### 22-2735. PAYMENTS BY THE ~~STATE SOIL AND WATER~~ CONSERVATION COMMISSION

-- RULES -- APPROVAL OF ATTORNEY GENERAL -- AUDIT OF PAYMENTS. (1) The commission may make payments not to exceed the estimated reasonable cost of an eligible improvement, project or plan.

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

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

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

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

- (i) To develop water quality plans for landowners and provide payments to landowners for installation of best management practices;
- (ii) To determine payment rates in conjunction with the commission for best management practices;
- (iii) To establish a method for administration and provisions for technical assistance to landowners in conjunction with the commission;
- (iv) To allow the state to make payments up to the estimated reasonable cost for best management practices installation, technical assistance and project administration of an eligible project;
- (v) To develop and to secure the approval of the commission of plans for operation of the eligible project;
- (vi) To ensure that the local matching share of the cost is provided as applicable;
- (vii) To assure an adequate level of landowner participation and application of best management practices to ensure water quality goals are met.

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

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

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

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

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

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

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# Idaho Soil & Water Conservation Commission

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

ITEM #7

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

**Date and Time:**

Thursday, October 1, 2020  
10:01 AM – 11:45 AM MT

**Location:**

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

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### MINUTES

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**COMMISSION MEMBERS PRESENT:**

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

**COMMISSION STAFF PRESENT:**

Teri Murrison	Crystal Rosen
Rachel Misnick	Delwyne Trefz
Terry Hoebelheinrich (teleconference)	

**PARTNERS AND GUESTS PRESENT:**

Rob Sepich, LSO (Zoom)	Bruce Sandoval, NRCS (Zoom)
Matt Reiber, DFM (Zoom)	Nate Fisher, Governor's Office (Zoom)
Clinton Aston, Franklin SWCD (teleconference)	
Mike Sommerville, IASCD/ Canyon SWCD (teleconference)	
Shantel Chapple Knowlton, Office of the Attorney General (teleconference)	

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

Chairman Wright called the meeting to order at 10:01 a.m.

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

**ITEM #2: PARTNER REPORTS**

Action: None taken

**ITEM #3: AGENDA REVIEW**

Action: None taken.

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

Action: None taken.

**ITEM #5: DISTRICT OPINION SURVEY RESPONSES ON CHANGES TO THE COMMISSION**

Action: None taken.

Commissioner Olson left the meeting at 10:48AM

**ITEM #6: FRANKLIN SETTLEMENT AGREEMENT SUMMARY**

Action: None taken.

**ITEM #7: PUBLIC INPUT ON PROPOSED STATUTORY CHANGES TO TITLE 22, CHAPTER 17**

Action: None taken.

**ITEM #8: OTHER REPORTS**

Action: None taken.

**ITEM #9: MINUTES**

Action: Commissioner Roemer made a motion to *approve the August 13, 2020 Regular Meeting minutes as submitted*. Commissioner Trebesch seconded the motion. Motion carried by unanimous vote.

**ITEM #10: FINANCIAL REPORTS**

Action: Commissioner Pratt made a motion to *approve the Financial Reports for the month ended June 30, 2020*. Commissioner Trebesch seconded the motion. Motion carried by unanimous vote.

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

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

## **ITEM #11: DISTRICT ALLOCATIONS WORK GROUP (DAWG) REPORT**

Action: Commissioner Pratt made a motion to *approve FY 2021 District Allocation Matching Funds to be distributed as recommended by ISWCC staff and DAWG.*

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

## **ADJOURN**

The meeting was adjourned at 11:45 AM. The next Regular Commission Meeting and Listening Session will be held on November 5, 2020 in Boise, ID

Respectfully submitted,

Erik Olson, Secretary

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## IDAHO SOIL & WATER CONSERVATION COMMISSION

ITEM #8

**TO: CHAIRMAN WRIGHT AND COMMISSIONERS ROEMER, TREBESCH, PRATT, OLSON**  
**FROM: RACHEL MISNICK, SENIOR FINANCIAL SPECIALIST**  
**DATE: OCTOBER 29, 2020**  
**RE: FINANCIAL REPORTS, FISCAL MATTERS**

### **FINANCIAL REPORTS**

The Financial Detail and Fund Summary year-to-date reports as of September 30, 2020 will be sent under separate cover and will be available at the meeting.

### **COMMISSIONER HONORARIUMS**

Below is a schedule of the honorarium balances as of October 29, 2020. Included in the schedule are the days and amounts budgeted for each Commissioner for FY21. We are in good standing with the travel budget for Commissioners as we have spent 17% of the honorarium allocation and 7% of the travel budget to date.

