



IDAHO SOIL & WATER CONSERVATION COMMISSION

REGULAR MEETING NOTICE & AGENDA

Idaho Soil & Water Conservation Commission
February 22, 2023, 12:00 p.m. to 3:00 p.m. MT

Location: Idaho Water Center, 322 E Front St, Suite 560, Conference Room, Boise
Zoom Call In # 1-253-205-0468

[ZOOM Meeting Link](#)

Zoom Meeting ID: 873 7225 0645 Zoom Passcode: 775396

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	Acting Chair Olson
*	2.	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.	Acting Chair Olson
	3.	PARTNER REPORTS (information only)	
ACTION ITEMS			
*#	4.	MINUTES <ul style="list-style-type: none">January 17, 2023 <u>ACTION:</u> Approve	Acting Chair Olson
NON-ACTION ITEMS			
	5.	REPORTS <i>Commissioners and staff only, no discussion</i> <u>ACTION:</u> For information only.	Commissioners, Staff
	6.	DISTRICT SUPPORT DUTIES REVIEW <ul style="list-style-type: none">District Support Specialist Primary Duties <u>ACTION:</u> For information only.	Strickland

(*) Action Item

(#) Attachment

ACTION: Staff recommended action for Commission consideration

Wednesday, February 22, 2023 Meeting Agenda
Date of Notice: February 16, 2022

7.	CREP (CONSERVATION RESERVE ENHANCEMENT PROGRAM) REPORT <ul style="list-style-type: none"> • General Provisions • Annual Payments • Management • Limitations • Actions • FY24 Budget <u>ACTION:</u> For information only.	Sharpnack
8.	ENGINEERING SERVICES UPDATE <u>ACTION:</u> For information only.	Lillibridge
9.	ADMINISTRATOR'S REPORT <ul style="list-style-type: none"> • Legislative Committee Presentations • Information for Commissioners • 2023 Regular Meeting Schedule <u>ACTION:</u> For information only.	Trefz
ADJOURN <i>The next Regular Commission Meeting will be on April 20, 2023, at 10:00 AM MT in Boise, Idaho.</i>		

(*) Action Item

(#) Attachment

ACTION: Staff recommended action for Commission consideration

Wednesday, February 22, 2023 Meeting Agenda

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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 #4

IDAHO SOIL & WATER CONSERVATION COMMISSION PUBLIC MEETING & TELECONFERENCE

Date and Time:

Tuesday, January 17, 2023
9:16 AM – 11:16 AM MT

Location:

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

Draft MINUTES

COMMISSION MEMBERS PRESENT:

Norman Wright (Chair) (Zoom)
Wendy Pratt (Secretary)
Karen Sharpnack

Erik Olson (Vice-Chair)
Joan Cloonan
Richard Savage (Zoom)

COMMISSION STAFF PRESENT:

Delwyne Trefz
Melonie Ziegler (Zoom)
Joe Peterson
Dustin Diaz (Zoom)

Crystal Rosen
Loretta Strickland
Brenda Charles (Zoom)

PARTNERS AND GUESTS PRESENT:

Joy Vega, OAG
Tom Daniel, IASCD
Greg Becker, NRCS (Zoom)
Mitch Stover, Public Citizen (Zoom)

Ken Stinson, Latah SWCD
Devin Fielding, IASCD
Karla Freeman, Kootenai Shoshone SWCD (Zoom)

ITEM #1: WELCOME AND ROLL CALL – Vice-Chairman Olson

Vice-Chairman Olson called the meeting to order at 9:16 AM.

Roll call: Chairman Norman Wright, Commissioners Erik Olson, Wendy Pratt, Joan Cloonan, Karen Sharpnack, and Richard Savage were present. Commissioner Becker was absent.

ITEM #2: AGENDA REVIEW – Vice-Chairman Olson

Action: None taken

ITEM #3: PARTNER REPORTS

Action: None taken

ITEM #4: MINUTES – Vice-Chairman Olson

Action: Commissioner Cloonan made a motion to *approve the August 25, 2022, September 22, 2022, and November 15, 2022 Regular Meeting and Listening Session minutes with correction to the roll call notation on the November 15, 2022 Listening Session to reflect Commissioner Pratt's absence*. Commissioner Pratt seconded the motion. Motion passed unanimously.

ITEM #5: REPORTS – Staff, Commissioners

Action: None taken.

ITEM #6: DISTRICT SUPPORT SERVICE UPDATE – Loretta Strickland

Action: None taken.

