



**IDAHO SOIL & WATER  
CONSERVATION COMMISSION**

**REGULAR MEETING NOTICE & AGENDA**

Idaho Soil & Water Conservation Commission  
May 9, 2019, 9:00-1:00 p.m. MT

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

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

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

**AMERICANS WITH DISABILITIES ACT COMPLIANCE**

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

	1.	<b>WELCOME, SELF-INTRODUCTIONS, AND ROLL CALL</b>	Chairman Wright
	2.	<b>PARTNER REPORTS (for information only)</b>	
*	3.	<b>AGENDA REVIEW</b> ( <u>potential action item</u> ) The Agenda may be amended by formal Board action if necessary at the meeting. If so, a motion that states the reason for the amendment and the good faith reason the item was not included in the original agenda will be made and approved by the Board.	Chairman Wright
<b>ACTION ITEMS</b>			
	4.	<b>ADMINISTRATIVE</b>	
*	a.	<b>MINUTES</b> 1. April 11, 2019 Regular Meeting. <u>ACTION:</u> Approve	Chairman Wright
#	b.	<b>FINANCIAL REPORT</b> 2. FY 2019 Monthly Report, April 30, 2019. 3. FY 2019 YTD Financial Summary through April 30, 2019. <u>ACTION:</u> Approve	Yadon

(\* ) Action Item

(#) Attachment

ACTION: Staff recommended action for Commission consideration

* #	c.	<b>Red Tape Reduction Act, Commission Implementation of Executive Order 2019-02</b> 1. Submit Bulletin Notice with proposed changes to 60.05.01. 2. Submit Bulletin Notice with proposed changes to 60.05.04. 3. Submit Rules allowed to expire e-mail. <u>ACTION:</u> 1. Approve Bulletin Notice and temporary rule as drafted with proposed changes for IDAPA 60.05.01 (RCRDP Rules). 2. Approve Bulletin Notice and temporary rule as drafted with proposed changes for IDAPA 60.05.04 (District Allocation Rules). 3. Approve rules elimination e-mail requesting the expiration of IDAPA 60.05.02 (Antidegradation Rules) and 60.05.03 (WQPA Rules).	Dalzell, Murrison
<b>NON-ACTION ITEMS</b>			
	4.	<b>ADMINISTRATIVE (CONT.)</b>	
#	d.	<b>ADMINISTRATOR'S REPORT</b> 1. Activities 2. Governor's Award for Excellence in Agriculture (with attachment) 3. Draft Idaho Conservation Partnership Agreement 4. FY 2019 Commission Meeting Schedule <u>ACTION:</u> For information only	Murrison
#	e.	<b>FY 2020-2023 Strategic Plan Update</b> <u>ACTION:</u> For information only	Dalzell
	5.	<b>OTHER REPORTS</b> <u>ACTION:</u> For information only	Commissioners, Staff
<b>ADJOURN</b> <i>The next Regular Commission Meeting is scheduled for June 7, 2019 in Boise, Idaho.</i>			Chairman Wright

(\* ) Action Item

(#) Attachment

ACTION: Staff recommended action for Commission consideration

Thursday, May 9, 2019 Meeting Agenda

Date of Notice: May 2, 2019



# Idaho Soil & Water Conservation Commission

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

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

**Date and Time:**

Thursday, April 11, 2019  
9:00AM – 12:50 PM MT

**Location:**

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

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### MINUTES

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**COMMISSION MEMBERS PRESENT:**

Norman Wright (Chair)  
Jerry Trebesch (Secretary)

Cathy Roemer (Vice-Chair)  
Erik Olson (teleconference)

**COMMISSION STAFF PRESENT:**

Delwyne Trefz  
Corrine Dalzell  
Chuck Pentzer  
Teri Murrison (teleconference)

Crystal Rosen  
Terry Hoebelheinrich  
Rhonda Yadon

**PARTNERS AND GUESTS PRESENT:**

Barry Burney, IDEQ  
Ralph Thier, Valley SWCD  
Shantel Chapple Knowlton, Office of the Attorney General

Robbie Taylor, IDEA (teleconference)  
Mike Sommerville, IASCD (teleconference)

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

Chairman Wright called the meeting to order at 9:00 a.m.  
Roll call: Chairman Norman Wright, Commissioners Cathy Roemer, Jerry Trebesch, and Erik Olson were present.

**ITEM #2: PARTNER REPORTS**

Action: None taken

**ITEM #3: AGENDA REVIEW**

Action: None taken

**ITEM #4a: ELECT BOARD SECRETARY**

Action: Commissioner Roemer made a motion to *elect Jerry Trebesch to the office of Commission Secretary to Fill Unexpired Term of Dave Radford*. Commissioner Olson seconded the motion. Motion carried by unanimous vote.

**ITEM #4b: MINUTES**

Action: Commissioner Olson made a motion to *approve the February 18, 2019 minutes as submitted*. Commissioner Roemer seconded the motion. Motion carried by unanimous vote.

**ITEM #4c: FINANCIAL REPORTS**

Action: Commissioner Roemer made a motion to *approve the Financial Report for the month ended on February 28, 2019*. Commissioner Trebesch seconded the motion. Motion carried by unanimous vote.

Action: Commissioner Olson made a motion to *approve the Financial Reports for the month ended March 31, 2019*. Commissioner Roemer seconded the motion. Motion carried by unanimous vote.

Action: Commissioner Roemer made a motion to *approve the FY 2019 YTD Financial Summary through March 31, 2019*. Commissioner Trebesch seconded the motion. Motion carried by unanimous vote.

**ITEM #4d: FY 2020 APPROPRIATION AND BUDGET BLUEPRINT**

Action: Commissioner Roemer made a motion to *approve the FY 2020 General and Dedicated Fund Blueprints, including setting Trustee and Benefit fund distribution to districts in FY 2020 as presented*. Commissioner Olson seconded the motion. Motion carried by unanimous vote.

**ITEM #5a: FY 2019-2022 STRATEGIC PLAN UPDATE**

Action: None taken

**ITEM #5b: ADMINISTRATOR'S REPORT**

Action: None taken

**ITEM #5c: WATERS OF THE UNITED STATES (WOTUS) REPORT**

Action: None taken

**ITEM #6a: CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP) ANNUAL REPORT**

Action: None taken

**ITEM #7: OTHER REPORTS**

Action: None taken

**ITEM #8: RESOURCE CONSERVATION AND RANGELAND DEVELOPMENT PROGRAM (RCRDP)  
RULE CHANGES**

Action: Commissioner Olson made a motion to *submit an Administrative Rules form to DFM for sections 103 and 151 of the RCRDP Rules and to reduce words in the overall word count per Executive Order 2019-02*. Commissioner Trebesch seconded the motion. Motion carried by unanimous roll call vote.

**ITEM #8: EXECUTIVE SESSION**

Action: Commissioner Roemer made a motion to *enter Executive Session pursuant to Idaho Code §74-206(1)(f) to discuss with legal counsel pending litigation, or controversies not yet being litigated but imminently likely to be litigated*.

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

Executive Session ended at 12:50 PM

No action was taken.

**ADJOURN**

The meeting was adjourned at 12:50 PM. The next Commission Meeting will be held in Boise on May 9, 2019.

Respectfully submitted,

Jerry Trebesch, Secretary

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**IDAHO SOIL & WATER  
CONSERVATION COMMISSION**

ITEM #4b

**TO: CHAIRMAN WRIGHT AND COMMISSIONERS ROEMER, OLSON, AND TREBESCH**  
**FROM: RHONDA YADON, FISCAL & HR MANAGER**  
**DATE: MAY 2, 2019**  
**RE: FINANCIAL REPORTS, FISCAL MATTERS**

**FINANCIAL REPORTS**

We are 83% through the year as of the end of April. There are no unusual expenditures to report, so I believe that we are still on target for ending the year very close to budget. The Financial Detail Report and Financial Summary Report (including the financial projections for the year) for the month ending April 30, 2019 should be available in hard copy at your meeting. The statewide financial system will not close for April until Friday, May 3<sup>rd</sup>, so reports will not be available to me to compile your reports until Monday, May 6<sup>th</sup>. I will have them ready for your meeting on Thursday but plan to email them out to you on Wednesday, May 8<sup>th</sup>, as well. I will plan to review both reports on all the funds in detail at your meeting.

**COMMISSIONER HONORARIUMS**

Below is a schedule of the honorarium balances as of April 19, 2019. Included in the schedule is the days and amounts budgeted for each Commissioner for FY19. We are in good standing with the travel budget for Commissioners honorariums as we have spent 73.5%. As of the end of March, the operating travel costs for Commissioners were at 74.1% of the \$14,475 allocation. I will update the spending percentage for April after I receive the statewide reports next week. Overall, I believe the Commissioner Travel Budget is in very good standing.