Commissioner	Days Budgeted/ Traveled to Date	Benefit Costs included in Honorariums	Honorariums Budgeted	Expended to Date	Projected Balance/ (Overage)
Wright	30 / 3	\$132	\$1,632	\$301	\$1,331
Roemer	20 / 3	\$88	\$1,088	\$319	\$769
Trebesch	10 / 3	\$44	\$544	\$215	\$329
Pratt	20 / 3	\$88	\$1,088	\$215	\$873
Olson	20 / 2	\$88	\$1,088	\$215	\$873
Totals		\$440	\$5,440	\$943	\$4,497

### **RECOMMENDED ACTION:**

- Approve the Financial Reports for the month ended September 30, 2020

### **TO BE SENT UNDER SEPARATE COVER:**

- Financial Detail Report for September 30, 2020
- Fund Summary Report for September 30, 2020

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**SOIL & WATER  
CONSERVATION  
COMMISSION**

H. Norman Wright  
Chairman

Cathy Roemer  
Vice Chairman

Erik Olson  
Secretary

Gerald Trebesch  
Commissioner

Wendy Pratt  
Commissioner

Teri Murrison  
Administrator

**MEMO**

**TO: CHAIRMAN WRIGHT AND COMMISSIONERS  
ROEMER, OLSON, TREBESCH, AND PRATT**  
**FROM: RACHEL MISNICK, FISCAL MANAGER**  
**DATE: OCTOBER 29, 2020**  
**RE: FY 2022 BUDGET REQUEST**

**FY 2022 BUDGET ADJUSTMENTS**

The Commission's FY 2022 Budget Request was submitted by the due date of August 28, 2020.

The original FY 2022 Budget Preparation Guidance, prepared by DFM and provided on June 22, 2020, advised that all state agencies would freeze hiring, salaries, and spending at the FY 2021 ongoing General Fund appropriation amount, which totaled \$2,690,500; no line items requests were allowed, and replacement item requests not encouraged. Dedicated funds, such as RCRDP, SRF, etc., were not included in this amount.

On September 24, 2020, revised guidance was provided from DFM, allowing all agencies to restore requested maintenance growth due to the updated revenue situation for the State. In addition, projected additional ITS and SWCAP costs were allowed to be added to the amounts requested.

Budget revisions were due to be submitted no later than October 29, 2020 and were completed and submitted prior to that date.

**Revised Figures as of October 28, 2020:**

FROM	FTPs	PERSONNEL	OPERATING	CAPITAL	TRUSTEE & BENEFIT	TOTAL
General Fund: Administration & Board	15.62	1,283,600	226,600		1,228,100	2,738,300
Dedicated Fund: RCRDP Administration	2.13	180,700	163,500			344,200
Dedicated Fund: Professional			30,000			30,000
Dedicated Fund: Revolving Fund			30,000			30,000
TOTAL	17.75	1,464,300	450,100		1,228,100	3,142,500

**RECOMMENDED ACTION:** Approve FY 2022 Budget Request Modifications as presented.

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**SOIL & WATER  
CONSERVATION  
COMMISSION**

H. Norman Wright  
Chairman

Cathy Roemer  
Vice Chairman

Erik Olson  
Secretary

Gerald Trebesch  
Commissioner

Wendy Pratt  
Commissioner

Teri Murrison  
Administrator

**MEMO**

**TO: CHAIRMAN WRIGHT AND COMMISSIONERS ROEMER, TREBESCH, PRATT, AND OLSON**  
**FROM: DELWYNE TREFZ, DEPUTY ADMINISTRATOR**  
**DATE: OCTOBER 22, 2020**  
**RE: NOVEMBER DISTRIBUTION OF DISTRICT MATCH ALLOCATIONS**

During your October 1<sup>st</sup> meeting you approved FY 2021 District match funds allocations as recommended by the District Allocations Work Group and your staff. Your action triggered the beginning of a 28-day period during which any person who believes they were aggrieved by your action could file a petition for judicial review of your action. The 28-day opportunity to petition ended October 29. Because no judicial reviews are pending, staff ask that you approve distribution of the \$525,377.60 available match funds as presented in the attached "Recommended District Match Allocations for November 2020 Distribution". Staff will begin processing District match allocations immediately and expect to complete distribution of these funds before the end of November.

To bring you up to date with the disbursement of our Trustee and Benefit appropriation for FY 2021, recall that our original appropriation was \$1,228,100. By executive order, the Governor rescinded 5% (\$61,405) of our appropriation and you directed staff to hold-back an additional 9.4% (\$116,317) in preparation for possible future rescissions. In Spring, 2021 staff will distribute the available held-back funds based on actual rescission orders. This is shown in the attached "FY2021 T&B Appropriation & Disbursements" spreadsheet.