ITEM #7: ADMINISTRATOR'S REPORT – Delwyne Trefz

Action: None taken.

ITEM #8: FISCAL OFFICE REPORT – Melonie Ziegler

Action: None taken.

Meeting recessed at 10:28 AM.

Meeting reconvened at 10:37 AM.

ITEM #9: MEDIA ACTIVITIES REPORT – Joe Peterson

Action: None taken.

ITEM #10: EXECUTIVE SESSION – Vice-Chairman Olson

Action: Commissioner Sharpnack made a motion to *enter Executive Session pursuant to Idaho Code § 74-206(1)(d) for the purpose of discussing documents under attorney-client privilege*. Commissioner Cloonan seconded the motion. Motion passed by unanimous roll call vote.

ITEM #10a: DISCLOSURE OF GUIDANCE PROTECTED BY ATTORNEY-CLIENT PRIVILEGE – Delwyne Trefz

Action: Commissioner Cloonan made a motion to *release into public record Deputy AG Bell's document of guidance on the legal status of Conservation Districts*. Commissioner Wright seconded the motion. Motion passed by unanimous vote.

ADJOURN

The meeting was adjourned at 11:16 AM. The next Commission Meeting will be held on February 22, 2023 in Boise.

Respectfully submitted,

Wendy Pratt, Secretary

[Back to Agenda](#)



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Acting Chairman

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Karen Sharpnack
Commissioner

Richard Savage
Commissioner

Mitch Silvers
Commissioner

Blake Hollingsworth
Commissioner

Delwyne Trefz
Administrator

MEMO

**TO: CHAIRMAN OLSON AND COMMISSIONERS, PRATT, CLOONAN,
SHARPNAK, SAVAGE, SILVERS, AND HOLLINGSWORTH**
FROM: LORETTA STRICKLAND, DEPUTY ADMINISTRATOR
DATE: FEBRUARY 15, 2023
RE: DISTRICT SUPPORT DUTIES REVIEW

District Support Specialist Primary Duties

Aside from providing support for the Administrator, the Deputy Administrator performs District Support Specialist duties.

Routine District Support duties:

- Serve as the primary contact for District questions and keep Districts apprised of Commission information pertinent to them. Aside from Constant Contact reminders and informational emails, I also write and distribute a monthly Commission Connector for District Staff.
- Work to ensure District satisfaction with the ISWCC which is measured annually by deploying, collecting, analyzing the district satisfaction survey. The survey is also used for the Performance Measurements and other reports.
- Collect and document unmet district needs for presentation at the annual budget hearing
- Supervise field staff in Divisions 3,4,5 and 6 and the Lead Engineer; as well as serve as the hiring official for field staff.
- Collaborate with DEQ regarding current TMDL and 5-Year Review status. Oversee field staff completion of Agricultural Implementation Plans.

The District Support Specialist also oversees the ISWCC reports that are required by statute. These duties include collecting and reviewing 5-year & Annual Plans and Performance Reports. I also oversee the collection of District Financial and Match Reports and the timely distribution of match funds. The Financial and Match reports must be evaluated for rule requirements and the local match must be verified. Once the match is approved, a recommendation for eligible funding is made and the reports are prepared for the District Allocation Work Group (DAWG) meeting. After the DAWG completes their review and recommendations for eligible funding, the information is presented to the Commissioners for final review and approval.

One of the newer duties of this position evolved with the \$5 million WQPA appropriation last year. Having worked with cost-share programs for eighteen years, I was excited about what the program could offer Districts and conservation in Idaho and eagerly volunteered to help develop and administer the program. I am currently administering the program and using feedback from our first year to streamline the process and forms and refine some aspects of the policy.

REQUESTED ACTION: For information only



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Blake
Hollingsworth
Commissioner

Delwyne Trefz
Administrator

MEMO

**TO: CHAIRMAN OLSON AND COMMISSIONERS, PRATT, CLOONAN,
SHARPNAK, SAVAGE, SILVERS, AND HOLLINGSWORTH**
FROM: ROB SHARPNAK, CREP PROGRAM MANAGER
DATE: 2/13/2023
**RE: CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)
OUTLOOK**

General Provisions

The general provisions of the CREP program are as follows:

“This CREP contemplates the enrollment of up to 50,000 acres of cropland and is designed to reduce the amount of irrigation water consumptive use, conserve energy, and reduce the amount of agricultural chemicals and sediment entering waters of the State from agricultural lands. In addition, aquatic and terrestrial wildlife habitat, including for upland birds, will be enhanced through establishment of permanent vegetative cover.”