Commissioner	Days Budgeted/ Traveled to Date	Benefit Costs included in Honorariums	Honorariums Budgeted	Expended to Date	Projected Balance/ (Overage)
Wright	30 / 24	\$132	\$1,632	\$1,295	\$338
Roemer	20 / 17	\$88	\$1,088	\$922	\$166
Trebesch	12 / 4	\$44	\$544	\$215	\$329
Radford	20 / 13	\$88	\$1,088	\$703	\$386
Slichter/Olson	20 / 16	\$88	\$1,088	\$864	\$224
Totals		\$442	\$5,442	\$3,999	\$1,442

RECOMMENDED ACTION: Approve the Financial Reports for the month ended April 30, 2019

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**SOIL & WATER  
CONSERVATION  
COMMISSION**

H. Norman Wright  
Chairman

Cathy Roemer  
Vice Chairman

Gerald Trebesch  
Secretary

Erik Olson  
Commissioner

Vacant  
Commissioner

Teri Murrison  
Administrator

**MEMO**

**TO: CHAIRMAN WRIGHT AND COMMISSIONERS ROEMER, TREBESCH,  
AND OLSON**  
**FROM: CORRINE DALZELL, RULES REVIEW OFFICER**  
**DATE: APRIL 25, 2019**  
**RE: RED TAPE REDUCTION ACT, COMMISSION IMPLEMENTATION OF  
EXECUTIVE ORDER 2019-02**

Governor Little's Red Tape Reduction Act, Executive Order No. 2019-02, was issued on January 21, 2019, directing state agencies to eliminate excessive and burdensome regulations. All state agencies were required to appoint a Rules Review Officer to undertake an extensive, comprehensive review of existing rules to "identify costly, ineffective, or outdated regulations" for elimination. In the meantime, as you may be aware, the 2019 Legislature adjourned last month without passing its annual extension of existing state agency rules (see attached "*Little outlines his plan for administrative rules, after Legislature dropped ball...*" Idaho Press, April 23, 2019).

The Commission responded by appointing Corrine Dalzell as Rules Review Officer to begin the process of reviewing our existing four rules: the RCRDP Loan, Anti-Degradation, Water Quality Program for Agriculture, and the District Allocation Rules (see attached). The Governor announced he will approve the issuance of Temporary Rules for only those existing state rules that are necessary for the state to continue to function.

In meetings with DFM, staff has determined that two of our four rules, the Water Quality Program for Agriculture Rule and the Antidegradation Rule are not likely to be considered for extension as Temporary Rules by the Governor. This is because WQPA has been unfunded since 2012 and there is no prospect of new funding in the foreseeable future, and the Antidegradation Rule – a mechanism for requiring districts to submit 5 year plans – can be readily incorporated into the District Allocation Rule. In accordance with the requirements stated in the DFM Memorandum, we will be submitting an e-mail with a brief explanation of why we are proposing to eliminate these rules (see attached).

The RCRDP and District Allocation Rules will most likely be extended, allowing them to continue in force during FY 2020 and until they can be considered next session by the Legislature. As directed by your Board at last month's meeting, the RCRDP Rule will still proceed through negotiated rulemaking to deal with the changes requested by the Senate and House during the session (establishing a new borrowing cap, and addressing the lien holder issue that the borrower may proceed on the project at his own risk).

Copies of the recommended temporary rules for the RCRDP Rules and District Allocation Rules with proposed changes are attached. The changes to the District Allocation Rules incorporate suggestions by DFM to add a definition of Five Year Plan to allow for the expiration of the Antidegradation Rules and to update the Commission's address. The suggested changes to the RCRDP Rules update the definition of Five Year Plan to refer to the District Allocation Rules rather than the Antidegradation Rules. The deadline for submitting these documents for the Governor's consideration is May 10, 2019, requiring your approval at the May 9<sup>th</sup> meeting. Staff recommends your Board approve the request to extend the RCRDP and District Allocation Rules with proposed changes.

Copies of our rules as they exist currently, can be found on our website at <https://swc.idaho.gov/about-us/statute-and-rules/>.

**Recommended Actions:**

1. Approve Bulletin Notice and temporary rule as drafted with proposed changes for IDAPA 60.05.01 (RCRDP Rules).
2. Approve Bulletin Notice and temporary rule as drafted with proposed changes for IDAPA 60.05.04 (District Allocation Rules).
3. Approve rules elimination e-mail requesting the expiration of IDAPA 60.05.02 (Antidegradation Rules) and 60.05.03 (WQPA Rules).

**Attachments:**

Executive Order 2019-02 Memorandum from DFM  
Idaho Press Tribune Article  
IDAPA 60.05.02, Anti-Degradation Rule  
IDAPA 60.05.03, Water Quality Program for Agriculture Rule  
Rules Allowed to Expire, draft e-mail  
Bulletin Notice and recommended temporary rule for IDAPA 60.05.01, RCRDP Loan Rules  
Bulletin Notice and recommended temporary rule for IDAPA 60.05.04, District Allocation Rules

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State of Idaho

## DIVISION OF FINANCIAL MANAGEMENT

Executive Office of the Governor

BRAD LITTLE  
Governor

ALEX J. ADAMS  
Administrator

ITEM #4c-1

February 6, 2019

### MEMORANDUM

**TO: Executive Branch Agency/Department Heads  
(with the exception of Constitutional Officers)**

**FROM: Alex J. Adams**

**SUBJECT: Implementation of Executive Order No. 2019-02 - Red Tape Reduction Act**

Last week, Governor Little signed the Red Tape Reduction Act ([Executive Order 2019-02](#)) which aims to reduce state regulatory burdens on Idaho citizens and businesses. Namely, the Executive Order requires all agencies to repeal or significantly simplify at least two (2) existing rules for each new rule that is proposed or provide a clear and thorough statement as to why this cannot be accomplished.

DFM looks forward to working collaboratively with your agency to advance Governor Little's Executive Order, and this memorandum summarizes some initial steps that will allow us to start on the path to success.

#### **1. Designate a Rules Review Officer**

Each agency that has the authority to issue administrative rules shall designate an existing employee of the agency as its Rules Review Officer (RRO). The RRO must undertake a critical and comprehensive review of the agency's administrative rules to identify costly, ineffective, or outdated regulations.

The RRO designation must be made no later than **March 1, 2019**, by submitting the following information by email to [info@dfm.idaho.gov](mailto:info@dfm.idaho.gov):

- Agency Name
- Division Name (if applicable)
- RRO Name
- RRO Title
- RRO Email Address
- RRO Direct Phone Line

#### **2. Attend a Training Session**

DFM will host training sessions to detail implementation of the Executive Order. Training is required for all RROs and is open to any other agency staff that is involved in rulemaking. Training will specifically cover:

- Updates to the Administrative Rules Review Form (ARRF);
- Which rules the Executive Order will and will not apply to;
- The acceptable exceptions to repealing/simplifying two rules;
- Guidance on how to identify and prioritize rules for elimination; and
- How to submit an acceptable business/competitiveness impact statement that identifies the impact that the proposed rule will have on individuals and small businesses.

Training sessions will be held at the following times:

Date	Time	Location	RSVP Deadline
February 22, 2019	1:00-3:00 p.m.	JR Williams East Conference Room	COB February 15
March 6, 2019	1:00-3:00 p.m.	JR Williams East Conference Room	COB February 27
March 14, 2019	1:00-3:00 p.m.	JR Williams East Conference Room	COB March 7
April 3, 2019	9:00-11:00 a.m.	Borah Building 2 <sup>nd</sup> Floor Courtroom	COB March 27
April 11, 2019	3:00-5:00 p.m.	JR Williams West Conference Room	COB April 4
April 22, 2019	1:00-3:00 p.m.	JR Williams West Conference Room	COB April 15

To RSVP, please email [info@dfm.idaho.gov](mailto:info@dfm.idaho.gov) by the deadline. Seating is limited at each session.

### 3. Follow Key Rulemaking Deadlines

An agency's RRO **must** attend a training session prior to the agency submitting an ARRF for any negotiated/proposed rule the agency intends to promulgate for review by the 2020 Idaho State Legislature. Temporary rules will still be accepted if there is a compelling need.

After attending a training session, the following deadlines apply for submitting ARRFs. This will ensure DFM analysts and your Governor's office contacts have sufficient time to review the ARRF – and ensure it complies with the Executive Order -- prior to the agency's submission to the Administrative Bulletin.

Monthly Bulletin	ARRF Due to DFM
April 2019	February 22, 2019
May 2019	March 22, 2019
June 2019	April 19, 2019
July 2019	May 24, 2019
August 2019	June 21, 2019
September 2019	July 19, 2019
October 2019	August 16, 2019

If your agency is unable to meet these deadlines, please contact me to set up a meeting.

We view this as a collaborative effort and will have an open feedback loop with agencies to ensure we can accomplish the Governor's goal while continuing to protect all Idahoans through safe and effective regulation. I welcome any feedback to improve our processes as we implement the Executive Order ([Alex.Adams@dfm.idaho.gov](mailto:Alex.Adams@dfm.idaho.gov); 208-334-3900).