**RECOMMENDED ACTION:**

Approve distribution of November match allocations as recommended by staff.

**ATTACHMENTS:**

- Recommended District Match Allocations for November 2020 Distribution
- FY2021 T&B Appropriation & Disbursements

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**Recommended District Match Allocations for November, 2020 Distribution**

<b>District</b>	<b>Recommended Match Eligible Local Funds &amp; Services</b>	<b>Match Allowed (2:1, not to exceed \$50,000)</b>	<b>Recommended Match for Distribution November, 2020</b>
Ada	\$60,000.00	\$50,000.00	\$50,000.00
Adams	\$6,900.00	\$13,800.00	\$6,653.97
Balanced Rock	\$9,000.00	\$18,000.00	\$8,679.09
Bear Lake	\$12,741.95	\$25,483.90	\$12,287.61
Benewah	\$5,000.00	\$10,000.00	\$4,821.71
Blaine	\$0.00	\$0.00	\$0.00
Bonner	\$14,500.00	\$29,000.00	\$13,982.97
Boundary	\$9,000.00	\$18,000.00	\$8,679.09
Bruneau River	\$2,400.00	\$4,800.00	\$2,314.42
Butte	\$10,060.00	\$20,120.00	\$9,701.29
Camas	\$5,200.00	\$10,400.00	\$5,014.58
Canyon	\$15,000.00	\$30,000.00	\$14,465.14
Caribou	\$11,438.25	\$22,876.50	\$11,030.39
Central Bingham	\$3,850.00	\$7,700.00	\$3,712.72
Clark	\$7,500.00	\$15,000.00	\$7,232.57
Clearwater	\$30,000.00	\$50,000.00	\$28,930.28
Custer	\$6,000.00	\$12,000.00	\$5,786.06
East Cassia	\$6,000.00	\$12,000.00	\$5,786.06
East Side	\$10,000.00	\$20,000.00	\$9,643.43
Elmore	\$10,000.00	\$20,000.00	\$9,643.43
Franklin	\$6,800.00	\$13,600.00	\$6,557.53
Gem	\$6,250.00	\$12,500.00	\$6,027.14
Gooding	\$7,200.00	\$14,400.00	\$6,943.27
Idaho	\$10,000.00	\$20,000.00	\$9,643.43
Jefferson	\$9,500.00	\$19,000.00	\$9,161.26
Kootenai-Shoshone	\$2,045.00	\$4,090.00	\$1,972.08
Latah	\$18,250.00	\$36,500.00	\$17,599.26
Lemhi	\$11,100.00	\$22,200.00	\$10,704.21
Lewis	\$8,000.00	\$16,000.00	\$7,714.74
Madison	\$6,500.00	\$13,000.00	\$6,268.23
Minidoka	\$12,000.00	\$24,000.00	\$11,572.11
Nez Perce	\$53,124.00	\$50,000.00	\$50,000.00
North Bingham	\$2,200.00	\$4,400.00	\$2,121.55
North Side	\$12,000.00	\$24,000.00	\$11,572.11
Oneida	\$16,500.00	\$33,000.00	\$15,911.66
Owyhee	\$4,500.00	\$9,000.00	\$4,339.54
Payette	\$9,000.00	\$18,000.00	\$8,679.09
Portneuf	\$22,500.00	\$45,000.00	\$21,697.71
Power	\$8,500.00	\$17,000.00	\$8,196.91

<b>District</b>	<b>Recommended Match Eligible Local Funds &amp; Services</b>	<b>Match Allowed (2:1, not to exceed \$50,000)</b>	<b>Recommended Match for Distribution November, 2020</b>
Snake River	\$8,500.00	\$17,000.00	\$8,196.91
South Bingham	\$2,000.00	\$4,000.00	\$1,928.69
Squaw Creek	\$7,950.00	\$15,900.00	\$7,666.53
Teton	\$6,851.00	\$13,702.00	\$6,606.71
Twin Falls	\$8,500.00	\$17,000.00	\$8,196.91
Valley	\$15,170.00	\$30,340.00	\$14,629.08
Weiser River	\$14,000.00	\$28,000.00	\$13,500.80
West Cassia	\$6,000.00	\$12,000.00	\$5,786.06
West Side	\$12,500.00	\$25,000.00	\$12,054.29
Wood River	\$7,200.00	\$14,400.00	\$6,943.27
Yellowstone	\$5,000.00	\$10,000.00	\$4,821.71
<b>TOTAL</b>	<b>\$554,230.20</b>	<b>\$972,212.40</b>	<b>\$525,377.60</b>