“The primary goals of this CREP are, when full enrollment is reached:

1. Enroll up to 50,000 acres of eligible cropland.
2. Cease the application of water on up to 50,000 acres of irrigated cropland and thereby reduce the consumptive use of water from the Eastern Snake Plain Aquifer by an estimated two (2) acre-feet annually per enrolled acre up to a total of 100,000 acre-feet annually.
3. Provide up to 50,000 additional acres of native grassland habitat for wildlife in the Idaho CREP project area, improving habitat for grassland-nesting birds such as sage grouse and sharp-tailed grouse.”

Presently, this is the second year of the new contract period, and the current contract will extend for 10 years. There are 11,442 acres enrolled in CREP with a ground water savings of 22,882 acre-ft annually. See Figure 1.

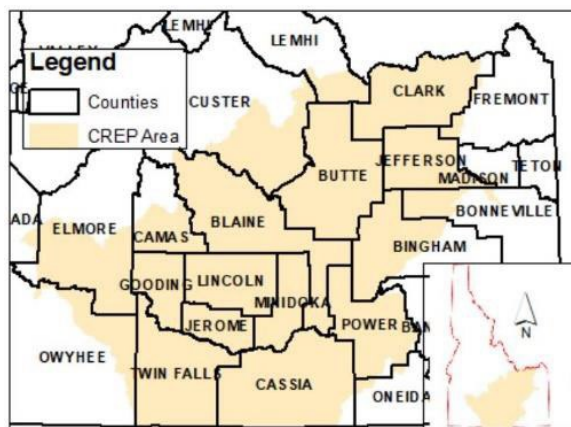


Figure 1: CREP Boundaries

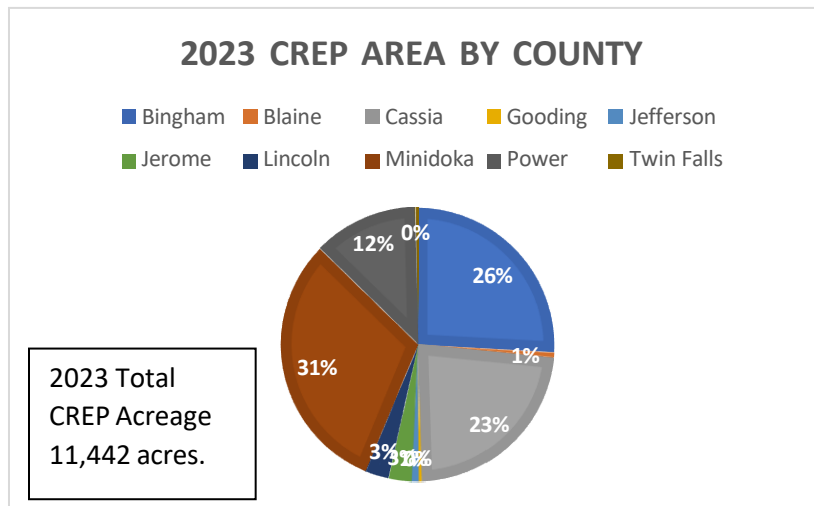


Figure 2: CREP Area by County

CREP is a partnership with state and federal government to promote ground water savings and wildlife habitat while controlling water and wind born erosion on contract fields in Idaho. Landowners are compensated annually while in the program. Federal and state compensation is made to landowners annually as part of the “Revised Agreement Between the United States Department of Agriculture Commodity Credit Corporation (CCC) and the State of Idaho Concerning the Implementation of the Eastern Snake Plain Aquifer Conservation Reserve Enhancement Program” Section V.2. Section VC of the Agreement states that Federal Commitment will include “Making annual rental payments based on county per-acre irrigated rental rates, as determined by CCC. The maximum per-acre annual rental payment for eligible irrigated cropland will be the per-acre irrigated cropland rental rate at the time the offer is submitted, as determined by CCC, for the county in which the majority of the eligible irrigated cropland offered is physically located”. And the State of Idaho Soil and Water Conservation Commission in Section VI.2.A will: “Make a per-acre annual payment to participants in an amount equal to the result of multiplying the USDA CCC per-acre annual rental payment, as determined in accordance with Section V.2, times 0.13 (13 percent). The annual payment will be divided among the eligible participants according to the shares on the approved CRP contract.”

