



IDAHO SOIL & WATER CONSERVATION COMMISSION

REGULAR MEETING NOTICE & AGENDA

Idaho Soil & Water Conservation Commission
February 23, 2022, 9:00 a.m. to 12:00 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: 817 7980 2299 Zoom Password: 571866

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

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

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

AMERICANS WITH DISABILITIES ACT COMPLIANCE

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

	1.	WELCOME, SELF-INTRODUCTIONS, AND ROLL CALL	Chairman Wright
#	2.	PARTNER REPORTS (information only) Draft legislation attached to accompany Benjamin Kelley's report on legislative activities.	
*	3.	AGENDA REVIEW (potential action item) The Agenda may be amended by formal Board action, if necessary, at the meeting. If so, a motion that states the reason for the amendment and the good faith reason the item was not included in the original agenda will be made and approved by the Board.	Chairman Wright
NON-ACTION ITEMS			
	4.	ADMINISTRATOR'S REPORT <ul style="list-style-type: none">Legislative Committee PresentationsJFAC Budget SettingHouse Bill No. 642Commissioner Honorarium and Travel Budget	Trefz

(*) Action Item

(#) Attachment

ACTION: Staff recommended action for Commission consideration

Wednesday, Feb. 23, 2022 Meeting Agenda

Date of Notice: Feb. 18, 2022

		<ul style="list-style-type: none"> 2022 Larry Brannen Idaho Ag Summit FY 2022 Commission Meeting Schedule <p><u>ACTION:</u> For information only.</p>	
#	5.	RESOURCE CONSERVATION AND RANGELAND DEVELOPMENT PROGRAM UPDATE <ul style="list-style-type: none"> Marketing strategies FY22 loan activity Issues with closing new loans Loan portfolio status <p><u>ACTION:</u> For information only.</p>	Hoebelheinrich
	6.	DISTRICT SUPPORT RELATIONSHIP BUILDING DISCUSSION <p><u>ACTION:</u> For information only.</p>	Trefz
	7.	REPORTS <i>Commissioners and staff only, no discussion</i> <p><u>ACTION:</u> For information only.</p>	Commissioners, Staff
ACTION ITEMS			
*#	8.	WATER QUALITY PROGRAM FOR AGRICULTURE (WQPA) UPDATE <ul style="list-style-type: none"> Update on efforts to secure FY 2023 funding for WQPA Recommended revision to WQPA policy to include potential improvements in water use efficiency as a criterion for WQPA funding and correcting declarative language. <p><u>ACTION:</u> Approve revised WQPA Policy as presented.</p>	Trefz, Bell
*#	9.	MINUTES <ul style="list-style-type: none"> January 18, 2022 <p><u>ACTION:</u> Approve.</p>	Chairman Wright
*#	10.	FINANCIAL REPORTS <ul style="list-style-type: none"> January 31, 2022 <p><u>ACTION:</u> Approve the Financial Reports for the month ended January 31, 2022</p>	Misnick
*#	11.	NATIONAL ASSOCIATION OF STATE CONSERVATION AGENCIES (NASCA) DUES <ul style="list-style-type: none"> 2022 NASCA membership dues <p><u>ACTION:</u> Approve paying the 2022 NASCA dues of \$3,000.</p>	Trefz
ADJOURN <i>The next Regular Commission Meeting is scheduled for March 17, 2022, at 10:00 AM MT in Boise, Idaho.</i>			

(*) Action Item

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Wednesday, Feb. 23, 2022 Meeting Agenda

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STATEMENT OF PURPOSE**RS29566 / H0642**

Revises provisions for how Commissioners are appointed to the Idaho Soil and Water Conservation Commission, increases the number of Commissioner from 5 to 7, and repeals the ability to establish any new Soil and Water Conservation Districts.

FISCAL NOTE

There will be a minor fiscal impact on the general funds for travel and honorarium because of the increase in Commissioners.

Contact:

Representative Caroline Nilsson Troy
(208) 332-1000
Mark Harris, Senator
(208) 322-1000
Benjamin Kelly
(208) 888-0988

DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).

LEGISLATURE OF THE STATE OF IDAHO
Sixty-sixth Legislature Second Regular Session - 2022

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 642

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

RELATING TO SOIL CONSERVATION DISTRICTS; AMENDING SECTION 22-2717, IDAHO CODE, TO REMOVE A DEFINITION; AMENDING SECTION 22-2718, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE SOIL AND WATER CONSERVATION COMMISSION; REPEALING SECTION 22-2719, IDAHO CODE, RELATING TO THE CREATION OF SOIL CONSERVATION DISTRICTS; AMENDING SECTION 22-2721, IDAHO CODE, TO REVISE PROVISIONS REGARDING SUPERVISORS; AMENDING SECTION 22-2726, IDAHO CODE, TO REMOVE A CODE REFERENCE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 22-2717, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(2019)~~ "Qualified elector" means any person who is qualified to vote pursuant to the requirements of section 34-104, Idaho Code.

~~(210)~~ "Riparian land" means the beds of streams, the adjacent vegetation communities and the land thereunder, which are predominately influenced by their association with water and are privately owned.

1 (221) "Specifications" means the materials, operations and procedures
2 necessary to obtain the desired standards of construction and installation.

3 (232) "Standards" means the minimum limits of technical excellence of a
4 component practice for its planning, design and construction.

5 (243) "State" means the state of Idaho.

6 (254) "Supervisor" means one (1) of the members of the governing body
7 of a district elected or appointed in accordance with the provisions of this
8 chapter.

9 (265) "Total maximum daily load" is as defined in section 39-3602, Idaho
10 Code.

11 (276) "United States" or "agencies of the United States" includes the
12 United States of America, the natural resources conservation service of the
13 United States department of agriculture, and any other agency or instrumen-
14 tality, corporate or otherwise, of the United States of America.

