



IDAHO SOIL & WATER CONSERVATION COMMISSION

REGULAR MEETING NOTICE & AGENDA

Idaho Soil & Water Conservation Commission
November 18, 2021, 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: 857 5753 3056 Zoom Password: 939516

*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 20-17, persons attending the meeting in person are requested to wear face covering that completely cover their nose and mouth if 6 feet of distance cannot be maintained.

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 so advance arrangements can be made.

1.	WELCOME, SELF-INTRODUCTIONS, AND ROLL CALL	Chairman Wright
2.	PARTNER REPORTS (information only)	
* 3.	AGENDA REVIEW (<u>potential action item</u>) The Agenda may be amended by formal Board action, if necessary, at the meeting. If so, a motion that states the reason for the amendment and the good faith reason the item was not included in the original agenda will be made and approved by the Board.	Chairman Wright
NON-ACTION ITEMS		
4.	LISTENING SESSION (<i>opportunity for Districts and other stakeholders to give input on topics of interest/concern</i>)	Chairman Wright
# 5.	COVID-19 GUIDANCE FOR FEDERAL CONTRACTORS AND SUBCONTRACTORS ACTION: For information only.	

(*) Action Item

(#) Attachment

ACTION: Staff recommended action for Commission consideration

Thursday, Nov. 19, 2021 Meeting Agenda

Date of Notice: Nov. 12, 2021

	6.	REPORTS <i>Commissioners and staff only, no discussion</i> <u>ACTION:</u> None, for information only.	Commissioners, Staff
ACTION ITEMS			
#	7.	ADMINISTRATOR'S REPORT <ul style="list-style-type: none"> • MOA Update • Partnership Building Activities • Infrastructure Investment and Jobs Act (IIJA) • FY 2022 Meeting Schedule <u>ACTION:</u> Direct staff to submit to LSO and DFM a revised FY 2023 budget request for [amount to be presented during the Nov 18 th SWCC Board meeting] ongoing federal fund spending authority over the next five years to address natural resources-related infrastructure, wildfire management, and ecosystem restoration.	Trefz
*	8.	MINUTES <ol style="list-style-type: none"> 1. August 19, 2021 2. October 22, 2021 <u>ACTION:</u> Approve.	Chairman Wright
*#	9.	FINANCIAL REPORTS <ol style="list-style-type: none"> 1. September 30, 2021 2. October 31, 2021 <u>ACTION:</u> Approve.	Misnick
*#	10.	OMNIBUS RULE OF THE IDAHO STATE SOIL AND WATER CONSERVATION COMMISSION, DOCKET 60-0501-2100 <u>ACTION:</u> Adopt as pending IDAPA 60.05.01, Rules of the Idaho State Soil and Water Conservation Commission, as published in the October 20, 2021, Idaho Administrative Special Edition Bulletin, and direct staff to submit a <i>Notice of Omnibus Rulemaking – Adoption of Pending Rule</i> form to DFM no later than November 24 th , 2021.	Trefz
POSSIBLE ACTION ITEMS			
	11.	EXECUTIVE SESSION <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)(d) for the purpose of discussing a loan. <u>Roll Call Vote</u>	Chairman Wright
	a.	RESOURCE CONSERVATION & RANGELAND DEVELOPMENT PROGRAM The Commission will convene in Executive Session to consider approval or denial of a loan application. <ul style="list-style-type: none"> • Loan Application # A-748 <u>ACTION:</u> For consideration and possible action outside of Executive Session	Hoebelheinrich
OPEN SESSION and ADJOURN <i>The next Regular Commission Meeting is scheduled on December 16, 2021, at 10:00 AM MT in Boise, Idaho.</i>			

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**SOIL & WATER
CONSERVATION
COMMISSION**

H. Norman Wright
Chairman

Cathy Roemer
Vice Chairman

Erik Olson
Secretary

Wendy Pratt
Commissioner

Delwyne Trefz
Administrator

MEMO

TO: CHAIRMAN WRIGHT AND COMMISSIONERS ROEMER, OLSON, AND PRATT
FROM: DELWYNE TREFZ, ADMINISTRATOR
DATE: NOVEMBER 10, 2021
RE: COVID-19 WORKPLACE SAFETY GUIDELINES FOR FEDERAL CONTRACTORS

President Biden's Executive Order 14042 Ensuring Adequate COVID Safety Protocols for Federal Contractors, requires all federal executive departments and agencies to include a contract clause in "covered" federal contracts or subcontracts requiring that covered contract employees obtain a COVID-19 vaccination (except in limited circumstances where an employee is legally entitled to an accommodation). The Safer Federal Workforce Task Force has provided *COVID-19 Workplace Safety: Guidance for Federal Contractors and Subcontractors*, which is attached.

Governor Little and the State of Idaho have joined a lawsuit filed by Georgia in federal court challenging the legality of the vaccination mandate. At the same time, the Governor is also in the process of assessing legal and financial impacts of the Executive Order on the State of Idaho. Governor Little has directed all state agencies to assist in this assessment by reporting to the Division of Financial Management details related to any "covered" contracts that will be up for renewal or new contracts agencies are considering entering into.

Although we do not at this time have any federal contracts, your Board and staff need to be aware that Executive Order 14042 may impact our ability to enter into federal contracts in the future.

On a related note, as of November 10th, Idaho NRCS staff have not received USDA-specific guidance for how Executive Order 14042 is to be implemented. At this time Conservation District and Commission staff are able to work in NRCS field offices as long as the local NRCS Team Leader is able to comply with the percentage of occupancy limits which are dependent upon COVID-19 infection and positivity numbers within each county.

ATTACHMENTS:

- COVID-19 Workplace Safety: Guidance for Federal Contractors and Subcontractors

RECOMMENDED ACTIONS:

For Information Only

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Safer Federal Workforce Task Force
COVID-19 Workplace Safety: Guidance for Federal Contractors and Subcontractors
Issued September 24, 2021

Introduction

On September 9, President Biden announced his [Path Out of the Pandemic: COVID-19 Action Plan](#). One of the main goals of this science-based plan is to get more people vaccinated. As part of that plan, the President signed Executive Order 14042, [Ensuring Adequate COVID Safety Protocols for Federal Contractors](#), (“the order”) which directs executive departments and agencies, including independent establishments subject to the Federal Property and Administrative Services Act, 40 U.S.C. § 102(4)(A), to ensure that covered contracts and contract-like instruments include a clause (“the clause”) that the contractor and any subcontractors (at any tier) shall incorporate into lower-tier subcontracts. This clause shall specify that the contractor or subcontractor shall, for the duration of the contract, comply with all guidance for contractor or subcontractor workplace locations published by the Safer Federal Workforce Task Force (“Task Force”), provided that the Director of the Office of Management and Budget (“OMB”) approves the Task Force Guidance (the or this “Guidance”) and determines that the Guidance, if adhered to by covered contractors, will promote economy and efficiency in Federal contracting.

The actions directed by the order will ensure that parties who contract with the Federal Government provide COVID-19 safeguards in workplaces with individuals working on or in connection with a Federal Government contract or contract-like instrument. These workplace safety protocols will apply to all covered contractor employees, including contractor or subcontractor employees in covered contractor workplaces who are not working on a Federal Government contract or contract-like instrument. These safeguards will decrease the spread of SARS-CoV-2, the virus that causes COVID-19, which will decrease worker absence, reduce labor costs, and improve the efficiency of contractors and subcontractors performing work for the Federal Government.

Pursuant to this Guidance, and in addition to any requirements or workplace safety protocols that are applicable because a contractor or subcontractor employee is present at a Federal workplace, Federal contractors and subcontractors with a covered contract will be required to conform to the following workplace safety protocols:

1. COVID-19 vaccination of covered contractor employees, except in limited circumstances where an employee is legally entitled to an accommodation;
2. Compliance by individuals, including covered contractor employees and visitors, with the Guidance related to masking and physical distancing while in covered contractor workplaces; and
3. Designation by covered contractors of a person or persons to coordinate COVID-19 workplace safety efforts at covered contractor workplaces.

The order also sets out a process for OMB and the Safer Federal Workforce Task Force to update the Guidance for covered contractors, which the Task Force will consider doing based on future changes to Centers for Disease Control and Prevention (“CDC”) COVID-19 guidance and as warranted by the circumstances of the pandemic and public health conditions. It also sets out a process for the Federal Acquisition Regulatory Council (“FAR Council”) to implement such protocols and guidance for covered Federal procurement solicitations and contracts subject to the Federal Acquisition Regulation (“FAR”) and for agencies that are responsible for covered contracts and contract-like instruments not subject to the FAR to take prompt action to ensure that those covered contracts and contract-like instruments include the clause, consistent with the order.

Covered contractors shall adhere to the requirements of this Guidance. The Director of OMB has, as authorized by Executive Order 14042, approved this Guidance and has, an exercise of the delegation of authority (see 3 U.S.C. § 301) under the Federal Property and Administrative Services Act determined that this Guidance will promote economy and efficiency in Federal contracting if adhered to by Government contractors and subcontractors. The Director has published such determination in the Federal Register.

Definitions

Community transmission – means the level of community transmission as set forth in the [CDC COVID-19 Data Tracker County View](#).

Contract and contract-like instrument – has the meaning set forth in the Department of Labor’s proposed rule, “Increasing the Minimum Wage for Federal Contractors,” [86 Fed. Reg. 38,816, 38,887](#) (July 22, 2021). If the Department of Labor issues a final rule relating to that proposed rule, this term shall have the meaning set forth in that final rule.

That proposed rule defines a contract or contract-like instrument as an agreement between two or more parties creating obligations that are enforceable or otherwise recognizable at law. This definition includes, but is not limited to, a mutually binding legal relationship obligating one party to furnish services (including construction) and another party to pay for them. The term contract includes all contracts and any subcontracts of any tier thereunder, whether negotiated or advertised, including any procurement actions, lease agreements, cooperative agreements, provider agreements, intergovernmental service agreements, service agreements, licenses, permits, or any other type of agreement, regardless of nomenclature, type, or particular form, and whether entered into verbally or in writing. The term contract shall be interpreted broadly as to include, but not be limited to, any contract within the definition provided in the FAR at 48 CFR chapter 1 or applicable Federal statutes. This definition includes, but is not limited to, any contract that may be covered under any Federal procurement statute. Contracts may be the result of competitive bidding or awarded to a single source under applicable authority to do so. In addition to bilateral instruments, contracts include, but are not limited to, awards and notices of awards; job orders or task letters issued under basic ordering agreements; letter contracts; orders, such as purchase orders, under which the contract becomes effective by written acceptance or performance; exercised contract options; and bilateral contract modifications. The term contract includes contracts covered by the Service Contract Act, contracts covered by the Davis-Bacon Act, concessions contracts not otherwise subject to the Service Contract Act, and contracts in connection with Federal property or land and related to offering services for Federal employees, their dependents, or the general public.

Contractor or subcontractor workplace location – means a location where covered contract employees work, including a covered contractor workplace or Federal workplace.

Covered contract – means any contract or contract-like instrument that includes the clause described in Section 2(a) of the order.

Covered contractor – means a prime contractor or subcontractor at any tier who is party to a covered contract.