Annual Payments

In Federal FY22 in annual rental payments the federal government paid Idaho landowners enrolled in the CREP program a total of \$2,078,623 in annual rental payments. This is on average a payment of \$91 per acre-ft of water savings from the federal government in FY22. Presently, not all of the land enrolled in the CREP program has had its initial contract expire and has therefore, are not eligible to enroll in this new CREP agreement. Under the new CREP agreement annual rental rates are generally higher than under the previous contract.

The CREP program in Idaho have a series of in-kind contributions they each share with this program: The Idaho Department of Environmental Quality (DEQ), Idaho Department of Fish and Game (IDFG), and the Idaho Department of Water Resources (IDWR), local Water Districts and Soil and Water Conservation Districts and the Idaho Ground Water Association (IGWA).

In FY22, DEQ, IDFG, and the SWCC contributed \$182,196 in “in-kind” monies to the CREP Program. IDWR, the water districts and IGWA contributed \$22,134,090 in personnel monies,



Picture 1: A CREP field

Water Master expenses, and projects. Projects include recharge, loans, studies, and cloud seeding within the ESPA area. Total “in-kind” monies spent on CREP in FY22 equals \$22,316,286.

Program Management

Idaho Soil and Water Conservation Commission (ISWCC) staff conduct onsite CREP field reviews each year concentrating on improving stand development and verifying no unauthorized activities have occurred. For FY22, a total of 292 fields were inspected on over 64 contracts and over 64 status reviews were prepared and sent to FSA and each contract participant. Geo-Tagged information is used by staff to confirm status summaries.

Discovery and findings varied with each field visit and typically fall into 3 common areas: ISWCC staff verify:

- That no watering, grazing or other activities have occurred
- Vegetative stand condition, whether weed or excess pests are present
- Ensure that non-approved items are not stored on the enrolled CREP ground.

ISWCC staff recheck fields that need additional monitoring and recommendations for:

- Weed Control
- Inter-seeding to thicken low density areas
- Verify extraction of equipment, haystack, manure piles or un-authorized grazing
- Weed control needed to reduce weed pressures.

A copy of each field review was given to both the local FSA office and the landowner/operator. Correspondence and follow up had been carried out with participants for any actions that may be needed.

[Back to Agenda](#)