[https://www.idahopress.com/eyeonboise/little-outlines-his-plan-for-administrative-rules-after-legislature-dropped/article\\_cb558ea9-3178-57e9-a8d4-684b2c91ddc8.html](https://www.idahopress.com/eyeonboise/little-outlines-his-plan-for-administrative-rules-after-legislature-dropped/article_cb558ea9-3178-57e9-a8d4-684b2c91ddc8.html)

## Little outlines his plan for administrative rules, after Legislature dropped ball...

Posted by Betsy Apr 23, 2019



BETSY Z. RUSSELL/Idaho Press

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After the Idaho Legislature adjourned this year without passing its annual "drop-dead bill" to extend administrative rules -- meaning more than 8,000 pages of state agency administrative rules will expire July 1 unless the executive branch reinstates them -- Gov. Brad Little today released an outline of his

plan for keeping the rules in effect. Here is his full announcement:

"Governor Brad Little began laying out his plan today to ensure existing administrative rules remain in effect following the Idaho Legislature's decision not to reauthorize the rules during the 2019 legislative session.

"The efficient operation of state government is a priority of mine, and the people of Idaho expect it," Governor Little said. "I have directed my administration to exercise necessary executive authority to minimize the impact on state agencies – and the public most importantly – as we work to address this unique circumstance."

"The Idaho Administrative Code has the full force of law. At the beginning of the year, it included 736 chapters and 8,278 pages of regulations and at least 72,000 total restrictions. The Idaho Legislature in the past has reauthorized all existing rules at the end of the legislative session but did not do so this year. As a result, Governor Little must use executive administrative action to ensure rules remain in effect after July 1, 2019.

"The majority of existing rules will be reauthorized before July 1. Agencies will re-publish the rules as 'temporary and proposed rules' concurrently in a special edition of the Idaho Administrative Bulletin in June 2019. Agencies will accept written comments in accordance with state law. All rules reauthorized through this process are subject to legislative review during the 2020 legislative session.

"Governor Little's administration will use the unique opportunity to allow some chapters of Idaho Administrative Code that are clearly outdated and irrelevant to expire on July 1, 2019. An agency must notify the Division of Financial Management (DFM) if it identifies a rule that could be eliminated. DFM will solicit public comment on any proposed rule elimination. Governor Little ultimately will make the decision before July 1 whether to let a rule expire.

"I did not ask for this and did not want this," Governor Little said. "However, I will use all authority I have to ensure our state government continues to operate smoothly and the administrative rules remain in effect without interruption."

"Any new rules or significant modifications to existing rules must go through the normal rulemaking process, which traditionally involves a months-long process of negotiated, proposed, and pending rule stages with specific requirements for public comment."

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*Betsy Z. Russell is the Boise bureau chief and state capitol reporter for the Idaho Press and Adams Publishing Group. Follow her on Twitter at @BetsyZRussell.*

**IDAPA 60  
TITLE 05  
CHAPTER 02**

**60.05.02 – THE ANTIDegradation PLAN FOR AGRICULTURE FOR THE IDAHO SOIL  
CONSERVATION COMMISSION AND SOIL CONSERVATION DISTRICTS**

**000. LEGAL AUTHORITY.**

The Idaho State Soil and Water Conservation Commission has been granted the authority to promulgate rules by Subsection A of Section 22-2718, Idaho Code, and Subsection D of Section 22-2718, Idaho Code. (12-11-89)

**001. -- 010. (RESERVED)**

**011. DEFINITIONS.**

**01. Antidegradation Plan.** The plan in the Final Agreement to implement an Antidegradation Policy for the state of Idaho (August 18, 1988). (12-11-89)

**02. Best Management Practice.** A practice or combination of practices which are determined to be the most effective, practicable means of preventing or reducing the amount of pollution generated by nonpoint sources. (12-11-89)

**03. Commission.** The Idaho State Soil and Water Conservation Commission as defined in Section 22-2718, Idaho Code. (12-11-89)

**04. District.** A Soil Conservation District as defined in Section 22-2717, Idaho Code. (12-11-89)

**05. Stream Segment of Concern.** A specific stream segment or body of water that has been published in the most current final Basin Area Report, which is developed every two (2) years for each of the six (6) basins. (12-11-89)

**012. PURPOSE.**

The purpose of these rules is to implement the antidegradation plan for agriculture and to formalize existing requirements of five (5) year plan development by each Soil Conservation District. (12-11-89)

**013. BEST MANAGEMENT PRACTICES.**

**01. Design or Adopt.** Each District will, in consultation with the Commission, design or adopt Best Management Practices which, when applied, will protect beneficial uses as identified in the State Water Quality Standards. Best Management Practices that are adopted will be in conformance with Best Management Practices identified in the current Agricultural Pollution Abatement Plan. (12-11-89)

**02. Revise.** Best Management Practices will be revised as necessary when the Department of Health and Welfare, Division of Environmental Quality determines, through the coordinated monitoring program, that beneficial uses are not being protected and State Water Quality Standards are not being met. (12-11-89)

**014. -- 024. (RESERVED)**

**025. FIVE YEAR PLANS.**

Each District will prepare a five-year (5) plan for the District. The initial five-year (5) plan must be completed by

December 31, 1990 and approved by the Commission in order to receive matching funds from the State. The five-year (5) plans will be reviewed and updated annually by each District. The five-year (5) plan will contain the following components: (12-11-89)

- 01. Physical Characteristics.** Description of the physical characteristics of the District. (12-11-89)
- 02. Economic Condition and Outlook.** Discussion of the economic condition and economic outlook for the District. (12-11-89)
- 03. Assessment.** Assessment of resource conditions, trends, and conservation needs of the District. (12-11-89)
- 04. Identify and Prioritize Objectives.** Identification and prioritization of the District's objectives and activities for the following five (5) years to address problems in resource conditions and conservation needs in the following areas: (12-11-89)
  - a.** Rangeland. (12-11-89)
  - b.** Non-irrigated cropland. (12-11-89)
  - c.** Irrigated cropland. (12-11-89)
  - d.** Pastureland and hayland. (12-11-89)
  - e.** Woodland. (12-11-89)
  - f.** Fish and wildlife. (12-11-89)
  - g.** Water quality. (12-11-89)
  - h.** Information and education. (12-11-89)
- 05. Water Quality Component.** With respect to the water quality component of the plan, the District will use the information collected at Basin Area Meetings convened by the Department of Health and Welfare. Issues surrounding management of water quality in stream segments of concern will be addressed in this portion of the plan. In this respect the plan will include: (12-11-89)
  - a.** A list of stream segments of concern in the District based on information gained at the most recent Basin Area meeting. (12-11-89)
  - b.** A description of water quality in stream segments of concern. (12-11-89)
  - c.** A list of impacted waters in the District as described by the Department of Health and Welfare, Nonpoint Source Assessment Report. (12-11-89)
- 06. Identify and Prioritize Projects.** The plan will identify and prioritize conservation projects found by the District to be appropriate for both impacted waters and stream segments of concern as identified from the most recent Basin Area Meeting, Nonpoint Source Assessment Report or from public input received by the District regarding plan development. The Best Management Practices designed or adopted by the District pursuant to Rule 4 will also be included in the plan. (12-11-89)
- 07. Implementation.** Implementation of the five-year (5) plan will be accomplished by annual work plans prepared by the District. The annual plan will address those items and projects that the District plans to accomplish upon consideration of available technical and financial assistance and public support for the proposed project(s). (12-11-89)

**026. -- 050. (RESERVED)**

**051. ANTIDegradation PLAN.**

**01. Coordination of Plan Implementation.** The Commission will be the lead agency for coordinating implementation of the antidegradation plan for agriculture practices through Soil Conservation Districts, as assigned by the Governor's Executive Order No. 88-23. (12-11-89)

**02. Participation in Incentive Programs.** The Commission will encourage Districts to promote participation in incentive programs including cost share provisions of soil conservation programs and the use of low interest loans through the Resource Conservation and Rangeland Development Loan Program. (12-11-89)

**03. Information and Education Programs.** The Commission will encourage Districts to conduct information and education programs for farmers, ranchers, and the general public regarding the benefits of soil conservation and proper rangeland use. (12-11-89)

**052. -- 999. (RESERVED)**

**IDAPA 60  
TITLE 05  
CHAPTER 03**

**60.05.03 – RULES FOR ADMINISTRATION OF AGRICULTURAL  
WATER QUALITY COST-SHARE PROGRAM FOR IDAHO**

**000. LEGAL AUTHORITY.**

This chapter is being adopted under the legal authority of Title 22, Chapter 27, Idaho Code. (4-5-00)

**001. TITLE AND SCOPE.**

**01. Title.** The title of this chapter is IDAPA 60.05.03, “Rules for Administration of Agricultural Water Quality Cost-Share Program for Idaho.” (4-5-00)

**02. Scope.** These rules shall govern the procedures and requirements for establishing, implementing, and administering a state cost-share program for providing financial assistance to eligible applicants to reduce or control agricultural nonpoint source water pollution. (4-5-00)

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations of these rules. (4-5-00)

**003. ADMINISTRATIVE APPEALS.**

Hearing and appeal rights are set forth in Title 67, Chapter 52, Idaho Code. (4-5-00)