Covered contractor employee – means any full-time or part-time employee of a covered contractor working on or in connection with a covered contract or working at a covered

contractor workplace. This includes employees of covered contractors who are not themselves working on or in connection with a covered contract.

Covered contractor workplace – means a location controlled by a covered contractor at which any employee of a covered contractor working on or in connection with a covered contract is likely to be present during the period of performance for a covered contract. A covered contractor workplace does not include a covered contractor employee’s residence.

Federal workplace – means any place, site, installation, building, room, or facility in which any Federal executive department or agency conducts official business, or is within an executive department or agency’s jurisdiction, custody, or control.

Fully vaccinated – People are considered [fully vaccinated](#) for COVID-19 two weeks after they have received the second dose in a two-dose series, or two weeks after they have received a single-dose vaccine. There is currently no post-vaccination time limit on fully vaccinated status; should such a limit be determined by the Centers for Disease Control and Prevention, that limit will be considered by the Task Force and OMB for possible updating of this Guidance.

For purposes of this Guidance, people are considered fully vaccinated if they have received COVID-19 vaccines currently approved or authorized for emergency use by the U.S. Food and Drug Administration (Pfizer-BioNTech, Moderna, and Johnson & Johnson [J&J]/Janssen COVID-19 vaccines) or COVID-19 vaccines that have been listed for emergency use by the World Health Organization (e.g., AstraZeneca/Oxford). More information is available at [Interim Clinical Considerations for Use of COVID-19 Vaccines | CDC](#).

Clinical trial participants from a U.S. site who are documented to have received the full series of an “active” (not placebo) COVID-19 vaccine candidate, for which vaccine efficacy has been independently confirmed (e.g., by a data and safety monitoring board), can be considered fully vaccinated two weeks after they have completed the vaccine series. Currently, the Novavax COVID-19 vaccine meets these criteria. More information is available at the CDC website [here](#).

Mask – means any mask that is consistent with CDC recommendations as set forth in [Types of Masks and Respirators | CDC](#). This may include the following: disposable masks, masks that fit properly (snugly around the nose and chin with no large gaps around the sides of the face), masks made with breathable fabric (such as cotton), masks made with tightly woven fabric (i.e., fabrics that do not let light pass through when held up to a light source), masks with two or three layers, masks with inner filter pockets, and filtering facepiece respirators that are approved by the National Institute for Occupational Safety and Health or consistent with international standards. The following do not constitute masks for purposes of this Guidance: masks with exhalation valves, vents, or other openings; face shields only (without mask); or masks with single-layer fabric or thin fabric that does not block light.

Guidance

Covered contractors are responsible for ensuring that covered contractor employees comply with the workplace safety protocols detailed below. Covered contractor employees must also comply with agency COVID-19 workplace safety requirements while in Federal workplaces.

Consistent with applicable law, agencies are strongly encouraged to incorporate a clause requiring compliance with this Guidance into contracts that are not covered or directly addressed by the order because the contract is under the Simplified Acquisition Threshold as defined in section 2.101 of the FAR or is a contract or subcontract for the manufacturing of products. Agencies are also strongly encouraged to incorporate a clause requiring compliance with this Guidance into existing contracts and contract-like instruments prior to the date upon which the order requires inclusion of the clause.

1. Vaccination of covered contractor employees, except in limited circumstances where an employee is legally entitled to an accommodation

Covered contractors must ensure that all covered contractor employees are fully vaccinated for COVID-19, unless the employee is legally entitled to an accommodation. Covered contractor employees must be fully vaccinated no later than December 8, 2021. After that date, all covered contractor employees must be fully vaccinated by the first day of the period of performance on a newly awarded covered contract, and by the first day of the period of performance on an exercised option or extended or renewed contract when the clause has been incorporated into the covered contract.

A covered contractor may be required to provide an accommodation to covered contractor employees who communicate to the covered contractor that they are not vaccinated against COVID-19 because of a disability (which would include medical conditions) or because of a sincerely held religious belief, practice, or observance. A covered contractor should review and consider what, if any, accommodation it must offer. Requests for “medical accommodation” or “medical exceptions” should be treated as requests for a disability accommodation.

Should a Federal agency have an urgent, mission-critical need for a covered contractor to have covered contractor employees begin work on a covered contract or at a covered workplace before becoming fully vaccinated, the agency head may approve an exception for the covered contractor—in the case of such limited exceptions, the covered contractor must ensure these covered contractor employees are fully vaccinated within 60 days of beginning work on a covered contract or at a covered workplace. The covered contractor must further ensure that such employees comply with masking and physical distancing requirements for not fully vaccinated individuals in covered workplaces prior to being fully vaccinated.

The covered contractor must review its covered employees’ documentation to prove vaccination status. Covered contractors must require covered contractor employees to show or provide their

employer with one of the following documents: a copy of the record of immunization from a health care provider or pharmacy, a copy of the COVID-19 Vaccination Record Card (CDC Form MLS-319813_r, published on September 3, 2020), a copy of medical records documenting the vaccination, a copy of immunization records from a public health or State immunization information system, or a copy of any other official documentation verifying vaccination with information on the vaccine name, date(s) of administration, and the name of health care professional or clinic site administering vaccine. Covered contractors may allow covered contractor employees to show or provide to their employer a digital copy of such records, including, for example, a digital photograph, scanned image, or PDF of such a record.

The covered contractor shall ensure compliance with the requirements in this Guidance related to the showing or provision of proper vaccination documentation.

Covered contractors are strongly encouraged to incorporate similar vaccination requirements into their non-covered contracts and agreements with non-covered contractors whose employees perform work at covered contractor workplaces but who do not work on or in connection with a Federal contract, such as those contracts and agreements related to the provision of food services, onsite security, or groundskeeping services at covered contractor workplaces.

2. Requirements related to masking and physical distancing while in covered contractor workplaces

Covered contractors must ensure that all individuals, including covered contractor employees and visitors, comply with published CDC guidance for masking and physical distancing at a covered contractor workplace, as discussed further in this Guidance.

In addition to the guidance set forth below, CDC's guidance for mask wearing and physical distancing in specific settings, including healthcare, transportation, correctional and detention facilities, and schools, must be followed, as applicable.

In areas of high or substantial community transmission, fully vaccinated people must wear a mask in indoor settings, except for limited exceptions discussed in this Guidance. In areas of low or moderate community transmission, fully vaccinated people do not need to wear a mask. Fully vaccinated individuals do not need to physically distance regardless of the level of transmission in the area.

Individuals who are not fully vaccinated must wear a mask indoors and in certain outdoor settings (see below) regardless of the level of community transmission in the area. To the extent practicable, individuals who are not fully vaccinated should maintain a distance of at least six feet from others at all times, including in offices, conference rooms, and all other communal and work spaces.

Covered contractors must require individuals in covered contractor workplaces who are required to wear a mask to:

- Wear appropriate masks consistently and correctly (over mouth and nose).
- Wear appropriate masks in any common areas or shared workspaces (including open floorplan office space, cubicle embankments, and conference rooms).
- For individuals who are not fully vaccinated, wear a mask in crowded outdoor settings or during outdoor activities that involve sustained close contact with other people who are not fully vaccinated, consistent with CDC guidance.

A covered contractor may be required to provide an accommodation to covered contractor employees who communicate to the covered contractor that they cannot wear a mask because of a disability (which would include medical conditions) or because of a sincerely held religious belief, practice, or observance. A covered contractor should review and consider what, if any, accommodation it must offer.

Covered contractors may provide for exceptions to mask wearing and/or physical distancing requirements consistent with CDC guidelines, for example, when an individual is alone in an office with floor to ceiling walls and a closed door, or for a limited time when eating or drinking and maintaining appropriate distancing. Covered contractors may also provide exceptions for covered contractor employees engaging in activities in which a mask may get wet; high intensity activities where covered contractor employees are unable to wear a mask because of difficulty breathing; or activities for which wearing a mask would create a risk to workplace health, safety, or job duty as determined by a [workplace risk assessment](#). Any such exceptions must be approved in writing by a duly authorized representative of the covered contractor to ensure compliance with this Guidance at covered contractor workplaces, as discussed further below.

Masked individuals may be asked to lower their masks briefly for identification purposes in compliance with safety and security requirements.

Covered contractors must check the [CDC COVID-19 Data Tracker County View website](#) for community transmission information in all areas where they have a covered contractor workplace at least weekly to determine proper workplace safety protocols. When the level of community transmission in the area of a covered contractor workplace increases from low or moderate to substantial or high, contractors and subcontractors should put in place more protective workplace safety protocols consistent with published guidelines. However, when the level of community transmission in the area of a covered contractor workplace is reduced from high or substantial to moderate or low, the level of community transmission must remain at that lower level for at least two consecutive weeks before the covered contractor utilizes those protocols recommended for areas of moderate or low community transmission.

3. *Designation by covered contractors of a person or persons to coordinate COVID-19 workplace safety efforts at covered contractor workplaces.*

Covered contractors shall designate a person or persons to coordinate implementation of and compliance with this Guidance and the workplace safety protocols detailed herein at covered contractor workplaces. The designated person or persons may be the same individual(s) responsible for implementing any additional COVID-19 workplace safety protocols required by local, State, or Federal law, and their responsibilities to coordinate COVID-19 workplace safety protocols may comprise some or all of their regular duties.

The designated individual (or individuals) must ensure that information on required COVID-19 workplace safety protocols is provided to covered contractor employees and all other individuals likely to be present at covered contractor workplaces, including by communicating the required workplace safety protocols and related policies by email, websites, memoranda, flyers, or other means and posting signage at covered contractor workplaces that sets forth the requirements and workplace safety protocols in this Guidance in a readily understandable manner. This includes communicating the COVID-19 workplace safety protocols and requirements related to masking and physical distancing to visitors and all other individuals present at covered contractor workplaces. The designated individual (or individuals) must also ensure that covered contractor employees comply with the requirements in this guidance related to the showing or provision of proper vaccination documentation.

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Frequently Asked Questions

Vaccination and Safety Protocols

Q1: How do covered contractors determine vaccination status of visitors to covered contractor workplaces?

A: Covered contractors should post signage at entrances to covered contractor workplaces providing information on safety protocols for fully vaccinated and not fully vaccinated individuals, including the protocols defined in the masking and physical distancing section above, and instruct individuals to follow the appropriate workplace safety protocols while at the covered contractor workplace. Covered contractors may take other reasonable steps, such as by communicating workplace safety protocols to visitors prior to their arrival at a covered contractor workplace or requiring all visitors to follow masking and physical distancing protocols for not fully vaccinated individuals.

Q2: Do covered contractors need to provide onsite vaccinations to their employees?

A: Covered contractors should ensure their employees are aware of [convenient opportunities to be vaccinated](#). Although covered contractors may choose to provide vaccinations at their facilities or workplaces, given the widespread availability of vaccinations, covered contractors are not required to do so.

Q3: What should a contractor employee do if a covered contractor employee has lost or does not have a copy of required vaccination documentation?