15 SECTION 2. That Section 22-2718, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 22-2718. IDAHO STATE SOIL AND WATER CONSERVATION COMMISSION. (1)
18 There is hereby established and created in the department of agriculture of
19 the state of Idaho the Idaho state soil and water conservation commission
20 which shall perform all functions conferred upon it by this chapter and shall
21 be a nonregulatory agency. ~~The commission shall consist of five (5) members~~
22 ~~appointed by the governor. In appointing commission members, the governor~~
23 ~~shall give consideration to geographic representation. Commission members~~
24 ~~shall be chosen with due regard to their demonstrated expertise including,~~
25 ~~but not limited to, knowledge of and interest in water quality and other~~
26 ~~natural resource issues, production agriculture, banking or other similar~~
27 ~~financial experience or experience as a county commissioner. The soil and~~
28 ~~water conservation districts may submit to the governor a list of up to three~~
29 ~~(3) names for each vacancy on the commission and the governor may, in his~~
30 ~~discretion, consider any such submission in the appointment of commission~~
31 ~~members. The term of office of each commission member shall be five (5)~~
32 ~~years; except that upon July 1, 2010, the governor shall appoint one (1)~~
33 ~~member for a term of one (1) year, one (1) member for a term of two (2) years,~~
34 ~~one (1) member for a term of three (3) years, one (1) member for a term of four~~
35 ~~(4) years and one (1) member for a term of five (5) years. From and after the~~
36 ~~initial appointment the governor shall appoint a member of the commission to~~
37 ~~serve in office for a term of five (5) years commencing upon July 1 of that~~
38 ~~year. A vacancy which occurs in an unexpired term shall be filled for its re-~~
39 ~~mainder by the governor's appointment. Each vacancy on the commission shall~~
40 ~~be filled by appointment by the governor. Such appointments shall be con-~~
41 ~~firmed by the senate. Commission members shall serve at the pleasure of the~~
42 ~~governor. The commission may invite the state conservationist of the United~~
43 ~~States department of agriculture natural resources conservation service, a~~
44 ~~representative from a district or districts and the dean of the college of~~
45 ~~agriculture of the university of Idaho or his designated representative,~~
46 ~~or any other person or entity as the commission deems appropriate, to serve~~
47 ~~as nonvoting advisory members of the commission. The commission shall keep~~
48 ~~a record of its official actions, shall adopt a seal, which seal shall be~~
49 ~~judicially noticed, and may perform such acts, hold such public hearings and~~

~~promulgate such rules as may be necessary for the execution of its functions under this chapter.~~

(a) The commission shall consist of seven (7) members appointed by the governor from divisions of the Idaho association of soil conservation districts as follows: one (1) member from division I, one (1) member from division II, one (1) member from division III, one (1) member from division IV, one (1) member from division V, one (1) member from division VI, and one (1) at-large member appointed at the governor's discretion.

(b) Commission members shall be chosen with due regard to their demonstrated expertise, including knowledge of conservation districts and their functions, knowledge of production agriculture, knowledge of banking or other similar financial experience, or experience as a county commissioner.

(c) Commissioners serving on July 1, 2022, will be assigned to the divisions that they would represent. On July 1, 2022, current commissioners, at the will of the governor, will be reappointed to the position representing the divisions in which they live.

(d) For divisions that have vacant positions, or divisions with no current commissioner residing there, the division shall submit a list of up to three (3) names for each open commission position. The governor shall appoint commission seats from the list submitted.

(e) The term of each commissioner shall be for five (5) years, with the ability to serve two (2) terms; except that on July 1, 2022, the terms of each commission position will be reset: The term of the commissioners from districts I and IV will be set for two (2) years. The term of the commissioners from districts II and V will be set for three (3) years. The term of the commissioners from districts III and VI and the at-large commissioner will be set for four (4) years. From and after the initial appointment or reappointment, commissioners may serve two (2) full terms of five (5) years, in addition to their initial appointment. From and after the initial appointment, the corresponding division shall provide the list of three (3) names to the governor to choose from on or before July 1 of each year with a vacancy.

(f) Each vacancy on the commission shall be filled by appointment by the governor following the guidelines set forth in this subsection. A vacancy that occurs in an unexpired term shall also be filled for its remainder by the governor's appointment following the guidelines set forth in this subsection. Each commissioner appointed to fill an unexpired term may serve the length of the unexpired term and be eligible to be reappointed for an additional two (2) full terms.

(g) All appointments shall be confirmed by the senate. Commission members shall serve at the pleasure of the governor. The commission may invite the state conservationist of the United States department of agriculture natural resources conservation service, the dean of the university of Idaho college of agricultural and life sciences or his designated representative, or any other person or entities the commission deems appropriate to serve as nonvoting advisory members of the commission. The commission shall keep a record of its official actions, shall adopt a seal, which seal shall be judicially noticed, and may perform

1 such acts, hold such public hearings, and promulgate such rules as may
2 be necessary for the execution of its functions under this chapter.

3 (2) The state soil and water conservation commission shall appoint
4 the administrator of the state soil and water conservation commission. The
5 state soil and water conservation commission may employ such technical ex-
6 perts and such other agents and employees, permanent and temporary, as it
7 may require, and shall determine their qualifications, duties and compen-
8 sation. The commission may call upon the attorney general of the state for
9 such legal services as it may require. It shall have authority to delegate to
10 its chairman, to one (1) or more of its members, or to one (1) or more agents
11 or employees, such powers and duties as it may deem proper. The commission
12 may establish offices, incur expenses, enter into contracts and acquire
13 services and personal property as may be reasonable for the proper adminis-
14 tration and enforcement of this chapter. Upon request of the commission, for
15 the purpose of carrying out any of its functions, the supervising officer of
16 any state agency, or of any state institution of learning, shall insofar as
17 may be possible under available appropriation, and having due regard to the
18 needs of the agency to which the request is directed, assign or detail to the
19 commission members of the staff or personnel of such agency or institution of
20 learning, and make such special reports, surveys or studies as the commis-
21 sion may request.

22 (3) The commission shall designate its chairman, and may from time to
23 time, change such designation. A majority of the commission shall consti-
24 tute a quorum and the concurrency of a majority in any matter within their
25 duties shall be required for its determination. The chairman and members of
26 the commission shall be compensated as provided by section 59-509(h), Idaho
27 Code. The commission shall provide for the execution of surety bonds for
28 all employees and officers who shall be entrusted with funds or property;
29 shall provide for the keeping of a full and accurate record of all proceed-
30 ings and of all resolutions, and orders issued or adopted; and shall provide
31 for a periodic management review of the accounts of receipts and disburse-
32 ments as determined by the legislative auditor pursuant to section 67-702,
33 Idaho Code.

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

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

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

44 (c) To coordinate the progress of the several soil conservation dis-
45 tricts so far as this may be done by advice and consultation.