**004. PUBLIC RECORDS ACT.**

The records associated with this chapter are subject to Title 74, Chapter 1, Idaho Code, to the extent these documents are not confidential pursuant to Section 63-3076 or Title 74, Chapter 1, Idaho Code. (4-5-00)

**005. POLICY.**

It is the policy of the Idaho State Soil and Water Conservation Commission and Idaho State Department of Agriculture to jointly administer the Agricultural Water Quality Cost-Share Program for the purpose of conserving and enhancing the quality and value of the water resources of the State of Idaho by financing agricultural and grazing conservation improvements for eligible applicants. It is also the policy and intent of the Idaho State Soil and Water Conservation Commission to work through soil conservation districts in providing local program delivery. The Idaho State Soil and Water Conservation Commission will develop an application schedule and assign a priority ranking for cost-share contracts and projects that will most significantly improve the quality and value of the water resources of the State. (4-5-00)

**006. DEFINITIONS.**

For the purpose of this chapter the following terms and phrases are used as defined herein: (4-5-00)

**01. Administrative Costs.** Fund transfer costs, including allowable costs incurred in contract administration. Administrative costs also include direct and indirect personnel, travel, equipment, material, supply costs, and education outreach activities. (4-5-00)

**02. Administrator.** Administrator of the Idaho State Soil and Water Conservation Commission. (4-5-00)

**03. Agriculture Project Priority List.** A prioritized ranking by the Idaho State Soil and Water

Conservation Commission of approved individual and project sponsored applications that support or address water quality or other environmental concerns and used as a guide for cost-share funding. (4-5-00)

**04. Application Cycle.** The period and schedule established by the Idaho State Soil and Water Conservation Commission for receiving and processing applications for water quality plans or project plans of operation. (4-5-00)

**05. Average Cost.** The reasonable cost of construction, installation, implementation, application and maintenance of a Best Management Practice (BMP) based on actual costs and current cost estimates. (4-5-00)

**06. Basin Advisory Group (BAG).** A regional water quality advisory group as defined in Section 39-3613, Idaho Code. (4-5-00)

**07. Best Management Practices (BMP).** A component practice or combination of component practices identified in the Idaho Agricultural Pollution Abatement Plan which is determined to be the most effective, practicable means of preventing or reducing the amount of pollution generated by nonpoint sources. (4-5-00)

**08. BMP Cost.** The amount actually paid or engaged to be paid by the participant for equipment use, materials, and services for installing a BMP not to exceed actual cost, the average cost or specified maximum cost or flat rate as determined by the commission and the conservation district. If the participant uses personal resources, the BMP cost includes the value of personal labor, equipment, and materials calculated at usual, reasonable, and customary rates. Loss of income cannot be considered a BMP cost. (4-5-00)

**09. Commission.** The Idaho State Soil and Water Conservation Commission as defined in Section 22-2718, Idaho Code. (4-5-00)

**10. Conservation District.** A soil (and water) conservation district as defined in Section 22-2717, Idaho Code. (4-5-00)

**11. Cost-Share Rate.** The percentage of the BMP cost paid to the participant by the commission or project sponsor. The commission shall establish the cost-share rate. The cost-share rate cannot exceed ninety percent (90%) of the BMP cost. (4-5-00)

**12. Critical Areas or Sources.** Areas identified by the commission based on recommendations from local entities producing significant nonpoint source pollution impacts or areas deemed necessary for protection or improvement for the attainment or support of beneficial uses. (4-5-00)

**13. Department.** The Idaho State Department of Agriculture as defined in Section 101, Title 22, Idaho Code. (4-5-00)

**14. Director.** The Director of the Idaho State Department of Agriculture. (4-5-00)

**15. Eligible Applicant.** Individual agricultural owner, operator, partnership, corporation, conservation district, irrigation district, canal company or other agricultural or grazing interests. (4-5-00)

**16. Eligible Project Areas.** Agricultural water quality project areas which include water bodies identified in the following documents which are hereby incorporated by reference: Idaho's 303(d) list, [33 U.S.C. Sections 1251 et seq. \(1997\)](#), ground water quality protection areas identified in the Agricultural Ground Water Quality Protection Program for Idaho, Section 39-102 et seq., Idaho Code, water bodies identified in the Idaho Agricultural Pollution Abatement Plan pursuant to Section 208 of PL 92-500 (the 1972 Clean Water Act), water bodies containing habitat for species listed as threatened or endangered under the Endangered Species Act, [16 U.S.C. Sections 1531 et seq. \(1988\)](#), and water bodies of special concern. Copies of the referenced documents are available at the office of the Idaho State Department of Agriculture/ Soil Conservation Commission, 2270 Old Penitentiary Road, P.O. Box 790, Boise, Idaho 83701-0790, and the Law Library, P.O. Box 83720, Boise, Idaho 83720-0051. (4-5-00)

17. **Flat Rate.** A method of cost-share based on a dollar-per-unit basis, used where it is difficult to estimate actual cost. (4-5-00)
18. **Fund Transfer Cost.** The cost of transferring funds from one entity to another. (4-5-00)
19. **Idaho Agricultural Pollution Abatement Plan.** A plan developed by the commission for the State of Idaho pursuant to Section 208 of PL 92-500 (the 1972 Clean Water Act) to manage agricultural nonpoint source pollution. (4-5-00)
20. **Identifiable Units.** Units of an eligible BMP that, when constructed, installed, implemented or applied, can be clearly identified as a segment in the sequence of implementing the BMP. (4-5-00)
21. **Maximum Cost.** The maximum amount approved by the Commission for BMP costs, on which cost-share rates and matching funds will be calculated. (4-5-00)
22. **Nonpoint Source Pollution.** Water pollution that comes from varied, nonspecific, and diffuse sources and can be associated with the general land disturbing activity that causes the pollution. (4-5-00)
23. **Participant.** Individual agricultural owner, operator, partnership, private corporation, conservation district, irrigation district, canal company, or other agricultural or grazing interest approved by the commission for cost-sharing in an eligible project area; or an individual agriculture owner or operator, partnership, or private corporation approved by a project sponsor in an eligible project area. (4-5-00)
24. **Participant Matching Funds.** That portion of the costs provided by the participant, including in-kind services and/or out-of-pocket expenses for BMP implementation for both cost-shared and non cost-shared BMPs. Matching funds shall not include technical and financial assistance from State sources. (4-5-00)
25. **Priority Ranking.** A process used by the commission to establish funding priorities. (4-5-00)
26. **Program.** The Agricultural Water Quality Cost-Share Program for Idaho developed in accordance with Sections 22-2728(a)(4) and 22-2728(b), Idaho Code. (4-5-00)
27. **Project.** The total system of planning, including water quality assessment, BMP cost-sharing, technical assistance, and administrative activities as approved and authorized by the Commission in an eligible project area. (4-5-00)
28. **Project Agreement.** The legal document executed by the Commission and a project sponsor identifying terms and conditions by which the project sponsor will conduct an agricultural water quality project. (4-5-00)
29. **Project Costs.** Those costs associated with planning, water quality assessment, BMP cost-sharing, technical assistance, and administrative activities for participant cost-sharing, or those costs associated with a water quality project approved by the commission in an eligible project area. (4-5-00)
30. **Project Life Span.** The duration of the project as specified in the project plan of operation and the project agreement. The project will emphasize short-term one to five (1-5) year implementation contract periods, with a maximum of ten (10) years. (4-5-00)
31. **Project Matching Funds.** Required project matching funds may also include the cost of technical and financial assistance provided by federal agencies and other sources. Matching funds shall not include technical and financial assistance from State sources. (4-5-00)
32. **Project Plan of Operation.** The document prepared by the project sponsor with concurrence of the commission setting forth the procedure and schedule for carrying out the project. The project plan of operation shall be part of the project agreement. (4-5-00)

**33. Project Sponsor.** A conservation district, irrigation district, canal company or other agriculture or grazing interest as determined appropriate by the commission that enters into a water quality project agreement with the commission. (4-5-00)

**34. Technical Assistance Costs.** Those costs incurred in the planning and/or implementation of BMPs, water quality monitoring, and the development and implementation of outreach and education activities for an approved participant's water quality plan or for an approved water quality project. (4-5-00)

**35. Technical Entity.** The entity(ies) designated by the commission to provide technical assistance and quality control in BMP planning and implementation. (4-5-00)

**36. Total Maximum Daily Load (TMDL).** The sum of individual point source and non-point source pollutant loads and natural background expressed in mass/time, toxicity, or other appropriate measure. Section 22-2702(5), Idaho Code. (4-5-00)

**37. TMDL Assessment.** A written assessment of water quality problems and contributing pollutant sources. The TMDL assessment specifies the amount that a pollutant must be reduced to meet water quality standards, allocates pollutant load reductions among pollutant sources in a watershed and provides the basis for taking actions needed to restore a water body. (4-5-00)

**38. TMDL Schedule.** The schedule which the state is required to meet in submitting TMDLs to the Environmental Protection Agency (EPA) for approval. (4-5-00)