A: If covered contractor employees need new vaccination cards or copies of other documentation proof of vaccination, they should contact the vaccination provider site where they received their vaccine. Their provider should be able to provide them with new cards or documentation with up-to-date information about the vaccinations they have received. If the location where the covered contractor employees received their COVID-19 vaccine is no longer operating, the covered contractor employees should contact their State or local health department's [immunization information system \(IIS\)](#) for assistance. Covered contractor employees should [contact their State or local health department](#) if they have additional questions about vaccination cards or vaccination records.

An attestation of vaccination by the covered contractor employee is not an acceptable substitute for documentation of proof of vaccination.

Q4: Who is responsible for determining if a covered contractor employee must be provided an accommodation because of a disability or because of a sincerely held religious belief, practice, or observance?

A: A covered contractor may be required to provide an accommodation to contractor employees who communicate to the covered contractor that they are not vaccinated for COVID-19, or that they cannot wear a mask, because of a disability (which would include medical conditions) or because of a sincerely held religious belief, practice, or observance. A covered contractor should review and consider what, if any, accommodation it must offer. The contractor is responsible for considering, and dispositioning, such requests for accommodations regardless of the covered contractor employee's place of performance. If the agency that is the party to the covered contract is a "joint employer" for purposes of compliance with the Rehabilitation Act and Title VII of the Civil Rights Act, both the agency and the covered contractor should review and consider what, if any, accommodation they must offer.

Q5: Are covered contractor employees who have a prior COVID-19 infection required to be vaccinated?

A: Yes, covered contractor employees who have had a prior COVID-19 infection are required to be vaccinated. More information from CDC can be found [here](#).

Q6: Can a covered contractor accept a recent antibody test from a covered contractor employee to prove vaccination status?

A: No. A covered contractor cannot accept a recent antibody test from a covered contractor employee to prove vaccination status.

Workplaces

Q7: Does this Guidance apply to outdoor contractor or subcontractor workplace locations?

A: Yes, this Guidance applies to contractor or subcontractor workplace locations that are outdoors.

Q8: If a covered contractor employee is likely to be present during the period of performance for a covered contract on only one floor or a separate area of a building, site, or facility controlled by a covered contractor, do other areas of the building, site, or facility controlled by a covered contractor constitute a covered contractor workplace?

A: Yes, unless a covered contractor can affirmatively determine that none of its employees on another floor or in separate areas of the building will come into contact with a covered contractor employee during the period of performance of a covered contract. This would include affirmatively determining that there will be no interactions between covered contractor employees and non-covered contractor employees in those locations during the period of performance on a covered contract, including interactions through use of common areas such as lobbies, security clearance areas, elevators, stairwells, meeting rooms, kitchens, dining areas, and parking garages.

Q9: If a covered contractor employee performs their duties in or at only one building, site, or facility on a campus controlled by a covered contractor with multiple buildings, sites, or facilities, are the other buildings, sites, or facility controlled by a covered contractor considered a covered contractor workplace?

A: Yes, unless a covered contractor can affirmatively determine that none of its employees in or at one building, site, or facility will come into contact with a covered contractor employee during the period of performance of a covered contract. This would include affirmatively determining that there will be no interactions between covered contractor employees and non-covered contractor employees in those locations during the period of performance on a covered contract, including interactions through use of common areas such as lobbies, security clearance areas, elevators, stairwells, meeting rooms, kitchens, dining areas, and parking garages.

Q10: Are the workplace safety protocols enumerated above the same irrespective of whether the work is performed at a covered contractor workplace or at a Federal workplace?

A: Yes. The Guidance applies to all covered contractor employees and to all contractor or subcontractor workplace locations. While at a Federal workplace, covered contractor employees must also comply with any additional agency workplace safety requirements for that workplace. Because covered contractor employees working on a covered contract need to be fully vaccinated after December 8, 2021, covered contractor employees who work only at a Federal workplace need to be fully vaccinated by that date as well, unless legally entitled to an accommodation.

Q11: How does this Guidance apply to covered contractor employees who are authorized under the covered contract to perform work remotely from their residence?

A: An individual working on a covered contract from their residence is a covered contractor employee, and must comply with the vaccination requirement for covered contractor employees, even if the employee never works at either a covered contractor workplace or Federal workplace during the performance of the contract. A covered contractor employee's residence is not a covered contractor workplace, so while in the residence the individual need not comply with requirements for covered contractor workplaces, including those related to masking and physical distancing, even while working on a covered contract.

Scope and Applicability

Q12: By when must the requirements of the order be reflected in contracts?

A: Section 6 of the order lays out a phase-in of the requirements for covered contracts as follows:

- *Contracts awarded prior to October 15 where performance is ongoing* – the requirements must be incorporated at the point at which an option is exercised or an extension is made.
- *New contracts* – the requirements must be incorporated into contracts awarded on or after November 14. Between October 15 and November 14, agencies must include the clause in the solicitation and are encouraged to include the clause in contracts awarded during this time period but are not required to do so unless the solicitation for such contract was issued on or after October 15.

Q13: Must the order’s requirements be flowed down to all lower-tier subcontractors and, if so, who is responsible for flowing the clause down?

A: Yes. The requirements in the order apply to subcontractors at all tiers, except for subcontracts solely for the provision of products. The prime contractor must flow the clause down to first-tier subcontractors; higher-tier subcontractors must flow the clause down to the next lower-tier subcontractor, to the point at which subcontract requirements are solely for the provision of products.

Q14: Does the Guidance apply to small businesses?

A: Yes, the requirement to comply with this Guidance applies equally to covered contractors regardless of whether they are a small business. This broad application of COVID-19 guidance will more effectively decrease the spread of COVID-19, which, in turn, will decrease worker absence, reduce labor costs, and improve the efficiency of contractors and subcontractors at workplaces where they are performing work for the Federal Government.

Q15: What steps are being taken to promote consistent application of the order’s requirements across agencies?

A: The FAR Council will conduct a rulemaking to amend the FAR to include a clause that requires covered contractors performing under FAR-based contracts to comply with this Guidance for contractor and subcontractor workplace locations. Prior to rulemaking, by October 8, 2021, the FAR Council will develop a clause and recommend that agencies exercise their authority to deviate from the FAR using the procedures set forth in subpart 1.4. Agencies responsible for contracts and contract-like instruments that are not subject to the FAR, such as concession contracts, will be responsible for developing appropriate guidance by October 8, 2021 to incorporate requirements into their covered instruments entered into on or after October 15, 2021.

Q16: If the Safer Federal Workforce Task Force updates this Guidance to add new requirements, do those requirements apply to existing contracts?

A: Yes. Covered contractors are required to, for the duration of the contract, comply with all Task Force Guidance for contractor or subcontractor workplace locations, including any new

Guidance where the OMB Director approves the Guidance and determines that adherence to the Guidance will promote economy and efficiency in Federal contracting. The Task Force and OMB plan to ensure any workplace safety protocols reflect what is necessary to decrease the spread of COVID-19.

Q17: What constitutes work performed “in connection with” a covered contract?

A: Employees who perform duties necessary to the performance of the covered contract, but who are not directly engaged in performing the specific work called for by the covered contract, such as human resources, billing, and legal review, perform work in connection with a Federal Government contract.

Q18: Do the workplace safety protocols in the Guidance apply to covered contractor employees who perform work outside the United States?

A: No. The workplace safety protocols in the Guidance do not apply to covered contractor employees who only perform work outside the United States or its outlying areas, as those terms are defined in section 2.101 of the FAR.

Compliance

Q19: Does this clause apply in States or localities that seek to prohibit compliance with any of the workplace safety protocols set forth in this Guidance?

A: Yes. These requirements are promulgated pursuant to Federal law and supersede any contrary State or local law or ordinance. Additionally, nothing in this Guidance shall excuse noncompliance with any applicable State law or municipal ordinance establishing more protective workplace safety protocols than those established under this Guidance.

Q20: Can a covered contractor comply with workplace safety requirements from the Occupational Safety and Health Administration, including pursuant to any current or forthcoming Emergency Temporary Standard related to COVID-19, instead of the requirements of this Guidance?

A: No. Covered contractors must comply with the requirements set forth in this Guidance regardless of whether they are subject to other workplace safety standards.

Q21: What is the prime contractor’s responsibility for verifying that subcontractors are adhering to the mandate?

A: The prime contractor is responsible for ensuring that the required clause is incorporated into its first-tier subcontracts in accordance with the implementation schedule set forth in section 6 of the order. When the clause is incorporated into a subcontract, a subcontractor is required to

comply with this Guidance and the workplace safety protocols detailed herein. Additionally, first-tier subcontractors are expected to flow the clause down to their lower-tier subcontractors in similar fashion so that accountability for compliance is fully established throughout the Federal contract supply chain for covered subcontractor employees and workplaces at all tiers through application of the clause.

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**SOIL & WATER
CONSERVATION
COMMISSION**

H. Norman Wright
Chairman

Cathy Roemer
Vice Chairman

Erik Olson
Secretary

Wendy Pratt
Commissioner

Delwyne Trefz
Administrator

MEMO

**TO: CHAIRMAN WRIGHT AND COMMISSIONERS
ROEMER, OLSON, AND PRATT**
FROM: DELWYNE TREFZ, ADMINISTRATOR
DATE: NOVEMBER 10, 2021
RE: ADMINISTRATOR'S REPORT

State Level Memorandum of Agreement (MOA) between NRCS, Conservation Districts, and the Idaho Soil & Water Conservation Commission

To date, MOAs between NRCS, ISWCC and 42 Conservation Districts have been fully executed. In a nutshell, the MOAs are an expression of our common objectives—to deliver “technical and financial assistance to farmers, ranchers, forest stewards, and other entities to voluntarily protect, restore, and enhance the productivity of American agricultural lands”. A copy of the MOA is attached.

Of the eight Conservation Districts who have not executed the MOA, several are awaiting signatures while five have chosen not to enter into the agreement.

Partnership Building Activities

Partnership Strategic Plan Development—

November 1st, Curtis Elke, Benjamin Kelly and I met to begin discussing how to go about developing a shared ‘strategic plan’ for the Idaho Conservation Partnership—NRCS, IASCD, and ISWCC. We spent most of our time together considering how Districts could benefit from a funding opportunity which Curtis proposed. In brief, Curtis suggested that he could provide funds which would enable Districts in each of the 17 NRCS teams to hire technical and administrative staff to assist NRCS staff with Farm Bill programs. I committed to consult with the Governor’s Office and others in order to determine the feasibility of such a program and we agreed to meet again in early December to continue our discussion.

Informal Meeting with IASCD President Steve Becker and Division V Director Kit Tillotson—

November 8th Steve, Kit, and I had lunch in Boise and spent two hours brainstorming ideas for moving the partnership forward. They have a strong sense that the 2022 Legislative session will be an ideal opportunity to push for the resurrection of our Water Quality for Agriculture Program (WQPA) which was last funded in 2010.

The WQPA program was very popular with Districts and funded a lot of voluntary conservation work all around the state. Given the 3.1% cap on our FY2023 budget request, securing state funding for WQPA will rely upon effective lobbying on the part of IASCD and the Districts they represent. During your December or January meeting I’ll present an analysis of our preparedness to take on the administration and implementation of WQPA.