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

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

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

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

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

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

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

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

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

SECTION 3. That Section [22-2719](#), Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Section 22-2721, Idaho Code, be, and the same is hereby amended to read as follows:

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

(2) Within thirty (30) days after the date of issuance by the secretary of state of a certificate of organization of a soil conservation district, nominating petitions may be filed with the state soil and water conservation commission to nominate candidates for supervisors of each district. The county clerk shall conduct the election for the district in compliance with chapter 14, title 34, Idaho Code, and shall be the election official for the district. The election official shall have authority to extend the time within which nominating petitions may be filed. Nominating petitions shall be filed with the secretary of the district, and no such nominating petition shall be accepted by the election official unless it shall be subscribed by not less than five (5) persons who are qualified electors owning land or residing within the boundaries of the district. The election official shall give due notice of an election to be held, subject to the provisions of section 34-106, Idaho Code, for the election of three (3) supervisors for the district. The names of all nominees on behalf of whom such nominating petitions have been filed within the time herein designated shall appear upon ballots, with directions to choose three (3) names to indicate the voter's preference. The three (3) candidates who shall receive the largest number, respectively, of the votes cast in such election shall be the elected supervisors for such district.

(3) All elections in districts shall be conducted by the county clerk. Such election shall be held on the first Tuesday succeeding the first Monday of November in each even-numbered year. Such elections shall be in compliance with the provisions of chapter 14, title 34, Idaho Code, and shall be supervised and conducted by the county clerk. The cost of conducting such elections shall be borne by the county that conducted the election. The county clerk shall certify to the soil and water conservation district the names of the elected supervisors. The soil and water conservation district shall issue certificates of election to each elected supervisor so certified. The county clerk or county clerks of the county or counties in which

1 the district is located shall conduct the election for the soil conservation
2 district, and the county clerk must provide a ballot for the district elec-
3 tion and must provide a process that allows only qualified electors of the
4 district to vote in that district's election.

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

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

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

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

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

49 (9) The supervisors shall provide for the execution of surety bonds for
50 all employees and officers who shall be entrusted with funds or property;

1 they shall provide for the keeping of a full and accurate record of all pro-
 2 ceedings and of all resolutions, and orders issued or adopted; and shall pro-
 3 vide for independent financial audits in accordance with the provisions of
 4 section 67-450B, Idaho Code. Supervisors shall be subject to recall in ac-
 5 cordance with the provisions of chapter 17, title 34, Idaho Code.

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

11 SECTION 5. That Section 22-2726, Idaho Code, be, and the same is hereby
 12 amended to read as follows:

13 22-2726. FUNDS OR ASSISTANCE PROVIDED BY COUNTY FROM COUNTY GENERAL
 14 FUND. In those counties of Idaho wherein all or a substantial part of the
 15 county has been created and is operating as a soil conservation district or
 16 districts under the provisions of chapter 27, title 22, ~~section 22-2719,~~
 17 ~~Idaho Code,~~ or any amendment thereto, the board of county commissioners may,
 18 from time to time, at their discretion and upon request of the supervisors
 19 of such soil conservation districts provide in their budget a sufficient
 20 amount of money from the county general fund for allocation to the districts
 21 to be used by the districts for any purposes authorized by law, or in lieu
 22 of such allocation the county commissioners at their discretion may assign
 23 or hire an employee or employees of the county to assist the supervisors in
 24 the performance of the work of their office. The duties of such employee or
 25 employees shall be under the direct supervision of the supervisors of each
 26 soil conservation district.

27 SECTION 6. An emergency existing therefor, which emergency is hereby
 28 declared to exist, this act shall be in full force and effect on and after
 29 July 1, 2022.

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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: FEBRUARY 15, 2022
RE: ADMINISTRATOR'S REPORT

LEGISLATIVE COMMITTEE PRESENTATIONS

January 20th, I presented our rules docket to the House Ag Affairs Committee, who approved it without questions.

February 1st, I presented our rules docket and annual report to the Senate Ag Affairs Committee. Following my annual report Devin Fielding, the IASCD Division V Director, presented an outstanding Conservation District report. The committee approved the rules docket and had no questions related to the annual report. At six o'clock that evening I crashed while skiing at Bogus Basin, was unconscious for two hours then awoke to learn I'd sustained a concussion and broken an arm.

February 2nd two of our amazing staff—Crystal and Joe—stepped up and presented our annual report to the House Ag Affairs Committee. Devin again provided his impactful District report.

February 2nd Crystal and Rachel, with assistance from our LSO analyst Rob Sepich, did a fantastic job presenting our budget to JFAC. Our DFM analyst, Matt Reiber, was also present and able to respond to a question which related to why CREP direct landowner payments were not included in the Governor's recommended budget.

JOINT FINANCE-APPROPRIATIONS COMMITTEE SETS ISWCC BUDGET FOR FY 2023

Monday, Feb 21st, JFAC is scheduled to set the Commission's FY 2023 budget. I will report on the budget setting during our Feb 23rd Board meeting.

HOUSE BILL NO. 642

February 14th, Rep. Troy introduced H0642 in the House Ag Affairs committee. H0642 amends and repeals existing law to revise provisions regarding how Commissioners are appointed to the Idaho Soil and Water Conservation Commission, increases the number of Commissioner from 5 to 7, repeals the ability to establish any new Soil and Water Conservation Districts, and enables Conservation Districts to decrease the number of supervisors from 7 to 5. The Statement of Purpose and text of H0642 are attached.

Benjamin covered this legislation in his partner report. Is there any further discussion desired at this point?

COMMISSIONER HONORARIUM AND TRAVEL BUDGET

The purpose of bringing this item up today is to stimulate discussion and thought related to how we can manage costs associated with Board honorariums and travel. I suggest we begin the discussion today, sleep on it awhile, then revisit it at a later meeting to take what action you may chose

Considering the possibility that our board will grow from 5 to 7 Commissioners I have discussed with Rachel the necessity for us to set a realistic budget for Commissioner travel and honorariums. During her financial report, Rachel will present information about our current budget. In reviewing Rachel's report with her it became apparent that we, staff, and Commissioners, need to develop processes that will enable our financial officer to have access to timely data, i.e., we can benefit by tightening up the submittal and processing of travel reimbursement vouchers and honorariums. I know some Idaho state agencies have a requirement that reimbursements must be submitted within a certain number of days after the travel occurred and failure to do so results in no reimbursement being paid. While I see no need for us to adopt such a rigid policy, I'm quite sure that with everybody contributing ideas we can improve the process for all.

Let's hold our discussion on this until Rachel has some of the data displayed for us, during her financial report.

2022 LARRY BRANEN IDAHO AG SUMMIT

Congratulations to Commissioner Pratt and her husband Mark for earning the Governor's Education/Advocacy Award, presented during the Ag Summit.

UPCOMING COMMISSION MEETING SCHEDULE

FY 2022 SWCC Meeting Schedule

Date & Time	Location	Meeting Type*
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:

For information only.