**39. Water Quality Contract.** The legal document executed by the commission or the project sponsor identifying terms and conditions between the commission or the project sponsor and an individual cost-share participant. (4-5-00)

**40. Water Quality Plan.** The plan developed cooperatively by the participant, technical agency and the commission or project sponsor which identifies the critical areas and nonpoint sources of water pollution on the participant's operation and sets forth BMPs that may reduce water pollution from these critical areas and sources. (4-5-00)

**41. Watershed Advisory Group (WAG).** A local watershed advisory group, as defined in Section 39-3615, Idaho Code. (4-5-00)

**007. -- 010. (RESERVED)**

**011. RESPONSIBILITIES.**

**01. The Commission Shall:** (4-5-00)

**a.** Administer the funds appropriated by the state for the agricultural water quality cost-share program; (4-5-00)

**b.** Assist conservation districts with local program delivery; (4-5-00)

**c.** Provide technical, financial, administrative, and educational outreach assistance to participants for approved water quality contracts, as funds are available; (4-5-00)

**d.** Establish and maintain an agricultural water quality project priority list; (4-5-00)

**e.** Develop an application process schedule and assign a priority ranking for water quality contracts and water quality projects; (4-5-00)

**f.** Assist in determining cost-share rates for BMPs in consultation with project sponsors, appropriate agencies, and potential recipients; (4-5-00)

- g.** Establish methods for project administration and for providing technical assistance to participants; (4-5-00)
- h.** Review and approve or disapprove project plans of operation for project sponsors; (4-5-00)
- i.** Review and approve or disapprove water quality plans for individual participants; (4-5-00)
- j.** Enter into water quality project agreements with water quality project sponsors; (4-5-00)
- k.** Enter into water quality contracts with individual participants; (4-5-00)
- l.** Evaluate, on an ongoing basis, the effectiveness of each project and the overall program efforts in reducing agricultural and grazing nonpoint source pollution; (4-5-00)
- m.** Review project administration and financial management as required by Section 22-2718, Idaho Code; and (4-5-00)
- n.** Review and render decisions on contract modifications and violations. (4-5-00)
- 02. The Department Shall:** (4-5-00)
  - a.** Assist the commission in administering the funds appropriated by the State for the agricultural water quality cost-share program; (4-5-00)
  - b.** Assist the commission in developing methods for project financial administration; (4-5-00)
  - c.** Provide, to the extent feasible, water quality monitoring in project areas; and (4-5-00)
  - d.** Provide legal assistance to the commission. (4-5-00)
- 03. The Conservation Districts Shall:** (4-5-00)
  - a.** Provide assistance to the commission for local program delivery; (4-5-00)
  - b.** Establish and maintain a current five (5) year resource conservation plan containing local natural resource priorities; (4-5-00)
  - c.** Identify critical agricultural and grazing lands within eligible project areas and provide local input to the development of project plans of operation and water quality plans with assistance from the commission and technical entities; (4-5-00)
  - d.** Review plans of operation for projects occurring within the conservation district and submit a recommendation to the commission for consideration; (4-5-00)
  - e.** Approve participant installation of BMPs with assistance from the commission and the appropriate technical entity; (4-5-00)
  - f.** Assist the commission in determining cost-share rates for BMPs; and (4-5-00)
  - g.** Identify and/or receive and provide technical, financial, administrative and education outreach for water quality cost-share contracts or water quality project agreements. Solicit multiple sources and programs to provide assistance, and coordinate entities. (4-5-00)
- 04. Participant, Acting as an Individual Shall:** (4-5-00)

a. Develop with assistance from appropriate technical entities a water quality plan for the installation of BMPs and submit such plan to the commission or project sponsor as appropriate; (4-5-00)

b. Install BMPs identified in the water quality plan as scheduled and according to technical standards and maintain BMPs for the life of the water quality contract or the design life of the practice, whichever is greater; (4-5-00)

c. Ensure that the participant matching share of the cost of the water quality contract is provided; (4-5-00)

d. Coordinate the water quality plan with other appropriate technical assistance and cost-share programs; and (4-5-00)

e. Obtain any and all permits required for BMP installation from appropriate agencies and comply with all applicable local, state, and federal laws. (4-5-00)

**05. Participant Acting as a Project Sponsor.** Participant, acting as a project sponsor, shall, during the life of an approved project: (4-5-00)

a. Develop, with assistance from appropriate technical entities, a project plan of operation for the installation of BMPs and submit such plan to the conservation district; (4-5-00)

b. Review and approve or disapprove water quality plans for individual participants; (4-5-00)

c. Ensure BMPs identified in the project plan of operations are installed as scheduled and according to technical standards and maintained for the life of the water quality contract or the design life of the practice, whichever is greater; (4-5-00)

d. Ensure that the individual participant matching share of the cost of the water quality contract is provided; (4-5-00)

e. Coordinate the water quality cost-share project with other appropriate entities and cost-share programs; (4-5-00)

f. Ensure any and all permits required for BMP installation are obtained from appropriate agencies and comply with all applicable local, state and federal laws; and (4-5-00)

g. Develop and use a financial accounting system consistent with the financial accounting system established by the commission for this program. (4-5-00)

**012. APPLICABILITY.**

**01. Availability of Funds.** The provisions of the program are subject to: (4-5-00)

a. The appropriation of funds by the legislature to the commission. (4-5-00)

b. Funds accruing to the resource conservation and rangeland development account authorized in Section 22-2730, Idaho Code. (4-5-00)

**02. Obligation of State Funds.** The obligation of state funds to the participants is to be made on the basis of total water quality plan or project costs. (4-5-00)

**03. Relation to Other Cost-Share Programs.** Cost-share payments made under this program may be used in conjunction with other federal, state, and local programs for cost-sharing of BMPs, provided the combined total cost-share rate for any BMP does not exceed one hundred percent (100%) of the BMP cost. (4-5-00)

**013. AGRICULTURAL PROJECT PRIORITY LIST.**

**01. Purpose.** The purpose of the agricultural project priority list is to maintain a list and schedule of potentially fundable projects. (4-5-00)

**02. Establishment.** The agricultural project priority list shall be established by the commission through an application, evaluation, and ranking process based on water quality and habitat needs and impacts, beneficial uses, costs, economic and technical feasibility, availability of program funds, and other sources of funding. (4-5-00)

**03. Agricultural Project Priority List Modification.** The agricultural project priority list shall be reviewed periodically and modified as necessary to assure up-to-date status of all water quality plans and project plans of operation and compatibility with applicable state rules and requirements. (4-5-00)

**04. Agricultural Project Bypass.** An approved application that does not or will not meet criteria allowing for timely utilization of anticipated resources may be by-passed. (4-5-00)

**014. APPLICATION, EVALUATION, RANKING, AND ACCEPTANCE.**

**01. Applications Solicited from Applicants Within Eligible Project Area.** Applications will be solicited from applicants within eligible project areas for consideration of placement on the agricultural project priority list. (4-5-00)

**02. Forms Prescribed by the Commission.** Applications must be submitted on forms prescribed by the commission to the local conservation district or the commission. (4-5-00)

**a.** Applications received by the local conservation district will be reviewed by the conservation district and forwarded to the commission with recommendations within thirty (30) days of receipt of the application. (4-5-00)

**b.** Applications received by the commission will be reviewed by the commission with the local conservation district for recommendations within thirty (30) days of receipt of the application. (4-5-00)

**03. Commission Will Determine Suitability and Conformity of Application.** The commission will determine each application's suitability and conformity with eligible project areas. (4-5-00)

**a.** Applications determined to be unsuitable, or that do not conform to eligible project areas will be returned to the applicant with a letter of explanation. (4-5-00)

**b.** Applications determined to be suitable and that conform to eligible project areas will be retained for evaluation. (4-5-00)

**04. Applications Evaluated by Commission.** Applications determined to be suitable and which conform to eligible project areas will be evaluated by the commission and other appropriate technical entities and interests on the basis of the following criteria: (4-5-00)

**a.** 303(d) listing status; and (4-5-00)

**b.** TMDL assessments; and (4-5-00)

**c.** TMDL schedule; and (4-5-00)

**d.** Beneficial uses; and (4-5-00)

**e.** Eligible project area; and (4-5-00)

f. Relative ability of proposed water quality plans and project plans of operations to protect and/or improve beneficial uses; and (4-5-00)

g. Applicants readiness; and (4-5-00)

h. Availability of technical assistance; and (4-5-00)

i. Availability of other funding sources. (4-5-00)

**05. Agricultural Project Priority List.** The commission will establish the agricultural project priority list based on the evaluation and in consideration of the recommendation of reviewing entities and interests. (4-5-00)

**06. Funding Based Upon Priority Ranking.** Consideration for funding will be based upon the priority ranking determined by the commission. (4-5-00)

**07. Priority Ranking Subject to Change.** The priority ranking of an application is subject to change based on the quantity and quality of current and future applications or programs or program focus. (4-5-00)