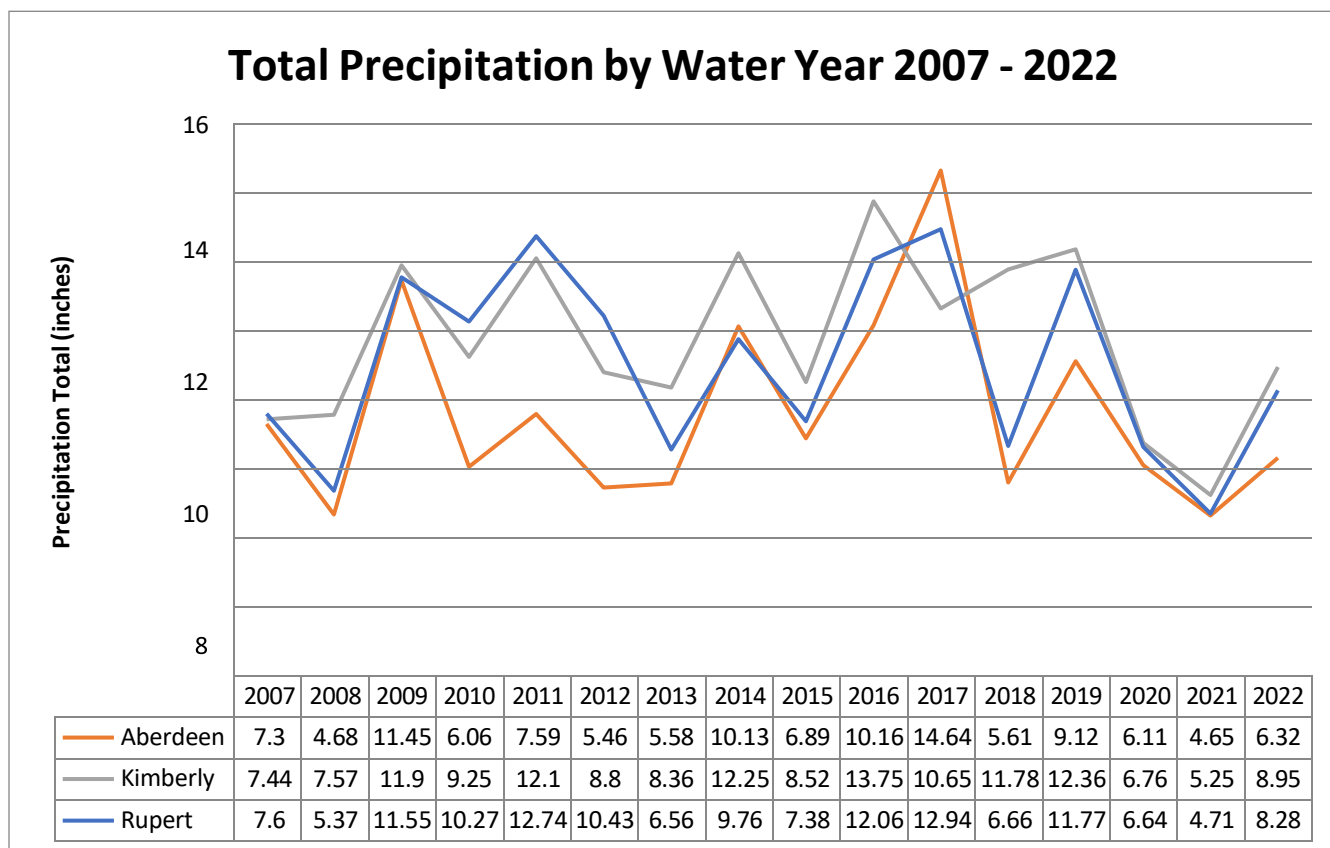


Figure 3: Total Precipitation by Water Year 2007-2022

Program Limitations

Limitations affecting CREP enrollment and success include:

1. Initial annual rental rate payment amounts were low and were not updated until 10 years later.
2. Demand for high value crops supporting dairy and ag production has increased since the program began.
3. Agricultural commodity prices have greatly increased in the past year.
4. Threat of mandatory water curtailments have decreased.
5. Drought conditions across southern Idaho have persisted for the last several years and have reduced the ability of farmers entering the program to establish native grasses. Normal precipitation has an annual total of 9-11 inches. In Fiscal Years 2020, 2021, and 2022 the annual total precipitation was between 4.7 and 8.95 inches respectively for the three Agrimet reporting stations in our CREP area during those 3 years. See Figure 3.
6. Program payment limitations for some operations have limited the number of acres that could be enrolled.
7. Some potential participants do not like obligations to a 10-year term without the ability to adjust for inflation.

8. Many participants and potential participants have expressed dislike of the extra costs and feasibility of having to plant native only grasses which have not been as effective in competing with the non-native weeds from decades of annual irrigated crop production.
9. Some potential participants do not like obligations to a 10-year term without the ability to adjust for inflation.
10. Many participants and potential participants have expressed dislike of the extra costs and feasibility of having to plant native only grasses which have not been as effective in competing with the non-native weeds from decades of annual irrigated crop production



Picture 2: A CREP Field

Program Actions

Staff will continue to recommend field monitoring and weed control in the spring either by chemical or mechanical means to reduce weed growth, conserve moisture, and reduce weed propagation.

State partners must continue to provide ways to expedite processing required documentation and files in a timely way.

The 1619 policy of USDA restricts the ability of utilizing cloud technology for field documentation and reporting. This limitation prevents the ability to improve timely reporting of field activities to FSA, IDWR and the producer. It also prevents the ability to track status in real time between the three agencies. The many extra precautions and steps that must be used has been a hindrance to real time communications.

Increases in rental rates have been introduced by FSA. The updated rates help reflect current economic conditions and trends that may make the program more feasible for potential participants.

ISWCC staff continues to use merged GIS shape file “road maps” for planning field visits efficiently and selecting areas needing follow up. Staff use Galaxy Android smart pads and phones that utilize Global Positioning Systems (GPS) to tag photos, pinpoint problem areas, and expedite compliance checks. The use of these devices and the Avenza PDF mapping program has allowed staff to do more field checks and expedite fieldwork documentation. The technology provides the ability to locate individual fields faster and provide improved field information & documentation for the producer and FSA. Staff can perform more accurate field measurements and tag areas needed for weed control and seeding and pinning problem areas for the participant. This technology saves at least ½ FTE in savings of field location and problem identification.

Additional data gathering tools exist that can create, share, and analyze data in real time which would expedite the field check process with agencies and improve communications field findings with participants. Until third party protocols can be developed with surety of privacy of data, those tools remain unattainable.