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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: TERRY HOEBELHEINRICH, LOAN OFFICER & PROGRAM MANAGER
DATE: FEBRUARY 11, 2022
**RE: RESOURCE CONSERVATION AND RANGELAND DEVELOPMENT
PROGRAM UPDATE**

Marketing	<ul style="list-style-type: none"> Promoted RCRDP at Idaho Irrigation Equipment Trade Show & Conference in Idaho Falls Met by Zoom & conference call with Gooding, Power, Lewis, Bonner, Twin Falls, Bruneau River, Adams, Owyhee & Idaho SWCD's
FY 2022 to date	<ul style="list-style-type: none"> 33 loan inquiries were received for FY 2022 to date 8 loan applications have been received for FY 2022 to date 1 loan application is in process 7 loans approved for FY 2022 (\$522,233) 2 loans denied
Issues	<ul style="list-style-type: none"> Irrigation equipment is difficult to obtain and prices have risen dramatically in the past year.
Loan Portfolio	<ul style="list-style-type: none"> 46 loans and \$1,953,258 portfolio balance No delinquent loans
Interest Rates for FY 2022	<ul style="list-style-type: none"> Reduce Rates by 1.5 percent 1.00%, 7 year term (new and used equipment) 1.25%, 7 year term, high credit score, under secured 1.25%, 10 year term (new equipment and real estate) 1.5% 10 year terms, high credit score, under secured 1.50 %, 15 year term 1.75%, high credit score, under secured 3.5% Combination 1st lien equipment and 2nd mortgage 4.5% second mortgages

ACTION: For information only.

ATTACHMENT: RCRDP ACTIVITY, Current year compared with FY 2021

R C R D P L O A N P R O G R A M

FY 2021, ENTIRE YEAR	ACTIVITY	FY 2022, FIRST 7 MONTHS
21	Inquiries Received	33
9	Applications Submitted	8
3	Applications Denied or Withdrawn	2
1	Applications Pending	1
6	New Loans Approved	7
\$696,235	Value of New Conservation Projects Financed	\$1,150,184

Conservation the Idaho Way: Sowing the Seeds of Stewardship

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**SOIL & WATER
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Delwyne Trefz
Administrator

MEMO

**TO: CHAIRMAN WRIGHT AND COMMISSIONERS
ROEMER, OLSON, AND PRATT**
FROM: DELWYNE TREFZ, ADMINISTRATOR
DATE: FEBRUARY 17, 2022
RE: DISTRICT SUPPORT RELATIONSHIP BUILDING DISCUSSION

It has been requested by several Districts that we put our heads together with theirs to develop strategies we can use to re-build the Commission's relationship with them. This agenda item is an opportunity for an open discussion between the Commission and any Districts wanting to participate. The goal is to focus on collaborative ideas and strategies that can contribute to building and sustaining highly effective Districts.

REQUESTED ACTION: For information only.

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**SOIL & WATER
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H. Norman Wright
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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: FEBRUARY 16, 2022
RE: WATER QUALITY PROGRAM FOR AGRICULTURE (WQPA) UPDATE

During your January Board meeting you directed staff to work with our DAG and partners to develop WQPA policy which will include improved water use efficiency as a criterion for WQPA funding.

Attached for your review is the draft WQPA policy developed by DAG Shane Bell. Shane removed any language not supported by statute directing Districts to conform to application and plan requirements. Shane's intent was to create a policy document SWCC staff can use in assessing and processing applications and plans. The policy will be available to the public so applicants will be aware of how SWCC staff process applications and what SWCC staff consider when reviewing plans. Shane also added the language you directed staff in January to include in the revised policy, i.e., to add water use efficiency improvements to the list of WQPA project funding criteria (items 9 and 10 in the bullet list at the top of page 4).

Turning to the attached draft policy, we will now review it to make certain it aligns with the intentions of your board.

REQUESTED ACTION:

Approve revised WQPA policy as presented with any modifications agreed upon following Board review of the draft policy.

ATTACHMENT:

- DRAFT WQPA Policy Revisions with notes.

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POLICY GUIDELINES FOR THE IDAHO WATER QUALITYCOST-SHARE PROGRAM FOR AGRICULTURE

Current as of [REDACTED]

This agency guidance document is not new law but an agency interpretation of existing law, except as authorized by law or as incorporated into a contract. [REDACTED]

Commented [BS1]: This Policy Document will need to be posted on the SWCC's website.

Agency guidance is defined as “all written documents, other than rules, orders, and pre-decisional material that are intended to guide agency actions affecting the rights or interests of persons outside the agency.”² “Agency guidance” includes policy statements, manuals, interpretations of law or rules, memoranda, and other material of general applicability.³

Any questions about this document or input on the document can be directed to [REDACTED].

Commented [SB2]: The Governor's Executive Order requires an agency contact.

¹ See Governor Little's Executive Order No. 2020-02, *Transparency in Agency Guidance Documents*, <https://gov.idaho.gov/wp-content/uploads/2020/01/eo-2020-02.pdf>; see also I.C. § 67-5250.

² I.C. § 67-5250(2).

³ I.C. § 67-5250(2).

Purpose

This policy provides guidance to the Soil and Water Conservation Commission (SWCC) staff in reviewing cost-share applications submitted to the SWCC or local soil conservation districts⁴ for the purpose of financing agricultural, grazing, or other conservation improvements, projects, or implementations of the Water Quality Program for Agriculture (WQPA) pursuant to Idaho Code section 22-2734.

Revisions

This policy updates the SWCC's previous policy guidelines for WQPA last revised July 1, 2009.

I. Policy

It is the policy and intent of the SWCC to administer WQPA cost-share funds to eligible applicants⁵ or participants⁶ through local soil conservation districts pursuant to Idaho Code section 22-2734.

II. Application Process

Idaho Code section 22-2734 allows eligible participants or applicants to file an application with the SWCC or a local soil conservation district for a cost-share contract or project from the SWCC for the "purpose of financing agriculture, grazing or other conservation improvements, projects or implementations" of WQPA.⁷ Pursuant to Idaho Code section 22-2735(4), the SWCC may enter into contracts and establish procedures to be followed in applying for eligible improvements, projects, and plans for the effective administration of WQPA.

Pursuant to the above-mentioned policy, the SWCC should review applications and project plans submitted by local conservation districts acting as project sponsors⁸ identifying conservation improvements or projects in the local conservation district, based on a fiscal year beginning on July 1 and ending on June 30.

In accordance with Idaho Code section 22-2734(2), the SWCC will review local district project plans to determine whether the plans are satisfactory. The SWCC should make recommendations

⁴ "District," "conservation district," "soil conservation district," or "soil and water conservation district" means a governmental subdivision(s) of this state, and a public body corporate and politic, organized in accordance with the provisions of" chapter 27, Idaho Code. I.C. § 22-2717(8).