**08. Applicant will Be Notified in Writing.** The commission shall notify the applicant in writing of the initial priority ranking and funding potential and any subsequent changes in the priority ranking and funding potential within thirty (30) days from the date such action occurs. (4-5-00)

**09. Grants Based on Project Priority List Ranking and Available Funding.** Grants will be offered to districts and other eligible applicants with the highest ranking based on the project priority list and available funding. (4-5-00)

#### **015. PROJECT AGREEMENTS.**

**01. Function and Content.** Project agreements may be entered into between the commission and project sponsor. Project agreements shall detail the working arrangements and fund obligations of each party to the agreement. A project plan of operation shall be an integral part of a project agreement. (4-5-00)

**02. Conditions.** The commission may place conditions in the project agreement to enhance the effectiveness of the project. (4-5-00)

**03. Amendment.** A project agreement may be amended by mutual consent of the parties to the agreement. Such amendment shall be written and signed, and will become a part of the agreement. (4-5-00)

#### **016. SUSPENSION OF PROJECT AGREEMENT.**

**01. Order to Suspend.** Work on a project or a portion or phase of a project may be suspended by written order of the commission to the project sponsor. The administrator shall give not less than ten (10) days' notice to the project sponsor of the order to suspend. (4-5-00)

**02. Existing Water Quality Contracts.** Suspension does not affect properly installed and existing BMPs at the time the suspension order is issued, or the project sponsors' responsibility to make payments under such contracts unless specifically prohibited in the order to suspend. (4-5-00)

**03. Cause of Suspension.** Suspension may be required for cause, such as default by the project sponsor, including, but not limited to, failure to comply with the terms and conditions of the project agreement, or failure to comply with the agreed upon BMP standards and specifications at the time the project agreement was approved. Suspension may also be ordered due to a lack of available funding, modification of the program, or the result of advancements in technology, which render current procedures less effective. (4-5-00)

**04. Compliance With Order.** Upon receipt of a suspension order, the project sponsor shall immediately comply with the order. (4-5-00)

**017. TERMINATION OF PROJECT AGREEMENT.**

**01. Cause of Termination.** A project agreement may be terminated for cause, which includes, but is not limited to one (1) or more of the following: (4-5-00)

**a.** Failure or inability of the project sponsor to perform in accordance with the provisions of the project agreement; (4-5-00)

**b.** Failure through no fault of the project sponsor to achieve an adequate level of participation as determined by the commission; (4-5-00)

**c.** Other evidence that the action planned in the project agreement will not be achieved; or (4-5-00)

**d.** Continuation of the project will not be of benefit to the State. (4-5-00)

**02. Commission Authorization.** After the participant has been afforded an opportunity for consultation with the commission, the administrator can request authorization from the commission to terminate the project agreement in whole or in part. (4-5-00)

**03. Termination.** The administrator shall, based on any of the causes identified in Subsection 017.01, issue a notice of intent to terminate the agreement. The administrator shall give not less than ten (10) days written notice to the project sponsor of intent to terminate the agreement in whole or in part. (4-5-00)

**04. Termination Notice.** Termination of all or part of the project agreement may be carried out by issuance of a project agreement termination notice by the administrator. The notice shall establish the effective date of termination of the project agreement, the basis for settlement of project agreement termination costs, and the amount and date of payment of any sums due either party. (4-5-00)

**05. Project Sponsor Responsibilities.** In those cases where cause for project agreement termination is based on the project sponsor's failure or inability to perform, the project sponsor shall refund to the commission unexpended project funds. (4-5-00)

**a.** The project sponsor, with approval of the administrator may retain funds needed to meet existing project obligations. (4-5-00)

**b.** The participant shall not make any new commitments or fund obligations, or enter into any new water quality contracts subsequent to written notice of termination. (4-5-00)

**c.** Upon termination of the project agreement, the responsibility for administering existing water quality contracts in the project area shall be transferred immediately to the commission. (4-5-00)

**06. Other Causes.** In those cases where cause for project agreement termination is through no fault of the project sponsor, the project sponsor shall be allowed to fulfill the obligations of its existing water quality contracts. The project sponsor shall not enter into any new water quality contracts without commission approval. (4-5-00)

**018. WATER-QUALITY CONTRACTS.**

**01. Function and Content.** Water-quality contracts may be entered into between the commission or project sponsor and a participant. Water quality contracts shall detail the working arrangements and fund obligations of each party to the contract. A participant water quality plan shall be an integral part of the contract. (4-5-00)

**02. Conditions.** The commission or project sponsor may place conditions in the water quality contract to enhance the effectiveness of the contract. (4-5-00)

**03. Amendment.** A water quality contract may be amended by mutual consent of signatories to the contract. Such amendment shall be written and signed and become a part of the contract. (4-5-00)

**04. Application for Cost-Share Assistance.** The commission shall ensure that a procedure exists for applying for cost-share assistance. Said procedure shall include, but not be limited to: (4-5-00)

a. A standard application form as provided by the commission; and (4-5-00)

b. A method of determining priorities for assistance; and (4-5-00)

c. A method of approving or disapproving applications for cost-share assistance. (4-5-00)

**05. Water Quality Plan.** The participant's water quality plan, developed by the participant with technical assistance from the appropriate technical entity, shall include but not be limited to the following; (4-5-00)

a. BMPs that reduce or abate agricultural nonpoint source pollution; (4-5-00)

b. BMPs for critical areas or pollution sources on the participant's operation; (4-5-00)

c. A time schedule for implementation of BMPs and cost estimates of BMP application that includes, total cost, cost-share rate, cost-share payment, and participant's share; (4-5-00)

d. Certification by the technical entity of the technical adequacy of the water quality plan and of subsequent modifications; (4-5-00)

e. Map(s), photograph(s), or illustration(s) showing location of proposed BMPs; and (4-5-00)

f. Technical solutions or practices recommended by the conservation district which are not currently listed as BMPs will be considered for cost-share by the commission or project sponsor. (4-5-00)

**06. Cost-Sharing.** (4-5-00)

a. The BMP cost-share rate, not to exceed ninety percent (90%) of the BMP cost, shall be determined by the commission through consultation with the local conservation district. (4-5-00)

b. A participant entering into a water quality contract under this program may not receive more than the total maximum amount of cost-share established by the commission under this program. (4-5-00)

c. Cost-sharing will not be provided for: (4-5-00)

i. Measures installed primarily for bringing additional land into agricultural or grazing production; (4-5-00)

or  
ii. Measures installed primarily for increasing production on existing agricultural or grazing land; or (4-5-00)

iii. Measures having flood protection as the primary purpose. (4-5-00)

**07. Relation to Other Cost-Share Programs.** Cost-share payments made under this program may be used in conjunction with other federal, state, and local programs for cost-sharing of BMPs, provided the combined total cost-share rate for any BMP does not exceed one hundred percent (100%) of the BMP cost. (4-5-00)

**019. COST-SHARE PAYMENTS.**

**01. Cost-Share Payments.** Cost-share payments are to be made by the commission or project sponsor upon determination by the commission or project sponsor, local conservation district and appropriate technical entity

that the BMPs or identifiable units thereof have been properly installed and meet the standards and specifications effective at the time of water quality contract approval. (4-5-00)

**02. Request for Cost-Share Payments.** Request for cost-share payment must be submitted to the commission or project sponsor and supported by such cost receipts as required by the commission or project sponsor. It is the participant's responsibility to request payments. (4-5-00)

**03. Payments.** Cost-share payments shall be made to the participant by the commission or project sponsor within thirty (30) days receipt of request. (4-5-00)

**04. Payments Pending Non-Compliance Decision.** No cost-share payments shall be made pending a decision on whether non-compliance in a water quality contract has occurred or whether or not a water quality contract shall be terminated. (4-5-00)

## **020. CONTRACTING.**

**01. Commission as Beneficiary.** The commission shall be specified as an intended beneficiary of all participant contracts and shall be empowered to enforce the terms of such contracts. (4-5-00)

**02. Participation.** To participate, an applicant must enter into a water quality contract that includes a water quality plan. (4-5-00)

**03. Contract Signatories.** All persons or designated representatives who own, control, or share control of the land described in the water quality contract. (4-5-00)

**04. Evidence of Control.** The participant must furnish satisfactory evidence of ownership or control of the land described in the water quality contract during the contract period. (4-5-00)

**05. No Cost-Share for Previously Installed BMPs.** Cost-share payments cannot be provided for any BMP that has been installed or initiated before the participant(s) and the commission or the project sponsor signs the water quality contract. (4-5-00)

**06. Water Quality Contract Requirements.** The water quality contract shall include, but not be limited to, the following: (4-5-00)

**a.** Basic contract document; (4-5-00)

**b.** Special provisions as needed; (4-5-00)

**c.** Water quality plan; and (4-5-00)

**d.** Any other information deemed necessary by the commission or project sponsor. (4-5-00)

**07. BMP Standards and Specifications.** A participant shall install BMPs according to the standards and specifications effective at the time the water quality plan is prepared. (4-5-00)