**FY2021 T&B APPROPRIATION & DISBURSEMENTS**

ITEM	EXPENDED	BALANCE
GF APPROPRIATION		\$1,228,100.00
5% RECISSION ORDERD BY GOVERNOR	\$61,405.00	\$1,166,695.00
ADDITIONAL HOLD-BACK IMPLEMENTED BY SWCC	\$66,317.40	\$1,100,377.60
CAP BLDG HOLD-BACK IMPLEMENTED BY SWCC	\$50,000.00	\$1,050,377.60
BASE ALLOCATIONS DISBURSED	\$425,000.00	\$625,377.60
OPERATIONS ALLOCATIONS DISBURSED	\$100,000.00	\$525,377.60
MATCH ALLOCATIONS FOR NOV. DISBURSEMENT	\$525,377.60	\$0.00

TOTAL RECISSION PLUS HOLDBACKS THROUGH NOVEMBER, 2020	\$177,722.40
RECISSION PLUS HOLDBACKS AS A PERCENT OF ORIGINAL APPROPRIATION:	14.4713%

IN SPRING, 2021 SWCC WILL DISTRIBUTE THE AVAILABLE HELD-BACK FUNDS BASED ON ACTUAL RECISSION ORDERS.

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**SOIL & WATER  
CONSERVATION  
COMMISSION**

H. Norman Wright  
Chairman

Cathy Roemer  
Vice Chairman

Erik Olson  
Secretary

Gerald Trebesch  
Commissioner

Wendy Pratt  
Commissioner

Teri Murrison  
Administrator

**MEMO**

**TO: CHAIRMAN WRIGHT AND COMMISSIONERS ROEMER, TREBESCH,  
OLSON, AND PRATT**  
**FROM: TERI MURRISON, ADMINISTRATOR**  
**DATE: OCTOBER 19, 2020**  
**RE: OMNIBUS FEE RULE OF THE IDAHO STATE SOIL AND WATER  
CONSERVATION COMMISSION, DOCKET 60-0501-2000F**

At the August 13, 2020 Commission meeting, your Board approved proposed Omnibus Rule IDAPA 60.05.01, Rules of the Idaho State Soil and Water Conservation. A notice of public hearing on the proposed rule was published in the September 16th Administrative Bulletin and a public hearing was held on September 21<sup>st</sup>, 2020.

No comments were received at the hearing, nor were any written comments received prior to the deadline of October 7, 2020. No changes have been made to the proposed rule your Board approved as a result.

In order to be considered by the House and Senate Ag Committees in the 2021 Legislative session, the pending rule must be submitted to the Administrative Rules office by November 6<sup>th</sup> for publication in the November 18, 2020 Administrative Bulletin.

Staff recommends the Board adopt as pending and republish the Omnibus Fee Rule in the November 18, 2020 Administrative Bulletin under Docket 60-0501-2000F.

**RECOMMENDED ACTIONS:**

Adopt as pending and republish the Omnibus Fee Rule in the November 18, 2020 Administrative Bulletin under Docket 60-0501-2000F.

**ATTACHMENTS:**

- Notice of Omnibus Rulemaking, Adoption of Pending Fee Rule IDAPA 60.05.01, Rules of the Idaho State Soil and Water Conservation Commission

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

**NOTICE OF OMNIBUS RULEMAKING - ADOPTION OF PENDING FEE RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2021 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 22-2718, 22-2727, and 22-2730, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed fee rule and the text of the pending fee rule with an explanation of the reasons for the change.

This pending fee rule adopts and re-publishes the following existing and previously approved and codified chapter(s) under IDAPA 60, rules of the Idaho State Soil and Water Conservation Commission:

- **IDAPA 60 •** \*60.05.01, Rules of the Idaho State Soil and Water Conservation Commission

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This rulemaking does not impose a fee or charge, or increase a fee or charge, beyond what was previously approved and codified in the prior rules. Rule 60.05.01.102.05 states, “[t]he applicant is required to cover all costs incurred for loan closure, title insurance, and recording fees.”

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: This rulemaking is not anticipated to have any fiscal impact on the state general fund because the FY2020 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Teri Murrison, Administrator, 208-332-1790.

DATED this 5<sup>th</sup> day of November, 2020.

Teri Murrison, Administrator  
Idaho Soil & Water Conservation Commission  
322 E. Front St., Suite 560  
P.O. Box 83720 Boise, ID 83720-0083  
Phone: (208) 332-1792  
Fax: (208) 332-1799