⁵ "Eligible applicant" means an individual agricultural owner, operator, partnership, corporation, conservation district, irrigation district, canal company or other agricultural or grazing interest." I.C. § 22-2717(10).

⁶ "Participant" means an individual agriculture owner, operator, partnership, private corporation, conservation district, irrigation district, canal company or other agriculture grazing interest approved by the commission [SWCC] or an individual agricultural owner, operator, partnership, or private corporation approved for implementation of conservation improvements, projects, or the water quality program for agriculture." I.C. § 22-2717(17).

⁷ I.C. § 22-2734(1).

⁸ "Project sponsor" means a conservation district, irrigation district, canal company, or other agricultural or grazing interest, as determined appropriate by the commission, that enters into a conservation improvement or water quality project agreement with the commission." I.C. § 22-2717(19).

to project sponsors upon request regarding the SWCC preferred accounting software and accounting policies and procedures.

The SWCC should consider the following attachments and explanations regarding a proposed project plan when determining whether a plan is satisfactory:

1. An environmental site assessment (ESA), proximity of project to a Clean Water Act Section 303(d) listed water source, or groundwater status of the subject waterbody;
2. Critical acres that will be treated;
 - Lands eligible for cost-share assistance in a project area are those designated by the local soil conservation district, with concurrence of the SWCC, as critical areas or pollution sources. Critical areas or sources should have a technical basis for identification.
3. Estimated benefits of the proposed treatment;
4. Total best management practice (BMP) costs;
 - The SWCC will prioritize critical areas for BMP implementation based on a tiered approach to targeting treatment units.⁹
5. BMPs to be installed and their quantity;
 - Site-specific BMPs needed to treat critical areas or sources of pollutants should be identified in the participant's water quality plan.
6. BMP cost-sharing;
7. Matching funds;
8. Other sources of funding;
9. A cost list;
 - Average costs should be developed for each practice or component of a practice identified in the work plan as eligible for financial assistance.
 - Average costs are determined by the actual cost to land users for installing measures and practices.
 - Actual cost includes labor, operating supplies and other direct costs required for physical installation of a measure or practice.
 - Loss of income should not be considered in determining average costs.
10. Critical area description; and
11. Treatment area map.

If the SWCC determines that a plan is not satisfactory, it is required to return the application and plan to the local conservation district and make recommendations as are considered necessary by the SWCC to make the application satisfactory pursuant to Idaho Code section 22-2734(2). Upon the SWCC determining that a local conservation district's application and plan is satisfactory, Idaho Code section 22-2734(2) requires the SWCC to consider the application for funding.

⁹ Tier 1: Fields directly adjacent to either the tributary of concern or a drain to the tributary of concern, or fields having a direct and substantial influence on the tributary of concern. Tier 2: Fields in the subwatershed with an indirect, yet substantial influence on the tributary of concern. Tier 3: Fields upland in the subwatershed that indirectly influence the tributary of concern.

Critical areas should undergo site-specific evaluations to determine the nature of contribution and priority of each tier and overall strategies for achieving water quality objectives.

Pursuant to Idaho Code section 22-2734(3), the SWCC may approve a cost-share contract if, after review, evaluation, and investigation, the SWCC finds the following:

1. The participant or application is responsible and qualified;
2. The project or conservation improvement demonstrates public benefit;
3. The SWCC has reasonable assurance that the participant or applicant will adhere to contract terms; and
4. The SWCC has funding available.

Idaho Code section 22-2735(2) allows the SWCC to enter into contracts with approved applications concerning eligible improvements, projects, or plans. However, any such contracts must include in substance, at a minimum, the following provisions pursuant to Idaho Code section 22-2735(2):

1. An estimate of the reasonable costs of the project, plan, or improvement as determined by the SWCC;
2. The terms under which the SWCC may unilaterally terminate the contract and/or seek repayment of sums already paid for an applicant's noncompliance with the terms and conditions of the contract and/or the provisions of Chapter 27, Title 22 of Idaho Code; and
3. An agreement from the applicant, binding for the life of the eligible improvements, plans, or projects:
 - o To develop water quality plans for landowners and provide payments to landowners for installation of BMPs;
 - o To determine payment rates in conjunction with the SWCC's BMPs;
 - o To establish a method for administration and provisions for technical assistance to landowners in conjunction with the SWCC;
 - o To allow the State to make payments up to the estimated reasonable cost for BMP technical assistance, installation, and project administration of an eligible project;
 - o To develop and secure the approval of the SWCC of plans for operation of the eligible project;
 - o To ensure that the local matching share of the cost is provided;
 - o To assure an adequate level of landowner participation and application of BMP to ensure water quality goals are met.

In reviewing, evaluating, and investigating a cost-share contract, the SWCC should consider the following criteria in determining whether the necessary findings set forth in Idaho Code section 22-2734(3)(a-d) are found:

1. The status of an ESA;
2. The ground water quality protection area;
3. Whether any beneficial uses are affected;
4. The relative ability of the proposed treatment to protect the resource;
5. The readiness of the project sponsor to proceed;
6. The readiness of applicant or participant to implement the plan;
7. The availability of technical assistance;

8. The availability of supplementary funding sources;
9. Whether water use efficiency is improved; and/or
10. Whether land use goals or ecological processes are limited by suboptimal management of natural precipitation or by inefficient use of irrigation water.

Commented [SB3]: Added per request

Once the SWCC approves the cost-share contract and obtains all necessary documents, the SWCC will make funding available pursuant to Idaho Code section 22-2734(4). In accordance with the policy described above, eligible applicants or participants would then have the opportunity to submit project proposals and proposed contracts to the local conservation district where the SWCC made funding available. Pursuant to Idaho Code section 22-2734(2) local conservation districts shall review, evaluate, and if necessary, investigate “all aspects of the proposed contract or project” within thirty (30) days of receipt of an application.

The project participant or applicant’s conservation plan should be signed by the participant or applicant and a technical entity and approved by the local soil conservation district, unless otherwise authorized by the SWCC.

Idaho Code section 22-2735(1) prohibits the SWCC from making payments that exceed the estimated reasonable cost of an eligible improvement, project or plan.

After the SWCC has made funding available, the SWCC should request assistance from project sponsors at the beginning of each fiscal year to develop an estimate of project expenses for that year and the remaining life of each project. The SWCC should also request complete financial reports from sponsoring entities to be considered for approval at regularly scheduled meetings, regardless of the amount of project activity. Finally, the SWCC should request documentation of project matching funds from each project sponsor.