Based on experiences learned from the first 16 years of implementation, there will be more emphasis for weed control efforts on established stands in the month of April or May when the weeds are actively beginning to grow. After certification of establishment, there had been a “lapse” of preventive weed and pest maintenance because of the need to observe nesting dates from April 1 to August 1. Continued annual regeneration of weeds provided the opportunity of overtaking what once were decent stands of grasses. It has been determined that ongoing weed control is needed to minimize those losses of our desired stands. FSA rules provide the ability to spot spray or clip within nesting dates for noxious and nuisance weeds with permission first from FSA in conjunction with SWCC. By clipping off the weeds or use of chemical, the weeds will not rob as much of the precious soil moisture and helps to eliminate overtaking of the existing grass stands. Weeds will not be able to reproduce and weed development and debris will be minimized which reduces any potential of wind transport of mustards and other weed debris created by the summer’s growth. It also reduces the duff and carcass production of weed matter which creates favorable habitat and cover for rodents, which also prey on the desired plants.

The Governor’s FY24 Budget

The FY23 budget for the SWCC did include the \$264,000 to make the required 13% match payment to enrolled landowners. The proposed State budget for the SWCC CREP program for FY24 did not include monies for this state match payment. The SWCC is presently working with the IGWA and the Idaho Association of Soil Conservation Districts to get funds for continuing these payments and included them into the governor’s recommended budget. Consequences of failing to secure these landowner payments include: “In the event USDA CCC or the State is subject to a funding limitation, it will notify the other party, in writing, within 30 days and any necessary modifications will be made to this Agreement, including termination of this Agreement.” Section VII.1. of the Agreement.

REQUESTED ACTION: For information only

[Back to Agenda](#)



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MEMO

**TO: CHAIRMAN OLSON AND COMMISSIONERS, PRATT, CLOONAN,
SHARPNACK, SAVAGE, SILVERS, AND HOLLINGSWORTH**
FROM: DELWYNE TREFZ, ADMINISTRATOR
DATE: FEBRUARY 15, 2023
RE: ADMINISTRATOR'S REPORT

LEGISLATIVE COMMITTEE PRESENTATIONS

February 7th I presented our 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 asked if there was a limit to the amount of funding we could handle through WQPA and I responded that with current staff, \$5 million per year was our maximum.

February 8th I presented the same report to the House Ag Affairs Committee. Members of the committee focused their questions on sorting out the pre-2021 and post-2021 performance measures. We got through that and Devin again provided his impactful District report.

February 9th I joined forces with IDEQ, IDWR, the Idaho Water Users Association, and Idaho Dairyman's Association to present information on our various cost-share and grant programs before the House Resources and Conservation Committee. We are scheduled to make the same presentation before the Senate Resources and Environment Committee.

February 15th I presented our FY 2024 budget request before the Joint Finance and Appropriations Committee. Committee members had no questions. The next step is budget setting and I'll let you know when JFAC gets that scheduled.

INFORMATION FOR COMMISSIONERS

The remainder of my report will be a review of items related to Commissioner roles and responsibilities.

2023 Commission Regular Meeting Schedule

Below is the tentative Regular Meetings Schedule for the upcoming calendar year. Meetings are shown in March and October for scheduling purposes if necessary. Typically, your Board cancels these meetings to attend Spring and Fall Division meetings in each region.

Date & Time	Location	Meeting Type*
Apr. 20, 2023, 10-3, MT	322 E. Front Street, Suite 560, Boise	Regular
May 18, 2023, 10-3, MT	322 E. Front Street, Suite 560, Boise	Regular
Jun. 15, 2023, 10-3, MT	322 E. Front Street, Suite 560, Boise	Regular
Jul. 20, 2023, 10-3, MT Jul	322 E. Front Street, Suite 560, Boise	Regular
Aug. 17, 2023, 10-3, MT	322 E. Front Street, Suite 560, Boise	Regular
Sep. 21, 2023, 10-3, MT	322 E. Front Street, Suite 560, Boise	Regular
Oct. 19, 2023, 10-3, MT	322 E. Front Street, Suite 560, Boise	Regular
Nov. 16, 2023, 10-3, MT	322 E. Front Street, Suite 560, Boise	Regular
Dec. 21, 2023, 10-3, MT	322 E. Front Street, Suite 560, Boise	Regular

*All meetings listed as Regular Meetings will 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.

[Back to Agenda](#)