Steve, Kit, and I also agreed to work together to prepare a joint presentation for the germane committees of the House and Senate during the 2022 session. Our shared belief is that we will have a better chance of making progress with Legislators by demonstrating a united, rather than a divided front.

Informal Meeting with IASCD Division I Director, Bob Flagor

November 9th Bob Flagor and I met in Boise to share ideas related to nurturing functionally effective relationships throughout the conservation partnership in order to provide maximum benefit to Districts and to natural resources conservation. As with all relationships, accountability, transparency, and integrity are key to long-term success and Bob and I expressed our commitment to maintaining high levels of all three.

IASCD Directors Meeting

November 10th I met with the IASCD Directors in Boise. We discussed a broad range of topics, all related to building on our capacity as partners to expand our role as leaders of voluntary conservation in Idaho. The meeting was especially valuable as an opportunity to begin building relationships with the new IASCD Directors and strengthen relationships with the old.

Infrastructure Investment and Jobs Act (IIJA)

November 8th, Congress presented to President Biden for his signature the Infrastructure Investment and Jobs Act. This Act incorporates funding for a great many infrastructure programs.

November 10th, state agency directors were informed that the Division of Financial Management (DFM) and the Legislative Services Office (LSO) have jointly agreed to allow agencies a budget request revision deadline extension to add line items germane to their agencies around the provisions in IIJA. Agency directors were asked to review IIJA and determine if their agency has any needs for federal spending authority specific to what will be provided by the Federal Government in the IIJA. If we choose to request federal spending authority, DFM directed us to include the following narrative in our revised budget request: "Under the Infrastructure Investment and Jobs Act (IIJA) passed by Congress in November 2021, ongoing federal fund spending authority is requested over the next five years to address [describe program]."

Based on a quick, layperson's review of the 1,039-page Act, staff believe many of the natural resources-related infrastructure projects which Idaho Conservation Districts engage in, including wildfire risk management, ecosystem restoration, establishment of fuel breaks in forests and other wildlands, and projects to improve watershed health, may qualify for IIJA funding. Staff will complete an evaluation of our needs prior to your November 18th meeting and will be prepared with a dollar amount which we will recommend requesting during that meeting.

FY 2022 SWCC Meeting Schedule

Date & Time	Location	Meeting Type*
Nov. 18, 2021, 10-3, MT	322 E. Front Street, Suite 560, Boise	Regular
Dec. 16, 2021, 10-3, MT	322 E. Front Street, Suite 560, Boise	Regular
Jan. 20, 2022, 10-3, MT	322 E. Front Street, Suite 560, Boise	Regular

Feb. 17, 2022, 10-3, MT	322 E. Front Street, Suite 560, Boise	Regular
Mar. 17, 2022, 10-3, MT	322 E. Front Street, Suite 560, Boise	Regular
Apr. 21, 2022, 10-3, MT	322 E. Front Street, Suite 560, Boise	Regular
May 19, 2022, 10-3, MT	322 E. Front Street, Suite 560, Boise	Regular
Jun. 9, 2022, 10-3, MT	322 E. Front Street, Suite 560, Boise	Regular

*All meetings listed as Regular Meetings should be held in person and/or via video conference (Zoom) and teleconference. If necessary, additional Special Meetings can be added within the proper public meeting noticing requirements.

RECOMMENDED ACTION:

Move to direct staff to submit to LSO and DFM a revised FY 2023 budget request for [amount to be presented during the Nov 18th SWCC Board meeting] ongoing federal fund spending authority over the next five years to address natural resources-related infrastructure, wildfire management, and ecosystem restoration.

ATTACHMENTS:

Memorandum of Agreement Between NRCS, SWCD, and ISWCC

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MEMORANDUM OF AGREEMENT BETWEEN THE
United States Department of Agriculture, Natural Resources Conservation Service
AND
State of Idaho, Soil and Water Conservation District,
AND
Idaho Soil and Water Conservation Commission

I. PURPOSE

This Memorandum of Agreement (MOA) is entered into between the United States Department of Agriculture (USDA) Natural Resources Conservation Service (hereafter referred to as NRCS), the Soil and Water Conservation District, and the Idaho Soil and Water Conservation Commission.

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

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

II. BACKGROUND

The NRCS, Soil and Water Conservation District, and Idaho Soil and Water Conservation Commission share a rich history of collaborating to deliver comprehensive technical and financial assistance to farmers, ranchers, forest stewards, and other entities to voluntarily protect, restore, and enhance natural resources.

The Soil Conservation Service was established in 1935 (renamed NRCS in 1994 to reflect its broader conservation mission). NRCS is committed to “helping people help the land.” It provides assistance and

resources for conservation practices that improve water and air quality, prevent erosion, restore wetlands, and enhance wildlife. NRCS's approach to mission delivery and customer service is deeply rooted in the notion that locally-led, voluntary efforts yield the most effective and productive outcomes. Locally-led conservation is the principle that farmers, ranchers, and forest stewards know their lands better than anyone else based on their personal knowledge and experience with those lands. As such, they are best positioned to make optimal decisions for the benefit of their operations, its natural resource conditions, and their communities.

The first Conservation District was established in 1937 to provide local leadership in natural resources management. Conservation Districts serve as the link between federal, state, and local resources with farmers, ranchers, and forest stewards. They are responsible for promoting and carrying out their conservation programs by assisting communities and its members develop, apply, and maintain appropriate conservation practices and resource management systems. They are authorized to provide broad area planning and implementation assistance to units of government. They are a focal point for coordinating and delivering technical assistance and funding to their respective communities.

III. STATEMENT OF MUTUAL BENEFIT

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

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

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

A. Locally-Led, Voluntary Conservation

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

1. The Conservation District shall:

- a. Assist NRCS in promoting USDA programs by participating in outreach and community education activities.
- b. Advocate for a strong natural resource conservation program by keeping appropriate boards, landowners, legislators, county commissioners, and other key stakeholders apprised of conservation activities within the district.
- c. Assemble and chair the USDA local working group, as chartered under the State Technical Committee and authorized by 7 CFR 610, Part C, to encourage public participation.
 - i. Encourage diverse participation in local working groups through community outreach and education, to include stakeholders from historically underserved community.
 - ii. Open local working group meetings to the public and advertise notification of meetings in one or more newspapers, including Tribal publications.
 - iii. Develop the agenda and associated materials/information for local working groups and distribute at least 14 calendar days prior to the meeting.
 - iv. Develop and file local working group meeting records within 30 calendar days of the meetings at the local NRCS office.
 - v. Adhere to local working group responsibilities and standard operating procedures, as documented in NRCS policy (Title 440, Conservation Programs Manual).
- d. Develop the conservation needs assessment through broad-based community participation and in accordance with NRCS policy and procedures. This will provide a comprehensive evaluation of the district's natural resource base and be the basis for making decisions about local priorities or policies in all local conservation programs.
- e. Recommend local natural resource priorities and criteria for NRCS conservation activities and programs based on the conservation needs assessment and public input.
- f. Develop a District Long-Range Plan every three (3) years and an Annual Plan of Work each year, or as specified in state statute. These documents must incorporate local and community inputs.
- g. Identify NRCS program resources, develop and implement conservation plans and natural resource systems, and evaluate/measure the technical and community impacts of solutions.
- h. Update NRCS on activities of local and state advisory committees and community groups attended by Conservation District board members and staff.
- i. Cooperate and collaborate across conservation districts, as appropriate and as permitted by state statute.

2. NRCS shall:

- a. Support outreach activities and ensure the parties are kept informed of NRCS activities and programs on at least a monthly basis. This includes bringing technical and financial assistance opportunities (including matching fund strategies) to the attention of the Conservation District.
- b. Work cooperatively to solicit and leverage community recommendations to inform priorities that guide the delivery of NRCS conservation programs.

- i. Designate an NRCS representative to participate in Conservation District meetings and events, including local working group meetings. Alternatively, NRCS will chair the local working group should the Conservation District be unable or unwilling to.
 - ii. Develop and transmit written notifications to the local working group members as to the decisions made in response to their recommendations within 90 days.
 - c. Respond to requests from the parties for technical guidance and assistance.
 - d. Partner with local and Tribal agricultural, conservation, agency, and community groups where possible, to further Conservation District natural resource conservation goals and objectives.
 - e. Attempt to align program priorities within the conservation district with the natural resource concerns identified by the local working group.
 - f. Provide an annual summary of NRCS accomplishments to the parties.
3. The Idaho Soil and Water Conservation Commission shall:
- a. Facilitate coordination between conservation districts when appropriate.
 - b. Utilize conservation districts to administer state conservation programs when appropriate.
 - c. Serve on the State Technical Committee.

B. Adherence to Technical Standards

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

1. The Conservation District shall:
- a. Adhere to Federal, State, Local, and Tribal laws and regulations.
 - b. Adopt NRCS policies and procedures, including the NRCS Field Office Technical Guide (FOTG), and other science-based technical standards.
 - c. Leverage and promote use of USDA technologies and applications, as appropriate.
 - d. Assign conservation practice job approval authority to its personnel based on employee knowledge, skill, and ability level, and within applicable laws and guidelines. Obtain NRCS concurrence for job approval for practices involving USDA authorities or programs.
 - e. Participate in local, state, and national opportunities for policy, program, and project development.
2. NRCS shall:
- a. Develop, update, and disseminate technical standards, policies, and procedures.
 - b. Seek input and comment from communities on natural resource conservation policies and issues.
 - c. Inform the Conservation District and communities when pending statutes, laws, regulations, policies, or procedures may have a significant impact on the community.
 - d. Develop and provide access to USDA technologies and applications to facilitate shared standards, as appropriate.

- e. Provide job approval authority for non-NRCS employees, in accordance with NRCS policy and Federal, State, and local laws, regulations and codes.
 - f. Provide conservation planning certifications for non-NRCS employees in accordance with the NRCS policy and Federal, State, and local laws, regulations and codes
 - g. Create and promote opportunities for the Conservation District board members and staff to participate in policy, program, and project development.
 - h. Provide technical or other training for conservation partnership employees in conjunction with its own training, or as separate events. Training must be consistent with and support of NRCS's mission objectives. As such, the principle emphasis will be on the support and delivery of field-based conservation technical assistance.
3. The Soil and Water Conservation Commission shall:
- a. Adhere to Federal, State, Local, and Tribal laws and regulations.
 - b. Adopt NRCS policies and procedures, including the NRCS Field Office Technical Guide (FOTG), and other science-based technical standards.
 - c. Leverage and promote use of USDA technologies and applications, as appropriate.
 - d. Assure state statutes and regulations are observed by all parties.
- C. Data and Information Sharing
- 1. Any information furnished to NRCS under this agreement is subject to the Freedom of Information Act (5 U.S.C. 552).
 - 2. Activities performed under this agreement may involve access to confidential and potentially sensitive information about governmental and landowner issues. The term "confidential information" means proprietary information or data of a personal nature about an individual, or information or data submitted by or pertaining to an organization. This information must not be disclosed without the prior written consent of NRCS.
 - 3. Conservation District personnel will follow the rules and procedures of disclosure set forth in the Privacy Act of 1974, 5 U.S.C. Section 552a, and implementing regulations and policies with respect to systems of records determined to be subject to the Privacy Act. The Partner's personnel must also comply with privacy of personal information relating to natural resources conservation programs in accordance with section 1244 of Title II of the Farm Security and Rural Investment Act of 2002 (Public Law 107-171).
 - 4. See Appendix A, "ACKNOWLEDGMENT OF REQUIREMENTS FOR PROTECTION OF PRIVACY OF PERSONAL AND GEOSPATIAL INFORMATION RELATING TO NATURAL RESOURCES CONSERVATION SERVICE PROGRAMS." The signatory agrees to abide by these requirements as a condition of receiving access to such information.