The SWCC should send funds to meet estimated administrative costs to each project sponsor semi-annually, beginning with each fiscal year, based on the amount projected. The SWCC may consider allocating up to 10% of the total amount of the project grant for administrative costs over the life of the project. The SWCC should consider administrative costs charged for actual time spent on contract administration and project activities, and per diem and mileage rates should be consistent with those established by the Idaho State Board of Examiners.

The SWCC may enter into contracts to provide technical assistance to applicants that have entered into agreements with the SWCC pursuant to Idaho Code section 22-2735(3). However, Idaho Code section 22-2735(3) requires that a contract to provide technical assistance must include, in substance the following provisions:

1. An estimate of the reasonable cost of technical assistance; and
2. The terms under which the SWCC may unilaterally terminate the contract and/or seek repayment of sums paid pursuant to the contract because of an applicant’s noncompliance with the terms and conditions of the contract, SWCC rules, or the provisions of Title 22, Chapter 27 of Idaho Code.

Pursuant to Idaho Code section 22-2735(5), all contracts shall be subject to approval by the

attorney general as to form. Idaho Code section 22-2735(5) further requires that payments made by the State pursuant to a contract shall be made “after audit and upon warrant as provided by law on voucher approved by the chairman and the administrator” of the SWCC.

III. Statutory Application Requirements and Accompanying Information

Pursuant to Idaho Code section 22-2734(1), the SWCC may dictate the manner and form in which applications must be filed. The SWCC should make standardized application forms available to applicants and participants. At a minimum, Idaho Code section 22-2734(1)(a-d) requires the following:

1. A description of the purposes and nature of the projects and improvements requiring cost-sharing;
2. Be accompanied by or set forth a plan identifying the conservation projects or improvements, including economic and technical feasibility data and estimated costs as may be required by the SWCC;
3. Indicate whether money from sources other than that which is being sought by application will be used for costs, and whether the applicant is pursuing the alternate source of money or if the alternate source of money is available; and
4. Show the SWCC that the proposed project is economically justified and technically feasible.

The SWCC may, pursuant to Idaho Code section 22-2734(1), also require accompanying information to an application. Therefore, the SWCC determines that the following information should accompany an application to aid the SWCC in processing applications:

1. A completed Agricultural Total Maximum Daily Load (TMDL) Implementation Plan;
2. A completed Ground Water Quality Management Plan; or
3. A Watershed Plan developed through PL-566, Cooperative River Basin Study, State Agricultural Water Quality Program, Comprehensive Aquifer Management Plan or equivalent process.

Commented [SB4]: Added per 2/9/2022 email

IV. Project Cost-Sharing

Cost-share funding from this program should be limited to BMP component practices included in the Idaho Agricultural Pollution Abatement Plan or those with accepted NRCS standards. The SWCC will review and consider all project plan cost-share practices and rates of operations when determining whether to approve an application and grant funding.

Cost-share funding from this program should only be provided to the applicant, participant, technical entity, and sponsor for actions initiated after contract approval, and funding from this program and other state sources should not exceed ninety (90) percent of the total project cost. Total program cost-share funds from all sources to include private, state, and federal funds, should not exceed one hundred (100) percent of the actual practice cost.

Cost-share funding from this program should be limited to a maximum of \$50,000 per cost-share

contract, unless otherwise authorized by the SWCC. Cost-sharing funds can be used to supplement and protect lands enrolled in the Conservation Reserve Program (CRP) where the SWCC has determined that additional practices are necessary. Examples of issues requiring additional practices include water and sediment control basins that help to reduce gully erosion, trap sediment, and improve downstream water quality. However, cost-sharing funds should not be authorized for irrigation system installation or improvements on lands which are in the CRP or those lands where the CRP cover has been removed within the first growing season following contract expiration.

Matching funds should total at least twenty-five (25) percent of the total project costs listed in the project agreement. For matching fund purposes, salaries of individuals may be used if known and appropriate. Matching funds can include all project time and expenses not reimbursed by state funds. Examples of matching funds are non-state technical assistance time, vehicle use, land operator time, equipment use, and material costs.

Finally, should an applicant or participant seek to modify a cost-share contract, the SWCC should review modifications resulting in overall contract cost increases by ten percent (10%) based on the above stated procedure and statutory guidelines. The SWCC should also review and consider for approval of all lease agreements and purchase of equipment items greater than \$500.

V. Project Priority List and Review

Project applications will be reviewed by a regional team consisting of SWCC field staff from the region where the application was submitted. The team will receive input and assistance from the Natural resources Conservation Service (NRCS), the Idaho Department of Environmental Quality (DEQ), and relevant conservation district representatives. In reviewing the applications, regional teams can make recommendations on project priority and submit these recommendations to SWCC staff located in Boise, Idaho.

The SWCC is required to establish and maintain a priority list for WQPA projects pursuant to Idaho Code section 22-2730. Project applications should be added to the SWCC's project priority list if the applications and project plans are consistent with statutory program criteria. The following factors may be considered when reviewing and ranking applications:

1. Is there a clear water quality and funding need?
2. Where is the proposal area in relationship to an identified water quality concern, including a 303(d) listed waterbody, Nitrate Priority area, or other point of concern?
3. Does the project have a strong likelihood of improving water quality?
4. What are the beneficial uses, pollutants, and approved TMDL(s) and/or watershed plan(s) being addressed through implementation of the proposal?
5. Are expected costs reasonable in proportion to expected benefits?
6. What is the expected lifespan of the project and is there reasonable assurance that the project will meet the expected lifespan?
7. Is this a shovel ready project with a reasonable implementation scheduled?
8. Can the amount of money requested be spent in a reasonable amount of time?
9. Does the applicant or participant have sufficient knowledge, experience, and capability

to implement the project or plan?

10. Has the applicant or participant successfully completed a funded project in the past?
 - If so, were the project completed and money spent within the contract period, and was the contract followed and work completed?
11. Does the project propose to monitor BMP effectiveness and share the results with the public?
12. Does the project include an educational outreach component to support long-term community support and stewardship?
13. Does the application demonstrate community support for implementation of the project?

After the regional team submits priority recommendations the Boise staff of the SWCC, the two groups should review and consider the recommended priority ranking of the project before submitting a final recommendation to SWCC for decisions on project funding.

The Idaho Soil and Water Conservation Commission approved this policy on

Commented [SB5]: These are taken from DEQ's Nonpoint Source Funding Considerations for Application Ranking with some modification.