**08. Operation and Maintenance.** The water quality contract shall require that BMPs are operated and maintained by the participant to accomplish the purpose for which they were designed at no cost to the commission or project sponsor. All BMPs installed and cost-shared under water quality contracts shall be maintained without benefit of additional cost-sharing for one (1) year or design life of the practice, whichever is greater. (4-5-00)

**09. Water Quality Contract Period.** The water quality contract period shall be not less than one (1) and not more than ten (10) years. (4-5-00)

**10. Participant's Responsibilities.** A participant is responsible for the following: (4-5-00)

- a. Complying with the terms of the water quality contract; (4-5-00)
- b. Keeping the commission informed of the participant's current mailing address; (4-5-00)
- c. Obtaining and maintaining any required permits necessary to perform the planned work; and (4-5-00)
- d. Installing, operating, and maintaining BMPs set forth in the water quality contract. (4-5-00)

**021. WATER QUALITY CONTRACT MODIFICATION.**

**01. Contract Modification Approval.** Water quality contracts may be modified upon recommendation of the local conservation district and the appropriate technical entity subject to approval by the project sponsor and commission. (4-5-00)

**02. Land Transfer.** In the event land under a water quality contract is transferred in whole or in part by sale or other transfer action: (4-5-00)

a. That portion of the contract applicable to the land transferred is terminated with the original participant of such land; (4-5-00)

b. The original participant: (4-5-00)

i. Forfeits all rights to any future cost-share payment on the land transferred. (4-5-00)

ii. Must refund all cost-share payments that have been made on the transferred land unless the new owner or operator becomes a party to a water quality contract, or it is determined by the commission or project sponsor that the established BMPs will provide water quality benefits for the design life of the BMP, in which case the payment may be retained. (4-5-00)

c. A new participant may enter into a water quality contract essentially containing the original terms and conditions for the transferred land as the water quality contract with the original participant, unless otherwise modified by the project sponsor and commission. (4-5-00)

d. Water quality contracts for both the original and new participant shall be modified to accommodate the land transfer while maintaining the integrity of the original water quality contract. (4-5-00)

**022. WATER QUALITY CONTRACT COMPLIANCE.**

**01. Non-Compliance.** A participant shall be in non-compliance of the water quality contract for causes including but not limited to one (1) or more of the following: (4-5-00)

a. Knowingly or negligently destroys, abandons, or modifies a BMP implemented in accordance with the water quality plan, unless prior written approval is given by the project sponsor and commission. (4-5-00)

b. Files a request for cost-share payment for BMPs not installed or carried out, or for BMPs implemented in a manner that does not meet specifications. (4-5-00)

**02. Notice of Non-Compliance.** (4-5-00)

a. If the project sponsor or commission determine that non-compliance has occurred which would call for a forfeiture, refund, payment adjustment, or termination, written notice thereof shall be given to the participant(s). (4-5-00)

b. The written notice shall set forth the nature of the alleged non-compliance and shall inform the

participant that an opportunity will be given to appear at a compliance review before the project sponsor or commission. A written request shall be filed by the participant for such review no later than thirty (30) days after the issuance of the notice of non-compliance. (4-5-00)

**03. Non-Compliance Review.** (4-5-00)

**a.** Upon a timely receipt of request for non-compliance review, the project sponsor or commission shall notify the participant in writing of the time, date, and place set for the review. (4-5-00)

**b.** If the participant does not file a timely written request for review, or fails to appear at the review so requested, the participant shall have no further right to a review before the project sponsor or commission. (4-5-00)

**04. Notification of Review Determination.** The project sponsor or commission shall notify the participant in writing of the determination. (4-5-00)

**05. Forfeiture of Further Cost-Share Payments.** A participant determined by the project sponsor or commission to be in non-compliance of the water quality contract shall forfeit all rights to further cost-share payments under the water quality contract. (4-5-00)

**06. Refund of Cost-Share Payments.** A participant determined by the project sponsor or commission to be in non-compliance of the water quality contract shall make refunds of cost-share payments received under the water quality contract or accept payment adjustments in the contract. (4-5-00)

**07. Appeal of Review Determination.** Appeal of the review determination may be made by any participant adversely affected by the determination in accordance with Title 67, Chapter 52, Idaho Code. (4-5-00)

**a.** A participant determined to be in non-compliance by a project sponsor may request, in writing, review by the commission within thirty (30) days of issuance of notification of non-compliance determination. (4-5-00)

**b.** All appeals to the commission shall be conducted in accordance with Title 67, Chapter 52, Idaho Code. (4-5-00)

**023. QUALITY CONTROL.**

**01. Rights of Access.** The commission or project sponsor shall have the right of access, at reasonable times and upon proper notification, to land under contract, and the right to access and examine any contract and cost-share records. Right of access is limited to furnishing technical assistance and to inspecting work performed under the contract. (4-5-00)

**02. BMP Inspections.** Spot checks to ensure proper BMP design installation and maintenance shall be conducted in a manner consistent with the policies and procedures of the commission or project sponsor and appropriate technical entities. (4-5-00)

**03. Inspection Report.** The participant shall report the findings of BMP inspections annually to the commission or project sponsor. (4-5-00)

**024. PROJECT AND PROGRAM EVALUATIONS.**

**01. Purpose.** The purpose of project and program evaluations is to assess the effectiveness of the various projects and the overall program in reducing water pollution from agricultural and grazing nonpoint sources. (4-5-00)

**02. Project Evaluation.** Project evaluations shall be conducted annually by the commission, project sponsor, appropriate technical entity, and the participant to determine BMP implementation progress and resulting

improvements in water quality. (4-5-00)

**03. Project Evaluation Criteria.** Criteria for the evaluation of project effectiveness shall include, but not be limited to: (4-5-00)

- a. Achievement of project goals for reduction of pollutant loadings; (4-5-00)
- b. Achievement of a minimum level of participation; (4-5-00)
- c. Achievement of project goals for installation of BMPs; (4-5-00)
- d. Project's contribution toward meeting state water quality goals; (4-5-00)
- e. Project's contribution toward implementing the Idaho Agricultural Pollution Abatement Plan; and (4-5-00)
- f. Prudent use and management of public funds. (4-5-00)

**04. Agricultural Water Quality Cost-Share Program Evaluation.** Program evaluations shall be conducted annually by the commission, conservation districts, technical entities, and participants to determine the overall effectiveness of the program in improving water quality. (4-5-00)

**025. INCLUSIVE GENDER.**

For the purposes of these rules, words used in the masculine gender include the feminine, or vice-versa, where appropriate. (4-5-00)

**026. -- 999. (RESERVED)**

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From the Memorandum dated April 23, 2019 from DFM, Alex J. Adams:

If an agency intends to eliminate a rule, the rule will expire by default on July 1, 2019. No ARRF is needed and no legislative review of the chapter will occur during the 2020 session. DFM will count the elimination of the chapter toward the “bank” agencies are accumulating under the Red Tape Reduction Act. Agencies must submit an email to Adam Latham ([Adam.Latham@dfm.idaho.gov](mailto:Adam.Latham@dfm.idaho.gov)) identifying the rules they intend to let expire no later than **May 10, 2019**. Agencies should include a brief explanation of why they are proposing to eliminate the rules. The Governor’s office will review each rule that an agency proposes to let expire and the Governor will make the final decision whether to promulgate each rule as temporary and proposed.

Our planned response for IDAPA 60.05.02 & 60.05.03 will be an e-mail to Adam Latham stating the following:

In recognition of Governor Little’s Red Tape Reduction Act (Executive Order 2019-02), the Idaho Soil and Water Conservation Commission determined at its May 9, 2019 Board meeting that the following Rules are not critical to be extended:

1. **IDAPA 60.05.02 – The Anti-Degradation Plan for Agriculture for the Idaho Soil Conservation Commission and Soil Conservation Districts.** Reinstatement of this rule is not critical since it can be referenced in IDAPA 60.05.04 – Rules for Allocation of Funds to Conservation Districts, and in our District Reference Manual policy document.
2. **IDAPA 60.05.03 – Rules for Administration of Agricultural Water Quality Cost-Share Program for Idaho.** Reinstatement of this rule is not critical since the Water Quality Program for Agriculture has not received Legislative appropriations for close to ten years and there appears to be little momentum to re-fund it.

**IDAPA 60 – IDAHO SOIL AND WATER CONSERVATION COMMISSION**  
**DOCKET NO. 60-0000-1900F**

**NOTICE OF OMNIBUS RULEMAKING - TEMPORARY AND PROPOSED FEE RULEMAKING**

**EFFECTIVE DATE:** The effective date of the temporary rule(s) listed in the descriptive summary of this notice is June 30, 2019.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 22-2718 (1), Idaho Code.