IV. GENERAL PROVISIONS

A. Period of Performance

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

B. Amendments

1. This MOA may be extended or amended upon written request of either Party and the subsequent written concurrence of the other. Any of the parties may terminate this MOA with a 60-day written notice to the others.
2. This state-level MOA may be supplemented by a local-level MOA, if desired and mutually agreed to by the parties. Local-level MOAs reflect locally developed detailed working arrangements, to include NRCS's and Conservation District's Annual Workplan and/or Plan of Operations. These may include, but are not limited to, documenting specific objectives or goals, action items, provision for documentation of accomplishments, schedule of planned events, and assignment of responsibilities.

C. Transfer of Funding or Non-Monetary Resources

1. This MOA is established to document the collaborative relationship between the Parties. Nothing in this MOA shall require either Party to obligate or transfer funding, or anything of value. This may include, but is not limited to:
 - a. Office spaces and equipment/supplies
 - b. Vehicles and associated expenses (e.g., fuel, maintenance)
 - c. Computers, software, and technical equipment
2. The transfer of funding or other resources of value among the Parties offices requires execution of a separate agreement. The appropriate instruments include:
 - a. Cooperative Agreement (2 CFR 200.24), which allows federal agencies to transfer a thing of value to the State, local or Tribal government, or other recipient to carry out a public purpose of support or stimulation authorized by law of the United States.
 - b. Contribution Agreement (7 CFR 6962a), which is a unique statutory authority allowing NRCS to enter into an agreement with a non-federal entity that shares a mutual purpose in carrying out NRCS programs. All parties must contribute resources to the accomplishment of these objectives.
 - c. Reimbursable Agreement (31 USC 6505; PL 90-577), which allows federal agencies to provide specialized or technical services to State and local governments.

D. Other

1. This MOA is not intended to, and does not create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by any party against the United States, its agencies, its officers, or any person.
2. The parties and their respective agencies and offices will handle their own activities and utilize their own resources, including the expenditure of their own funds, in pursuing these objectives. Each party will carry out its separate activities in a coordinated and mutually beneficial manner.
3. All activities and programs conducted under this MOA shall be in compliance with the nondiscrimination provisions contained in Titles VI and VII of the Civil Rights Act of 1964, as

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

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

5. Contacts for each Party for administrative or technical concerns are listed below:

Natural Resources Conservation Service	Soil and Water Conservation District
Trisha Cracroft, ASTC for Field Operations Email: trisha.cracroft@usda.gov Phone: 208-215-8678	
Idaho Soil and Water Conservation Commission	
Teri Morrison, Administrator <i>Delwyne Trefz</i> Email: teri.morrison@swc.idaho.gov <i>delwyne.trefz@swc.idaho.gov</i>	

V. SIGNATURES

NATURAL RESOURCES CONSERVATION SERVICE

Curtis F. Elke
Curtis F. Elke, State Conservationist

Date: *09/14/2021*

IDAHO SOIL AND WATER CONSERVATION COMMISSION

Delwyne Trefz
Teri Morrison, Administrator *Delwyne Trefz*

Date: *9/14/21*

SOIL AND WATER CONSERVATION DISTRICT

SWCD Chairman

Date: *6/4/2021*

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APPENDIX A

ACKNOWLEDGMENT OF REQUIREMENTS FOR PROTECTION OF PRIVACY OF PERSONAL AND GEOSPATIAL INFORMATION RELATING TO NATURAL RESOURCES CONSERVATION SERVICE PROGRAMS

I. Purpose and Background

The purpose of this Acknowledgment of Section 1619 compliance (hereinafter, "Acknowledgment") is to require acknowledgment by Ada Soil and Water Conservation District (hereinafter, the "Conservation Cooperator") of the requirements of 7 USC 8791 (Section 1619 of the Food, Conservation, and Energy Act of 2008 (the 2008 Farm Bill)), which prohibits disclosure of certain information by the Department of Agriculture (USDA) and its cooperators. The Conservation Cooperator assists USDA in the delivery of conservation-related services (for example, services that sustain agricultural productivity, improve environmental quality, reduce soil erosion, enhance water supplies, improve water quality, increase wildlife habitat, and reduce damages caused by floods and other natural disasters) or with monitoring, assessing, or evaluating of conservation benefits from USDA conservation programs under a Federal agreement. Those individuals or organizations (governmental or nongovernmental) that assist USDA with providing conservation-related services are known as Conservation Cooperators.

II. NRCS Conservation Cooperator

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

III. Section 1619 of the 2008 Farm Bill

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

IV. Responsibilities

A. The Conservation Cooperator certifies that:

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

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

V. Protected Information

- A. An example of the type of information prohibited by disclosure under Section 1619 includes, but is **not limited to**, the following:
 1. State identification and county number (where reported and where located).
 2. Producer or landowner name, business full address, phone number, Social Security Number, and similar personal identifying information.
 3. Farm, tract, field, and contract numbers.
 4. Production shares and share of acres for each Farm Serial Number (FSN) field.
 5. Acreage information, including crop codes.
 6. All attributes for Common Land Units (CLUs) in USDA's Geospatial Information System
 7. Any photographic, map, or geospatial data that, when combined with other maps, can be used to identify a landowner.
 8. Location of conservation practices.
- B. Section 1619 allows disclosure of "payment information (including payment information and the names and addresses of recipients of payments) under any Department program *that is otherwise authorized by law*" (emphasis added). The names and payment information of producers generally may be provided to the public; however, the Conservation Cooperator shall consult with USDA if there is any uncertainty as to the provision of such information.
- C. Section 1619 also allows disclosure of otherwise protected information if "the information has been transformed into a statistical or aggregate form without naming any—(i) individual owner, operator, or producer; or (ii) specific data gathering cite." The Conservation Cooperator must consult with USDA as to whether specific information falls within this exception prior to relying on this exception.

VI. Violations

The Conservation Cooperator will be held responsible for violations of this Acknowledgment and

Section 1619. A violation of this Acknowledgment by the Conservation Cooperator may result in action by USDA, including termination of the underlying Federal agreement.

VII. Effective Period

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

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Idaho Soil & Water Conservation Commission

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

ITEM #8-1

IDAHO SOIL & WATER CONSERVATION COMMISSION PUBLIC MEETING & TELECONFERENCE

Date and Time:

Thursday, September 16, 2021
10:05 AM – 11:45 AM MT

Location:

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

MINUTES

COMMISSION MEMBERS PRESENT:

Norman Wright (Chair) (Zoom)
Erik Olson (Secretary) (Zoom)

Cathy Roemer (Vice-Chair) (Zoom)
Wendy Pratt (Zoom)

COMMISSION STAFF PRESENT:

Delwyne Trefz
Rachel Misnick (Zoom)
Bill Lillibridge (Zoom)
Joe Peterson
Terry Hoebelheinrich (teleconference)

Crystal Rosen
Loretta Strickland (Zoom)
Chuck Pentzer
Brenda Charles

PARTNERS AND GUESTS PRESENT:

Benjamin Kelly, IASCD (Zoom)
Curtis Elke, NRCS (teleconference)

Rob Sepich, LSO (Zoom)
Steve Strack, OAG (Zoom)

ITEM #1: WELCOME AND ROLL CALL

Vice-Chair Roemer called the meeting to order at 10:05 AM.

Roll call: Commissioners Cathy Roemer, Erik Olson, and Wendy Pratt were present.

Chairman Norman Wright was Absent.

ITEM #2: PARTNER REPORTS

Action: None taken

Chairman Wright joined the meeting at 10:13 AM.

Chairman Wright yielded the gavel to Vice-Chair Roemer.

ITEM #3: AGENDA REVIEW

Action: None taken.

ITEM #4: CONSERVATION RESERVE ENHANCEMENT PROGRAM UPDATE

Action: None taken.

ITEM #5: REPORTS

Action: None taken.

ITEM #6: ADMINISTRATOR'S REPORT

Action: Commissioner Olson made a motion *to authorize staff to draft and submit to OSC comments on the Sawtooth and the Caribou-Targhee NF prescribed fire projects*. Commissioner Wright seconded the motion. Motion carried by unanimous vote.

Vice-Chair Roemer yielded the gavel to Chairman Wright.

Commissioner Roemer left the meeting at 11:09 AM.

Action: Commissioner Olson made a motion *to give authority for the administrator to work with NRCS, IASCD, and IDEA to coordinate the process of developing a joint strategic plan for the Idaho conservation partnership*. Commissioner Pratt seconded the motion. Motion carried by unanimous vote.

ITEM #7: RESOURCE CONSERVATION & RANGELAND DEVELOPMENT PROGRAM UPDATE

Action: Commissioner Olson made a motion *to lower all interest rate scenarios by 1.5% as recommended by staff to coordinate with the base interest rate reduction approved on August 19, 2021*. Commissioner Pratt seconded the motion. Motion carried by unanimous vote.

ITEM #8: DISTRICT SUPPORT SERVICES UPDATE

Action: Commissioner Olson made a motion *to approve the FY 2022 District Allocation Matching Funds to be distributed as recommended by ISWCC staff and DAWG*. Commissioner Pratt seconded the motion. Motion carried by unanimous vote.

ITEM #9: MINUTES

Action: Commissioner Pratt made a motion *to approve the August 19, 2021 Regular Meeting minutes as submitted*. Commissioner Olson 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 August 31, 2021*. Commissioner Olson seconded the motion. Motion carried by unanimous vote.

ITEM #11: FY 2023 BUDGET REQUEST UPDATE

Action: Commissioner Olson made a motion to *approve the revised FY 2023 Budget Request, granting authority to Administrator to make minor adjustments to request amounts, if necessary*. Commissioner Pratt seconded the motion. Motion carried by unanimous vote.

ITEM #7: ADJOURN

The meeting was adjourned at 11:45 AM. The next Commission Meeting will be held on October 21, 2021 in Boise.

Respectfully submitted,

Erik Olson, Secretary



Idaho Soil & Water Conservation Commission

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

ITEM #8-2

IDAHO SOIL & WATER CONSERVATION COMMISSION PUBLIC MEETING & TELECONFERENCE

Date and Time:

Friday, October 22, 2021
10:00 AM – 10:33 AM MT

Location:

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

MINUTES

COMMISSION MEMBERS PRESENT:

Norman Wright (Chair) (Zoom)
Wendy Pratt (Zoom)

Cathy Roemer (Vice-Chair) (Zoom)

COMMISSION STAFF PRESENT:

Delwyne Trefz
Terry Hoebelheinrich (Zoom)

Crystal Rosen
Brenda Charles

PARTNERS AND GUESTS PRESENT:

Steve Strack, OAG (Zoom)

Shane Bell OAG (Zoom)

ITEM #1: WELCOME AND ROLL CALL

Chairman Wright called the meeting to order at 10:00 a.m.