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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 #9

IDAHO SOIL & WATER CONSERVATION COMMISSION PUBLIC MEETING & TELECONFERENCE

Date and Time:

Tuesday, January 18, 2022
9:02 AM – 10:56 PM MT

Location:

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

MINUTES

COMMISSION MEMBERS PRESENT:

Norman Wright (Chair)
Erik Olson (Secretary)

Cathy Roemer (Vice-Chair)
Wendy Pratt

COMMISSION STAFF PRESENT:

Delwyne Trefz
Rachel Misnick
Joe Peterson (Zoom)

Crystal Rosen
Loretta Strickland

PARTNERS AND GUESTS PRESENT:

Tom Daniel, Boundary SCD
Steve Becker, IASCD
Stephanie Barns, Butte SWCD (Zoom)
Dan Steenson, Lower Boise W.C (Zoom)
Roger Batt, Treasure Valley W.A. (Zoom)

Devin Fielding, IASCD Div. V
Joan Cloonan, Ada SWCD/ IASCD Div. III
Shane Bell, OAG (Zoom)
Clinton Aston, Franklin SWCD (Zoom)

ITEM #1: WELCOME AND ROLL CALL

Chairman Wright called the meeting to order at 9:02 AM.

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

ITEM #2: PARTNER REPORTS

Action: None taken

ITEM #3: AGENDA REVIEW

Action: None taken.

ITEM #4: WATER QUALITY PROGRAM FOR AGRICULTURE (WQPA) UPDATE

Action: Commissioner Olson made a motion to *direct staff to work with IASCD and stakeholders to develop WQPA policy which will include improved water use efficiency as a criterion for WQPA funding*. Commissioner Roemer seconded the motion. Motion carried by unanimous vote.

ITEM #5: MINUTES

Action: Commissioner Olson made a motion to *approve the November 18, 2021 Regular Meeting minutes as submitted*. Commissioner Pratt seconded the motion. Motion carried by unanimous vote.

ITEM #6: FINANCIAL REPORTS

Action: Commissioner Roemer made a motion to *approve the Financial Reports for the month ended November 30, 2021*. Commissioner Olson seconded the motion. Motion carried by unanimous vote.

Action: Commissioner Pratt made a motion to *approve the Financial Reports for the month ended December 31, 2021*. Commissioner Roemer seconded the motion. Motion carried by unanimous vote.

Action: Commissioner Olson made a motion to *approve of sending to surplus two of the Commission's vehicles, and of using the funds received from the sale to purchase replacement laptop computers, granting authority to the Administrator to determine the vehicles to be sold*. Commissioner Pratt seconded the motion. Motion carried by unanimous vote.

ITEM #7: REPORTS

Action: None taken.

ITEM #8: ADMINISTRATOR'S REPORT

Action: None taken.

ITEM #9: DISTRICT SUPPORT SERVICES UPDATE

Action: None taken.

ADJOURN

The meeting was adjourned at 10:56 AM. The next Commission Meeting will be held on February 23, 2022 in Boise.

Respectfully submitted,

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Erik Olson, Secretary



IDAHO SOIL & WATER CONSERVATION COMMISSION

ITEM #10

TO: CHAIRMAN WRIGHT AND COMMISSIONERS ROEMER, PRATT, AND OLSON
FROM: RACHEL MISNICK, SENIOR FINANCIAL SPECIALIST
DATE: FEBRUARY 8, 2022
RE: FINANCIAL REPORTS, FISCAL & OPERATIONS

FINANCIAL REPORTS

The Financial Detail and Fund Summary year-to-date reports as of the months ended January 31, 2022 are enclosed.

FY 2023 BUDGET HEARING

Our budget hearing to present the FY23 budget request to JFAC (the Joint Finance-Appropriations Committee) was held on Thursday, February 3. Crystal stood in for and did a phenomenal job of presenting Delwyne's part of the presentation, while I presented details of the Commission's budget request. The only questions presented during the hearing were directed towards Matt Reiber with DFM (Division of Financial Management) and were in regards to CREP funding. It is my understanding that there have been follow-up discussions held amongst the Governor's office, DFM, and Representative Troy, and there will be more information provided at a later date.

COMMISSIONER HONORARIUMS

Below is a schedule of the honorarium balances as of February 4, 2022. Included in the schedule are the amounts budgeted for each Commissioner for FY22. With 21% of the honorarium allocations remaining due to increased Commissioner attendance at meetings, events, etc., we are in the process of estimating expected honorarium expenditures for the remaining 42% of the fiscal year. Based on future estimated expenditures, an adjustment may be made to the budgeted fund amounts using salary savings from the Commission's vacant positions.

Commissioner	Benefit Costs included in Honorariums	Honorariums Budgeted	Expended to Date	Projected Balance/ (Overage)
Wright	\$97	\$1,093	\$861	\$232
Roemer	\$65	\$729	\$484	\$245
Vacant	\$65	\$729	\$0	\$729
Pratt	\$65	\$729	\$1,331	(\$602)
Olson	\$65	\$729	\$484	\$245
Totals	\$357	\$4,009	\$3,160	\$849

FISCAL & OPERATIONS: TEMPORARY PART-TIME OFFICE CLERK

Amanda Fuhrman was offered the opportunity to return to ISWCC in the position of Temporary Office Clerk at the Boise office for the remainder of Fiscal Year 2022. She accepted, returned to her position on Monday, February 7th, and will be working 19 hours per week. Her duties are to assist Crystal with daily functions and continue the work she performed in FY21 by working on our continued compliance with the State's Records Retention Policy, as well as digitizing and properly disposing of records.

RECOMMENDED ACTIONS:

- Approve the Financial Reports for the month ended January 31, 2022

ENCLOSED:

- Financial Detail Report for January 31, 2022
- Fund Summary Report for January 31, 2022