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

ITEM #2: PARTNER REPORTS

Action: None taken

ITEM #3: AGENDA REVIEW

Action: None taken.

ITEM #4: EXECUTIVE SESSION

Action: Commissioner Roemer made a motion to *enter Executive Session pursuant to Idaho Codes § 74-206(1)(d) for the purpose of discussing a loan application.*

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

Executive Session commenced at 10:06 AM.

Executive Session concluded at 10:29 AM.

Open Session reconvened at 10:31 AM.

ITEM #4a: RESOURCE CONSERVATION & RANGELAND DEVELOPMENT PROGRAM

Action: Commissioner Roemer made a motion to *approve loan application A-747 as presented*. Commissioner Pratt seconded the motion. Motion carried by unanimous vote.

ADJOURN

The meeting was adjourned at 10:33 AM. The next Commission Meeting will be held on November 18, 2021 in Boise.

Respectfully submitted,

Erik Olson, Secretary

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IDAHO SOIL & WATER CONSERVATION COMMISSION

ITEM #9

TO: CHAIRMAN WRIGHT AND COMMISSIONERS ROEMER, PRATT, OLSON
FROM: RACHEL MISNICK, SENIOR FINANCIAL SPECIALIST
DATE: NOVEMBER 10, 2021
RE: FINANCIAL REPORTS, FISCAL MATTERS

FINANCIAL REPORTS

The Financial Detail and Fund Summary year-to-date reports as of the month ended September 30, 2021 are enclosed. The reports as of the month ended October 31, 2021 will be sent under separate cover and will be available at the meeting.

FY 2023 BUDGET MODIFICATION

The Commission's FY 2023 Budget Request was submitted to the Division of Financial Management (DFM) and the Legislative Services Office (LSO) on September 1, 2021. The deadline to submit revision requests was Friday, October 22, 2021. Based on communications with DFM and LSO after submission, minor revisions were made. The amounts requested for Operating Inflationary Costs, \$4,100 for RCRDP and \$6,000 for General Fund, were removed from the budget request. The \$6,000 General Fund amount was reallocated to further increase the additional amounts requested for Trustee & Benefits, bringing the requested increase up from \$74,300 to \$80,300.

COMMISSIONER HONORARIUMS

Below is a schedule of the honorarium balances as of November 8, 2021. Included in the schedule are the amounts budgeted for each Commissioner for FY22. We are in good standing with the Commissioners' budget as we have spent 51% of the honorarium allocation.

Commissioner	Benefit Costs included in Honorariums	Honorariums Budgeted	Expended to Date	Projected Balance/ (Overage)
Wright	\$97	\$1,093	\$538	\$555
Roemer	\$65	\$729	\$269	\$460
Vacant	\$65	\$729	\$0	\$729
Pratt	\$65	\$729	\$215	\$514
Olson	\$65	\$729	\$323	\$406
Totals	\$357	\$4,009	\$1,345	\$2,664

RECOMMENDED ACTION:

1. Approve the Financial Reports for the month ended September 30, 2021
2. Approve the Financial Reports for the month ended October 31, 2021

ENCLOSED:

- Financial Detail Report for September 30, 2021
- Fund Summary Report for September 30, 2021

SWC Detail Financial Report as of September 30, 2021
Fiscal Year 2022

25% of the Fiscal Year Completed

GENERAL FUND & OTHER FUNDS			PERSONNEL			OPERATING			CAPITAL OUTLAY			TRUSTEE & BENEFITS			CASH			
INDEX			ACTUAL EXPENSE Thru End of Current Month			ACTUAL EXPENSE Thru End of Current			ACTUAL EXPENSE Thru End of Current			ACTUAL EXPENSE Thru End of Current Month			PLUS TOTAL BEG CASH AT 7/1/21 REC TO DATE LESS TOTAL EXP TO DATE			ACTUAL CASH BALANCE End of Current
			BUDGET		BALANCE	BUDGET	Current	BALANCE	BUDGET	Current	BALANCE	BUDGET		BALANCE				
7101 MANAGEMENT ADMIN			389,825	60,059	329,766	52,600	37,386	15,214							442,425	97,445	344,980	
7111 MANAGEMENT BOARD			5,000	678	4,322	12,000	3,015	8,985							17,000	3,693	13,307	
7201 FIELD STAFF			452,700	94,221	358,479	90,000	42,596	47,404							542,700	136,817	405,883	
7301 PROGRAMS			251,500	53,320	198,180	46,400	15,372	31,028							297,900	68,692	229,208	
7310 DISTRICT ALLOCATIONS												1,128,100	425,000	703,100	1,128,100	425,000	703,100	
7320 DISTRICT CAPACITY BLDG												300,000	300,000	0	300,000	300,000	0	
7350 CREP			203,475	33,535	169,940	35,600	18,527	17,073							239,075	52,062	187,013	
TOTAL GENERAL FUND 0001			1,302,500	241,812	1,060,688	236,600	116,896	119,704	0	0	0	1,428,100	725,000	703,100	2,967,200	0	1,083,708	1,883,492
				18.57%			49.41%		N/A for FY 2021				50.77%				36.52%	
7325 SWC PROFESSIONAL SERV						30,000	0	30,000							22,889	15	0	22,904
TOTAL DEDICATED FUND 0450			0	0	0	30,000	0	30,000	0	0	0	0	0	0	22,889	15	0	22,904
							0.00%										0.00%	
LOAN FUNDS			PERSONNEL			OPERATING			CAPITAL OUTLAY			CASH				BALANCE SHEET		
			ACTUAL EXPENSE thru End of Current Month			ACTUAL EXPENSE Thru End of Current			ACTUAL EXPENSE Thru End of Current			PLUS TOTAL BEG CASH AT 7/1/21 REC TO DATE LESS TOTAL EXP TO DATE			ACTUAL CASH BALANCE End of Current	LOANS PAID OUT, COLLECTIONS /ADJUSTMENTS TO DATE		
			BUDGET		BALANCE	BUDGET	Current	BALANCE	BUDGET	Current	BALANCE					NOTES RECEIVABLE 7/1/21	NOTES RECEIVABLE 7/1/21	NOTES RECEIVABLE End of Cur period
7351 RCRDP LOAN ADMIN			179,100	39,062	140,038	163,500	23,844	139,656				7,283,497	45,168	73,928	7,254,738	2,205,237	10,914	2,181,668
TOTAL RCRDP ADMIN 0522-00,01			179,100	39,062	140,038	163,500	23,844	139,656	0	0	0	7,283,497	45,168		7,254,738		(34,483)	
				21.81%			14.58%		0					0.00%				
7361 REVOLVING LOAN - DEQ						30,000	0	30,000				27,557	18	0	27,575	138,523	0	138,523
TOTAL DEQ LOAN 0529-16			0	0	0	30,000	0	30,000	0	0	0	27,557	18	0	27,575		0	
							0.00%										ADV FROM PAYMENTS/ADJ TO DATE	END OF CUR PERIOD
														0.00%		ADV FROM 93,450	0	93,450

Soil and Water Conservation Commission
FY2022 YTD Financial Summary Through September 30, 2021

25% of the Fiscal Year Completed

Updated: [10/15/2021](#)

Appropriation																	
Fund Summaries																	
Fund Source		General Fund				Professional Services				RCRDP Loan Administration				Revolving Loan			
Personnel Funds																	
		Budget	Expenditures	Expenditures Projected	Remaining					Budget	Expenditures	Expenditures Projected	Remaining				
		\$1,302,500	\$ 241,812	\$ 994,379	\$ 66,309					\$ 179,100	\$ 39,062	\$ 138,520	\$ 1,518				
Operating Funds																	
		Budget	Expenditures	Expenditures Projected	Remaining	Budget	Expenditures	Expenditures Projected	Remaining	Budget	Expenditures	Expenditures Projected	Remaining	Budget	Expenditures		
		\$ 236,600	\$ 116,896	\$ 117,338	\$ 2,366	\$ 30,000	\$ -	\$ 15,000	\$ 15,000	\$ 163,500	\$ 23,844	\$ 81,750	\$ 57,906	\$ 30,000	\$ -		
Capital Funds																	
		Budget	Expenditures	Expenditures Projected	Remaining												
		\$ -	\$ -	\$ -	\$ -												
Trustee and Benefit																	
		Budget	Expenditures	Expenditures Projected	Remaining												
		\$1,428,100	\$ 725,000	\$ 703,100	\$ -												

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**SOIL & WATER
CONSERVATION
COMMISSION**

H. Norman Wright
Chairman

Cathy Roemer
Vice Chairman

Erik Olson
Secretary

Wendy Pratt
Commissioner

Delwyne Trefz
Administrator

MEMO

TO: CHAIRMAN WRIGHT AND COMMISSIONERS ROEMER, OLSON, AND PRATT
FROM: DELWYNE TREFZ, ADMINISTRATOR
DATE: NOVEMBER 10, 2021
RE: OMNIBUS RULE OF THE IDAHO STATE SOIL AND WATER CONSERVATION COMMISSION, DOCKET 60-0501-2100

At the June 10, 2021, Commission meeting, your Board approved adoption of temporary rule IDAPA 60.05.01, Rules of the Idaho State Soil and Water Conservation Commission and directed staff to provide a Notice of Omnibus Rulemaking to the Division of Financial Management (DFM) Administrative Rules Office. The proposed temporary rule was subsequently published in the October 20, 2021, Idaho Administrative Special Edition Bulletin. The proposed temporary IDAPA 60.05.01 rule as published is attached.

The proposed rulemaking comment period closed November 10th. We received no written or oral comments regarding our proposed rule, so staff recommend you move to adopt as a pending rule the proposed temporary rule which was published in October, and direct staff to submit a *Notice of Omnibus Rulemaking – Adoption of Pending Rule* form to DFM no later than November 24th, 2021, per DFM's direction. The completed Notice is attached. On December 22nd, 2021, DFM will release another special edition of the Idaho Administrative Bulletin to publish pending omnibus rules.

After our pending rule publishes in December, DFM will prepare the legislative rules review books and submit them to the 2022 Legislature. We will then need to present our rule docket in front of the germane legislative committee for both the House and the Senate. After that, we wait and see what the legislature does. If no action is taken on our rule, it will become final upon adjournment of the 2022 Legislative session.

RECOMMENDED ACTIONS:

Adopt as pending IDAPA 60.05.01, Rules of the Idaho State Soil and Water Conservation Commission, as published in the October 20, 2021, Idaho Administrative Special Edition Bulletin, and direct staff to submit a *Notice of Omnibus Rulemaking – Adoption of Pending Rule* form to DFM no later than November 24th, 2021.

ATTACHMENTS:

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

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IDAPA 60 – IDAHO STATE SOIL AND WATER CONSERVATION COMMISSION

DOCKET NO. 60-0501-2100

NOTICE OF OMNIBUS RULEMAKING – PROPOSED RULEMAKING

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

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than November 3, 2021. The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

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

IDAPA 60

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

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

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 FY2022 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rule(s) being reauthorized by this rulemaking.

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

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule(s), contact Delwyne Trefz, Administrator, 208-332-1796.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered within twenty-one (21) days after publication of this Notice in the Idaho Administrative Bulletin.

DATED this October 20, 2021.

Delwyne Trefz, Administrator
Idaho Soil & Water Conservation Commission
322 E. Front St., Suite 560
P.O. Box 83720
Boise, Idaho 83720-0083
Phone: (208) 332-1796
Fax: (208) 332-1799
delwyne.trefz@swc.idaho.gov

IDAPA 60 – IDAHO STATE SOIL AND WATER CONSERVATION COMMISSION

60.05.01 – RULES OF THE IDAHO STATE SOIL AND WATER CONSERVATION COMMISSION

000. LEGAL AUTHORITY.

This chapter is adopted by the Idaho State Soil and Water Conservation Commission, under the legal authority of Sections 22-2718, 22-2727, and 22-2730, Idaho Code. ()

001. SCOPE.

The provisions of these rules set forth procedures and requirements for establishing, implementing, and administering a state loan from the RCRDP fund as provided in Sections 22-2730, through 22-2732, Idaho Code, and provide for the allocation of state funds appropriated for distribution to conservation districts pursuant to Section 22-2727, Idaho Code. ()

002. -- 009. (RESERVED)

010. DEFINITIONS.

For the purpose of these rules, the terms and phrases are used as defined herein: ()

01. Applicant. An eligible applicant as defined in Section 22-2717, Idaho Code. ()

02. Application. The loan request document that sets forth the information required by Section 22-2732, Idaho Code and Subsection 057.03 of these rules, including a conservation plan. ()

03. Base Funding. Funds appropriated to the Commission to be allocated equally to the various soil conservation districts in a sum not to exceed eight thousand five hundred dollars (\$8,500) per district per year. ()

04. Board of Supervisors. Governing body of a district as provided in Section 22-2717(25), Idaho Code. ()

05. Certify. To confirm formally as true, accurate, or genuine. ()

06. Commission. The Idaho State Soil and Water Conservation Commission as defined in Section 22-2718, Idaho Code. ()

07. Conservation District or District. A soil (and water) conservation district as defined in Section 22-2717, Idaho Code. ()

08. Conservation Plan. A conservation plan as defined in Sections 22-2717 and 22-2732, Idaho Code that sets forth the information required by Subchapter A. of these rules. ()

09. Contractee. The applicant when the loan has been closed and recorded. ()

10. Coordinated Resource Planning Process. A process that considers all the resources and resource users within a geographical area and encourages active involvement and input from all interested parties. ()

11. District. A Conservation District, Soil Conservation District, or Soil and Water Conservation District as defined in Section 22-2717, Idaho Code. ()

12. Eligible Land. Private, state, county, or federal lands within the state of Idaho. ()

13. Field Office. The local United States Department of Agriculture Natural Resources Conservation Service (NRCS) office usually located with the principal headquarters of the local District. ()

14. Field Office Technical Guide. The primary scientific reference for NRCS that contains technical information about the conservation of soil, water, air, and related plant and animal resources. Technical guides used in each field office are localized so that they apply specifically to the geographic area for which they are prepared. Copies of the field office technical guides may be obtained from a local District or field office. ()

15. Financial and Match Report. Documentation certified by the Board of Supervisors that:

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- ()
- a. Itemizes local funds and services received by a district during the previous fiscal year; and ()
- b. Describes how state base and match funds were utilized during the previous fiscal year. ()
- 16. Fiscal Year.** As set forth in Section 67-2201, Idaho Code, the fiscal year will begin on July 1 and close on June 30 of the following year. ()
- 17. Five (5) Year Plan.** The plan reviewed and updated annually by each district pursuant to the Final Agreement to implement an Antidegradation Policy for the State of Idaho (August 18, 1988). The plan will contain the following components, as further specified by Commission policy: physical characteristics, economic condition and outlook, assessment of the District's resource conditions and conservation needs, prioritized objectives, water quality component, and an annual work plan. ()
- 18. Fund.** The RCRDP fund established pursuant to Section 22-2730, Idaho Code. ()
- 19. Funding Criteria.** Criteria considered by the Commission to determine the amount of base and match funding to be allocated to the conservation districts. Criteria may include district budgets, district budget requests, district programs and work plans, and district work load analysis. The following documents may be required on an annual basis in order to consistently apply the criteria to all districts: ()
- a. Five (5) year plans; ()
- b. Financial and match reports; and ()
- c. Performance reports. ()
- 20. Local Funds.** Monies received in the previous fiscal year from local units of government and organizations for the general purposes of a conservation district. Funds received for special projects, used as required match for specific grants or projects, or on a fee-for-service basis will not be used to calculate match funding. ()
- 21. Local Services.** Non-cash contributions received in the previous fiscal year from local units of government and organizations for the general purposes of a conservation district. Services received for special projects, used as required match for specific grants or projects, or on a fee-for-service basis will not be used to calculate match funding. ()
- 22. Local Units of Government.** Any general or special purpose political subdivision of the state which has the power to levy taxes and/or appropriate and spend funds. ()
- 23. Match Funding.** Funds appropriated to the Commission for distribution to conservation districts in excess of base funding not to exceed twice the amount of local funds and services received by each district in the previous fiscal year. ()
- 24. Maximum Allocation.** The total of base funding and match funding allocated to any one (1) conservation district shall not exceed fifty-eight thousand and five hundred dollars (\$58,500) in a fiscal year. ()
- 25. Organizations.** A group of two (2) or more persons structured and managed to pursue a collective goal on a continuing basis. ()
- 26. Other Funds.** Funds to be dedicated to conservation practice implementation costs which are not from the RCRDP fund or provided by the applicant. ()
- 27. Performance Report.** Documentation summarizing conservation activities, projects, and programs

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implemented by a conservation district during the previous fiscal year. ()

28. Practice or Eligible Practice for Loans. A practice listed in the field office technical guide or a special practice approved under Section 058 of these rules. ()

29. Practice Life. The number of years, with proper maintenance and operation, that a practice is expected to last, as shown in the field office technical guide. ()

30. Program Year. The state fiscal year as provided in Section 67-2201, Idaho Code. ()

31. Project. One (1) or more practices to be installed with a RCRDP loan. ()

32. Rangeland. Land used primarily for the grazing of domestic livestock and wildlife. ()

33. Riparian Areas. Riparian areas are sites directly influenced by free water. They have visible vegetation or physical characteristics that reflect free water influence. Lake shores and stream banks are typical riparian areas. Excluded are sites such as ephemeral streams or washes that do not exhibit the presence of vegetation dependent upon free water in the soil. ()

34. Security. Collateral provided by an approved applicant to secure requested RCRDP funds. ()

35. Special Practice. A practice (not listed in the field office technical guide) that includes a proven, modern technique that is necessary to solve a resource problem and meet program objectives. ()

011. ABBREVIATIONS.

01. RCRDP. The Idaho Resource Conservation and Rangeland Development Program. ()

02. NRCS. United States Department of Agriculture Natural Resources Conservation Service. ()

**SUBCHAPTER A – RULES FOR ADMINISTRATION OF THE IDAHO RESOURCE CONSERVATION
AND RANGELAND DEVELOPMENT PROGRAM**

012. PROGRAM POLICY.

01. Administration. It is the policy of the Commission to administer the Resource Conservation and Rangeland Development Program to provide the greatest benefits to all concerned from the agricultural lands and rangelands within the state. ()

02. Equal Opportunity. Each applicant regardless of handicap, race, age, sex, creed, color or national origin, must be given the opportunity to apply for a loan. ()

03. Filing Applications. An application may be filed at anytime during the program year. ()

04. Use of Loan Money in Conjunction with State or Federal Programs. Requests for state or federal cost-share assistance and for loan approval are handled by different governmental agencies and approval for one does not guarantee approval for the other. ()

013. PROGRAM OBJECTIVES.

01. Objectives. The objectives of the RCRDP are to: ()

a. Conserve soil resources. ()

b. Conserve water resources. ()

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- c. Improve riparian areas for multiple use benefits. ()
- d. Protect or improve existing beneficial uses of the state's waters. ()
- e. Conserve and improve fish and wildlife habitat. ()
- f. Increase agricultural productivity of cropland, orchards, pasture and hayland, rangeland, and woodland. ()

02. Achieving Program Objectives. Decisions concerning the use of program funds must be based on achievement of program objectives. The administration of the program must emphasize coordinated resource management planning and decision-making to ensure maximum benefit of funds. ()

014. -- 055. (RESERVED)

056. RESPONSIBILITIES.

- 01. District.** The local District must: ()
 - a. Receive the conservation plan for program participation. ()
 - b. Within sixty (60) days of receipt, review and evaluate the conservation plan to determine if the project is consistent with the District's program goals and objectives. ()
 - c. Assign a priority of high, medium, or low to the project. ()
 - d. Forward conservation plans to the Commission with a recommendation for funding. ()
 - e. Prepare and forward to the Commission special practice requests. ()
 - f. The local District may assign a priority to practices in the field office technical guide and have that priority ranking apply to all future projects seeking to implement the pre-ranked practices. The local District Board must consider pre-ranking practices at a scheduled Board meeting. The Board's decision including the name and identification number of the practice(s), the assigned ranking and the recommendation for funding must be reflected in the meeting minutes and be forwarded to the Commission. ()
 - g. If the local District does not review and evaluate a conservation plan within sixty (60) days of receipt, the Commission may review and evaluate the conservation plan and assign a priority ranking for the project based on the District's five (5) year plan. ()
- 02. Commission.** The Commission must: ()
 - a. Review and evaluate applications. ()
 - b. Approve loans, if: ()
 - i. The applicant has adequate assets for security to protect the state from risk of loss. ()
 - ii. There is reasonable assurance that the borrower can repay the loan. ()
 - iii. Money is available in the RCRDP fund. ()
 - c. Disapprove loans for reasons including but not limited to: ()
 - i. The purpose of the loan is to pay for conservation plan practices that have been implemented prior to Commission approval. ()

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- ii. If all the requirements in Paragraph 056.02.b. of these rules are not met. ()
- d. Reconsider loan disapproval if the applicant, within fifteen (15) business days after notice of disapproval, requests the Commission, in writing, to reconsider its determination in any matter affecting the loan or the amount of loan funds. Reconsideration of the determination must take place within ninety (90) business days from the date the written request is received at the time, place, and date determined by the Commission. The applicant must be notified of the time, place, and date and must have the right to appear. ()
- e. After loan approval, execute a promissory note and other security documents with the applicant for loan repayment. ()
- f. Not less than once per year, determine the loan interest rate not to exceed six percent (6%) annually. ()
- g. Prepare an annual report showing RCRDP accomplishments and benefits resulting from use of loan and grant funds. ()
- h. Administer and monitor loan proceeds to assure that the intent of the law is met. ()
- i. Approve or disapprove special practice requests. ()