SWC Detail Financial Report as of January 31, 2022

Fiscal Year 2022

ITEM #10-1

58% 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 Month			ACTUAL EXPENSE Thru End of Current Month			ACTUAL EXPENSE Thru End of Current Month			PLUS TOTAL			ACTUAL CASH BALANCE End of Current Month
	BUDGET	Month	BALANCE	BUDGET	Month	BALANCE	BUDGET	Month	BALANCE	BUDGET	Month	BALANCE	BEG CASH AT 7/1/21	REC TO DATE	LESS TOTAL EXP TO DATE	
7101 MANAGEMENT ADMIN	389,825	179,810	210,015	52,600	52,326	274							442,425		232,136	210,289
7111 MANAGEMENT BOARD	5,000	1,744	3,256	12,000	7,652	4,348							17,000		9,396	7,604
7201 FIELD STAFF	452,700	222,596	230,104	90,000	70,397	19,603							542,700		292,993	249,707
7301 PROGRAMS	251,500	119,072	132,428	46,400	26,191	20,209							297,900		145,263	152,637
7310 DISTRICT ALLOCATIONS										1,128,100	1,128,100	0	1,128,100		1,128,100	0
7320 DISTRICT CAPACITY BLDG										300,000	300,000	0	300,000		300,000	0
7350 CREP	203,475	95,235	108,240	35,600	28,694	6,906							239,075		123,929	115,146
TOTAL GENERAL FUND 0001	1,302,500	618,457	684,043	236,600	185,261	51,339	0	0	0	1,428,100	1,428,100	0	2,967,200	0	2,231,818	735,382
		47.48%			78.30%		N/A for FY 2021								75.22%	
7325 SWC PROFESSIONAL SERV				30,000	0	30,000							22,889	38	0	22,927
TOTAL DEDICATED FUND 0450	0	0	0	30,000	0	30,000	0	0	0	0	0	0	22,889	38	0	22,927
					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 Month			ACTUAL EXPENSE Thru End of Current Month			PLUS TOTAL			ACTUAL CASH BALANCE End of Current Month	LOANS PAID OUT, NOTES RECEIVABLE		
	BUDGET	Month	BALANCE	BUDGET	Month	BALANCE	BUDGET	Month	BALANCE	BEG CASH AT 7/1/21	REC TO DATE	LESS TOTAL EXP TO DATE		NOTES RECEIVABLE 7/1/21	COLLECTIONS /ADJUSTMENTS TO DATE	NOTES RECEIVABLE End of Cur period
7351 RCRDP LOAN ADMIN	179,100	99,409	79,691	163,500	35,388	128,112				7,283,497	302,960	200,323	7,386,134	2,205,237	64,579	2,008,815
TOTAL RCRDP ADMIN 0522-00,01	179,100	99,409	79,691	163,500	35,388	128,112	0	0	0	7,283,497	302,960		7,386,134		(261,001)	
		55.50%			21.64%		0					0.00%				
7361 REVOLVING LOAN - DEQ				30,000	0	30,000				27,557	139,178	95,731	71,004	138,523	0	4,591
TOTAL DEQ LOAN 0529-16	0	0	0	30,000	0	30,000	0	0	0	27,557	139,178	95,731	71,004		(133,932)	
					0.00%							57.41%		ADV FROM PAYMENTS/ADJ TO DATE	ADV FROM 93,450	ADV FROM END OF CUR PERIOD (0)

Soil and Water Conservation Commission FY2022 YTD Financial Summary Through January 31, 2022

58% of the Fiscal Year Completed

Updated: [2/7/2022](#)

ITEM #10-2

Appropriation															
Fund Summaries															
Fund Source				General Fund				Professional Services				RCRDP Loan Administration			
Personnel Funds															
				Budget	Expenditures	Expenditures Projected	Remaining					Budget	Expenditures	Expenditures Projected	Remaining
				\$1,302,500	\$ 618,457	\$ 586,326	\$ 97,717					\$ 179,100	\$ 99,409	\$ 78,173	\$ 1,518
Operating Funds															
				Budget	Expenditures	Expenditures Projected	Remaining	Budget	Expenditures	Expenditures Projected	Remaining	Budget	Expenditures	Expenditures Projected	Remaining
				\$ 236,600	\$ 185,261	\$ 48,973	\$ 2,366	\$ 30,000	\$ -	\$ 15,000	\$ 15,000	\$ 163,500	\$ 35,388	\$ 46,379	\$ 81,733
Capital Funds															
				Budget	Expenditures	Expenditures Projected	Remaining								
				\$ -	\$ -	\$ -	\$ -								
Trustee and Benefit															
				Budget	Expenditures	Expenditures Projected	Remaining								
				\$1,428,100	\$ 1,428,100	\$ -	\$ -								

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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, PRATT, AND OLSON
FROM: DELWYNE TREFZ, ADMINISTRATOR
DATE: FEBRUARY 14, 2022
RE: NATIONAL ASSOCIATION OF STATE CONSERVATION AGENCIES MEMBERSHIP DUES

As a key member of the National Conservation Partnership, the National Association of State Conservation Agencies (NASCA) serves a valuable role as the unified voice of member state agencies and provides opportunities for us to be exposed to our counterparts in other states.

Annual membership dues are \$3,000. Attached is information provided by NASCA explaining the value of membership and the invoice for 2022 dues.

RECOMMENDED ACTION:

Approve paying the 2022 NASCA dues of \$3,000.

ATTACHMENTS:

NASCA 2022 Dues Invoice

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2022 NASCA Membership

NASCA members realize a tremendous value as a result of their participation with the organization. Through exposure to their counterparts from all over the country, the NASCA network facilitates information exchange between all of our members. NASCA continues to serve as the unified voice of our membership as a key member of the National Conservation Partnership. We also use members' dues to provide tools and resources utilizing this network, enhancing every state's capacity to deliver conservation effectively and efficiently. This benefit alone is a valuable return on investment for member state agencies.

This is an especially important year for NASCA to collect dues from all of its members. I have announced my retirement, and the NASCA Board of Directors will hire a new Executive Director this summer. This will undoubtedly require a budget increase moving forward, as it is highly unlikely we will be able to attract the kind of talent we seek at our current budgeted allotment for this position. Therefore, we ask that each state conservation agency do its part in supporting our national organization.

While dues collection is extremely important to NASCA, member engagement is even more critical. This is the true strength of our organization. NASCA provides a number of services to its membership, and each of these is enhanced when more members get involved. A few examples are explained in detail at nascanet.org/about-us/benefits. Please feel free to contact us any time to discuss current NASCA activities and what issues are most critical to your state. NASCA best serves its members when we are engaged in those conservation issues of key concern to our membership, so your feedback is critical to our success.

There are also countless opportunities for State Conservation Agency staff members to serve on NASCA committees or to represent NASCA on NACD committees and Resource Policy Groups. Simply let us know of your interests and we will accommodate! Thank you again for supporting NASCA. I look forward to another healthy and prosperous year in 2022 and working closely with as many of our member states as possible!

\$3,000.00

NASCA Annual Membership – 2022

INVOICE

Bill to:	Invoice #	Date
State of Idaho Soil and Water Conservation Commission PO Box 83720 Boise, ID 83702	2022-112	2022-01-24

Description	Amount
NASCA Annual Membership Services 2022	\$3,000

Thank You!

Partial Payments are welcome

NASCA's Tax ID#: 52-1316337

Checks Payable to NASCA

Please send member contact updates to the address below or email to Mike Brown
nascanet.org/nasca-contact-updates/

Contact:

Mike Brown

mike-brown@nascanet.org

(302) 270-8624

P.O. Box 211

Hartly, DE 19953