057. APPLICATION FOR LOAN.

- 01. How to Apply.** Any applicant desiring a loan from the RCRDP fund must: ()
 - a. Prepare and submit a conservation plan. The conservation plan must be presented by the applicant (or representative appointed by the applicant) to the local District Board at a scheduled meeting unless the project includes only practices that have been pre-ranked by the local District in accordance with Paragraph 56.01.f. of these rules. If the project includes only pre-ranked practices, the applicant must submit the conservation plan to the Commission. ()
 - b. Prepare and submit a completed application. The application including all information required under Subsection 57.03 of these rules must be submitted to the Commission. ()
- 02. Two or More Applicants.** Two (2) or more applicants may install a practice(s) as a group providing the loan can be adequately collateralized and all parties agree to joint and several liability. ()
- 03. Application Form.** The application must be on a form prescribed by the Commission and include: ()
 - a. Name of applicant, and the location, size, and type of agricultural enterprise. ()
 - b. Identification and extent of the resource problem (erosion, plant community deterioration, water loss, water quality, low production, etc.). ()
 - c. Statement of applicant's objectives and expected benefits. ()
 - d. Estimate of costs of implementing the project and of total loan funds needed. ()
 - i. Applicant must be required to supply at least five percent (5%) of the total project costs through personal funds or in-kind services. ()
 - ii. Total RCRDP loan funds combined with other funds cannot exceed ninety-five percent (95%) of total project costs. ()
 - e. Applicant's statement of security offered. ()

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f. Applicant's statement of willingness to allow continued monitoring and evaluation of impacts resulting from applied land treatment and management practices. ()

g. All documentation required under Subsection 101.03 of these rules and any other documentation requested by the Commission needed to determine whether there is reasonable assurance that the applicant can repay the loan. ()

h. A copy of the applicant's conservation plan which becomes a part of the application for assistance. The conservation plan must include: ()

i. A map showing project location and extent of the resource problem. ()

ii. The eligible practices to be installed. ()

iii. Estimated costs of applying the practices. ()

iv. An implementation schedule. ()

v. A statement whereby the applicant agrees to properly maintain and operate installed practices. ()

vi. Needed clearances, easements and rights of way. ()

vii. Any other appropriate documentation needed to complete the implementation of the conservation plan as requested by the local District or Commission. ()

058. SPECIAL PRACTICE(S) APPROVAL FOR LOANS.

01. Special Practice Approval. A special practice must be approved by the Commission before it becomes an eligible practice. ()

02. Special Practice Requests. Special practice requests may be prepared by the local District or the Commission and must include: ()

a. A description of the proposed practice. ()

b. A justification of need for the special practice. ()

c. Standards and specifications for the proposed practice. ()

d. A statement from the appropriate agency as to the technical adequacy of the special practice in solving the resource problem. ()

059. -- 080. (RESERVED)

081. ENCOURAGING PUBLIC BENEFITS WHEN INSTALLING PRACTICES.

District Boards must encourage persons responsible for any aspect of performing practices to promote public benefit by improving or preserving environmental quality and ecological balance when the practices are being installed. Multiple objective achievement and total resource evaluation and treatment must receive high priority consideration for loan funds. When reviewing loan requests the following considerations must be made: ()

01. Preventing Degradation. Preventing or abating pollution and other environmental degradation. ()

02. Benefiting the Community. Benefiting the community by means such as outdoor recreational opportunities or enhancing the appearance of the area. ()

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03. Benefiting Habitat. Benefiting fish and wildlife habitat. ()

082. -- 100. (RESERVED)

101. CREDIT GUIDELINES.

01. Standards for Acceptable Loans. There must be adequate assets and collateral for security to protect the state from risk of loss. ()

02. Required Documentation. The applicant must provide documentation to the Commission sufficient to determine the applicant's ability and willingness to repay the loan. Such documentation may include: financial statements; balance sheets; profit and loss statements; driver's license; income tax returns; budgets; credit reports; estimates/quotes; deeds; leases; and other supporting documents as deemed necessary relative to the size, complexity, and financial responsibility of the individual or entity being financed. ()

03. Duty to Inform. After submitting the application and before funds are dispersed, the applicant must inform and provide documentation to the Commission of any significant change of circumstance that may impact their financial standing or ability to repay the loan. ()

04. Field Inspections. The Commission may require a field inspection in order to: ()

a. Determine loan and security positions, provide repayment estimates and verify assets. ()

b. Indicate the applicant's management ability. ()

c. Secure a complete and accurate description of collateral for the security agreement. ()

05. Additional Information Required for Loans Secured with Real Estate. Where real estate is offered as collateral the following information must be provided: ()

a. A legal description of the offered collateral. ()

b. Real estate appraisal, consisting of at least one (1) of the following: ()

i. Copy of appraisal made by a licensed professional appraiser approved by the Commission. ()

ii. Copy of the most recent property tax assessment. ()

iii. Evaluation made by Commission or the local District according to its knowledge of the estimated average value of the property in the area in which the project is to be implemented. ()

c. A map designating the location of the real estate. ()

06. Other Collateral. Any item having tangible value may be accepted as security for these loans. Condition of the collateral must be updated periodically and additions to the security agreement may be required over time. ()

102. LOAN CLOSURE AND ADMINISTRATION.

01. Servicing and Documentation. All loans must be assigned to a loan officer (Commission employee) who must be responsible for servicing the loan. ()

02. Loan Securing Documents. Following approval of the application, the Commission, must prepare all necessary loan securing documents. ()

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03. Loan Note and Security Agreement. The loan must be secured by utilizing a promissory note and security document listing the parties and the collateral, as well as terms and conditions of the loan. A mortgage or deed of trust must be executed and recorded with the county recorder where the collateral is located if the collateral is real property. A security agreement and any other necessary documents must be executed if the collateral is not real property. Appropriate financing statements must be executed and filed with the Secretary of State on all collateral consisting of personal property. ()

04. Fund Obligation. Funds must be obligated when all loan conditions established by the Commission have been met and when all necessary loan securing documents are in order and appropriately signed by the applicant. Funds will then be obligated. Upon notification of fund obligation, the applicant who is now the contractee, may complete implementation of the project. ()

05. Cost Incurred. The applicant is required to cover all costs incurred for loan closure, title insurance, and recording fees. ()

103. IMPLEMENTATION OF AGREED TO PRACTICES.

The applicant may, at their own risk, begin installing practices as identified and scheduled in the conservation plan provided the project is not completed before the loan is approved and the conditions of approval are met. Should the applicant choose to begin installing practices prior to the conditions of approval being met, the Commission may require additional title insurance to protect against intervening materialman's liens. The applicant/contractee has the responsibility to obtain appropriate technical assistance to ensure practices are properly designed, constructed, and managed. The applicant/contractee may install practices themselves or contract work out. Whatever method is used, the applicant/contractee is responsible to ensure the quality of materials and workmanship meets the approved standards and specifications for each practice. ()

01. Practice Completion. Upon completion of the scheduled practice the applicant/contractee must notify the provider of technical assistance. The provider of technical assistance must inspect and document the amount and extent of the installed practice and certify its completion if it meets the quality standards and construction specifications of the practice and notify the applicant/contractee. If the practice does not meet practice standards and specifications the applicant/contractee must be notified by the provider of technical assistance, in writing, of the deficiencies and what needs to be done so the practice meets standards and specifications. ()

02. Submitting Vouchers and Bills. ()

a. The provider of technical assistance must provide a written certification of completion of the project to the Commission. The applicant/contractee must submit invoices, vouchers and bills for the project to the Commission. ()

b. Up to ninety-five percent (95%) of loan funds can be disbursed toward submitted bills during the loan installment period. The remaining loan funds will be disbursed upon receipt of written certification of project completion from the provider of technical assistance. ()

03. Warrant Requests. The Commission staff must prepare warrant request(s). The warrant(s) are paid to the order of the contractee(s) and the vendor, and are mailed to the contractee. ()

04. Drawing Loan Funds. The applicant/contractee must implement the practices as scheduled and the contractee may draw loan funds in multiple disbursements during installation of the project. ()

104. -- 125. (RESERVED)

126. REPAYMENT OF LOAN.

01. Repayment of the Loan. Repayment of the loan, together with interest, must commence no later than two (2) full years from the date the note is signed. ()

02. Repayment Schedule. The repayment schedule must be identified in the loan documents with a fifteen (15) year maximum loan period. One (1) month before payment is due, the commission will mail the

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contractee a notice of payment due. ()

03. First Payment. The first payment is due as required on the signed loan documents as prepared by the Commission. Any additional interest incurred during the installment period of the loan will be added to the first payment notice. ()

127. FORECLOSURE.

In the event of a contractee not adhering to the payment terms and conditions of the mortgage, promissory note, or security agreement, the Commission may seek foreclosure according to the laws of the state of Idaho. ()

128. -- 150. (RESERVED)

151. LOAN POLICIES.

The maximum amount of any one (1) loan is six hundred thousand dollars (\$600,000). ()

152. -- 199. (RESERVED)

SUBCHAPTER B – RULES FOR ALLOCATION OF FUNDS TO CONSERVATION DISTRICTS

200. ALLOCATION OF FUNDS TO DISTRICTS.

01. Base Funding. The Commission will determine the dollar amount to allocate equally to conservation districts on an annual basis. As soon as practicable after the start of the fiscal year, the Commission will immediately distribute base funding to the districts that submitted the required documents during the previous fiscal year. ()

02. Match Funding. Following determination of base funding, the Commission will review and approve the additional amount of state appropriations available for proportional allocation to each district in match funding. The amount of match funding allocated will be based upon local funds and services received in the previous fiscal year by each conservation district for the general purposes of the district. Funds received for special projects, used as required match for specific grants or projects, or on a fee-for-service basis will not be used to calculate match funding. Once the required documents for match funding are submitted and determined to be complete, the Commission will distribute match funding to each district as soon as practicable. ()

03. Required Documents. The Commission may require submission of certain documents prior to allocation of base and match funding to districts. These documents may include five (5) year plans, financial and match reports, and performance reports. ()

a. The Board of Supervisors shall certify in writing that the district has examined all documentation submitted and that the statements and representations in the documents are true and accurate. ()

b. The district shall submit any required documents by a date established by the Commission. ()

04. State Budget Requests. The Commission will conduct a public hearing to consider the needs of the conservation districts on or before June 15th of each year, giving twenty (20) days' written notice of the hearing to each conservation district and to all other persons requesting notice of the hearing. The Commission will hear and consider testimony at the hearing and all information submitted by the districts prior to submission of the annual budget request to the legislature and governor based upon the criteria of Subsection 010.19 of this rule. ()

201. -- 999. (RESERVED)

IDAPA 60 – IDAHO STATE SOIL AND WATER CONSERVATION COMMISSION

DOCKET NO. 60-0501-2100

NOTICE OF OMNIBUS RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2022 Idaho State Legislature for final approval. The pending rule becomes final and effective upon the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and full force and effect upon adoption of the concurrent resolution.

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(s) 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 rule and the text of the pending rule with an explanation of the reasons for the change.

This pending 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

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 FY2022 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 Delwyne Trefz, (208)332-1796.

Dated this 18th day of November, 2021.

Delwyne Trefz, Administrator
Idaho State Soil and Water Conservation Commission
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