**PUBLIC HEARING SCHEDULE:** Oral comment concerning this rulemaking will be scheduled in accordance with Section 67-5222, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This temporary and proposed rulemaking adopts and re-publishes the following existing and previously approved and codified chapters under IDAPA 60, rules of the Idaho State Soil and Water Conservation Commission:

IDAPA 60

- 60.05.01, RULES FOR ADMINISTRATION OF THE IDAHO RESOURCE CONSERVATION AND RANGELAND DEVELOPMENT PROGRAM: The temporary rule reestablishes the existing rule and updates the definition of Five (5) Year Plans to fix an outdated reference.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1) and 67-5226(2), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

These temporary rules are necessary to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These previously approved and codified rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. The expiration of these rules without due consideration and processes would undermine the public health, safety and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules. Add 1-3 sentences with agency specific findings. Docket 60.05.01 provides the specific procedures and specifications by which citizens may obtain low-interest loans in order to implement conservation projects on agriculture and rangeland throughout the State. Without these rules it would not be possible administer this program and to provide the benefit of low-interest loans to private citizens as provided by statute (Idaho Code §§ 22-2730 through 22-2732).

The fee or charge imposed by the rule(s) is necessary to avoid immediate danger. The fee(s) or charge(s) reauthorized in this rulemaking are currently existing and have been previously promulgated by the agency and reviewed and approved by the Legislature. These fees and charges are part of the dedicated fund portion of the state budget, which makes up a material portion of the FY2020 budget. The FY2020 budget has already been set by the Legislature and passed into law. That budget relies upon the existence of these fees and charges to meet the state's obligations and provide necessary state services. Failing to reauthorize these fee rules would create immediate danger to the state budget, immediate danger to necessary state functions and services, and immediate danger of a violation of Idaho's constitutional requirement that it balance its budget. Add agency specific findings on a chapter by chapter basis. Rule 60.05.01 Section 102.05 states, "If the applicant is required to cover all costs incurred for loan closure, title insurance, and recording fees." If these costs were not imposed on the applicant, it otherwise would have to come out of the dedicated RCRDP fund or general fund appropriations. ISWCC did not include this item in its budget for fiscal year 2020 and does not

have general funds appropriated for this expenditure. Additionally, paying these costs out of the RCRDP dedicated fund would reduce the dedicated fund and would be outside the expenditures allowed under Idaho Code § 22-2731.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not feasible because of the need to adopt the rules as temporary, and because these existing chapters of IDAPA are being re-published and re-authorized. Negotiated rulemaking also is not feasible because of the need to implement these rules before they expire; the rules form the regulatory framework of the laws of this state and have been previously promulgated and reviewed by the legislature pursuant to the Idaho Administrative Procedures Act, Chapter 52, Title 67, Idaho Code; and because engaging in negotiated rulemaking for all previously existing rules will inhibit the agency from carrying out its ability to serve the citizens of Idaho and to protect their health, safety, and welfare.

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Corrine Dalzell, (208)332-1792.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered within twenty-one (21) days after publication of this Notice in the Idaho Administrative Bulletin. Oral presentation of comments may be requested pursuant to Section 67-5222(2), Idaho Code, and must be delivered to the undersigned within fourteen (14) days of the date of publication of this Notice in the Idaho Administrative Bulletin.

DATED this June 19, 2019.

Corrine Dalzell  
Rules Review Officer  
Idaho Soil & Water Conservation Commission  
P.O. Box 83720  
Boise, ID 83720-0083  
(208)332-1792  
(208)332-1799 FAX

**IDAPA 60  
TITLE 05  
CHAPTER 01**

**IDAPA 60 – IDAHO STATE SOIL AND WATER CONSERVATION COMMISSION**

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

**000. LEGAL AUTHORITY.**

The Idaho State Soil and Water Conservation Commission, pursuant to the authority granted in Section 22-2718, Idaho Code, has been granted the authority to adopt the following rules for the administration of the Resource Conservation and Rangeland Development Program (RCRDP) for Idaho. (3-28-19)

**001. TITLE AND SCOPE.**

**01. Title.** The title of this chapter is IDAPA 60.05.01, “Rules for Administration of the Idaho Resource Conservation and Rangeland Development Program.” (3-28-19)

**02. Scope.** The provisions of these rules set forth procedures and requirements for establishing, implementing, and administering a state loan from the RCRDP fund as provided in Sections 22-2730, through 22-2732, Idaho Code. (3-28-19)

**002. WRITTEN INTERPRETATIONS — AGENCY GUIDELINES.**

Written interpretations and agency guidance on these rules are available at the Idaho Soil and Water Conservation Commission, 322 E. Front St., Suite 560, Boise, ID 83702.

**003. ADMINISTRATIVE APPEALS.**

Reconsideration of loan disapproval or any matter affecting the amount of loan funds must be done in accordance with Paragraph 056.02.d. of these rules. Persons may be entitled to appeal final agency actions authorized under this chapter pursuant to Title 67, Chapter 52, Idaho Code. (3-28-19)

**004. INCORPORATION BY REFERENCE.**

There are no documents that have been incorporated by reference into this rule. (3-28-19)

**005. OFFICE — OFFICE HOURS — MAILING ADDRESS AND STREET ADDRESS.**

The office of the Idaho Soil and Water Conservation Commission is in Boise, Idaho. This office is open from 8:00 a.m. to 5:00 p.m. except Saturdays, Sundays and legal holidays. The Commission’s mailing address is P.O. Box 83720, Boise, ID 83720-0083. The Commission’s street address is 322 E. Front St., Suite 560, Boise, ID 83702. (3-28-19)

**006. PUBLIC RECORDS ACT COMPLIANCE.**

All records relating to this chapter are public records except to the extent such records are exempt from disclosure by law. (3-28-19)

**007. -- 009. (RESERVED)**

**010. DEFINITIONS.**

For the purpose of these rules, unless the context indicates otherwise, the terms and phrases are used as defined herein: (3-28-19)

- 01. Applicant.** An eligible applicant as defined in Section 22-2717, Idaho Code. (3-28-19)
- 02. Application.** The loan request document that sets forth the information required by Section 22-2732, Idaho Code and Subsection 057.03 of these rules, including a conservation plan. (3-28-19)
- 03. Commission.** The Idaho State Soil and Water Conservation Commission as defined in Section 22-2718, Idaho Code. (9-9-86)
- 04. Conservation Plan.** A conservation plan as defined in Sections 22-2717 and 22-2732, Idaho Code that sets forth the information required by Paragraph 057.03.i. of these rules. (3-28-19)
- 05. Contractee.** The applicant when the loan has been closed and recorded. (9-9-86)
- 06. Coordinated Resource Planning Process.** A process that considers all the resources and resource users within a geographical area and encourages active involvement and input from all interested parties. (9-9-86)
- 07. District.** A Conservation District, Soil Conservation District, or Soil and Water Conservation District as defined in Section 22-2717, Idaho Code. (3-28-19)
- 08. Eligible Land.** Private, state, county, or federal lands within the state of Idaho. (3-28-19)
- 09. Field Office.** The local United States Department of Agriculture Natural Resources Conservation Service (NRCS) office usually located with the principal headquarters of the local District. (3-28-19)
- 10. Field Office Technical Guide.** The primary scientific reference for NRCS that contains technical information about the conservation of soil, water, air, and related plant and animal resources. Technical guides used in each field office are localized so that they apply specifically to the geographic area for which they are prepared. Copies of the field office technical guides may be obtained from a local District or field office. (3-28-19)
- 11. Five (5) Year Plan.** The plan prepared by each District as defined in Section 010 of IDAPA 60.05.04, "Rules for Allocation of Funds to Conservation Districts."~~025 of IDAPA 60.05.02, "Rules of the Antidegradation Plan for Agriculture for the Idaho Soil Conservation Commission and Soil Conservation Districts."~~(3-28-19)
- 12. Fund.** The RCRDP fund established pursuant to Section 22-2730, Idaho Code. (3-28-19)
- 13. Other Funds.** Funds to be dedicated to conservation practice implementation costs which are not from the RCRDP fund or provided by the applicant. (3-28-19)
- 14. Practice or Eligible Practice for Loans.** A practice listed in the field office technical guide or a special practice approved under Section 058 of these rules. (3-28-19)
- 15. Practice Life.** The number of years, with proper maintenance and operation, that a practice is expected to last, as shown in the field office technical guide. (3-29-10)
- 16. Program Year.** The state fiscal year as provided in Section 67-2201, Idaho Code. (3-28-19)
- 17. Project.** One (1) or more practices to be installed with a RCRDP loan. (3-29-10)
- 18. Rangeland.** Land used primarily for the grazing of domestic livestock and wildlife. (9-9-86)
- 19. Riparian Areas.** Riparian areas are sites directly influenced by free water. They have visible vegetation or physical characteristics that reflect free water influence. Lake shores and stream banks are typical

riparian areas. Excluded are sites such as ephemeral streams or washes that do not exhibit the presence of vegetation dependent upon free water in the soil. (4-1-94)

**20. Security.** Collateral provided by an approved applicant to secure requested RCRDP funds. (3-28-19)

**21. Special Practice.** A practice (not listed in the field office technical guide) that includes a proven, modern technique that is necessary to solve a resource problem and meet program objectives. (3-28-19)

**011. ABBREVIATIONS.**

**01. RCRDP.** The Idaho Resource Conservation and Rangeland Development Program. (3-28-19)

**02. NRCS.** United States Department of Agriculture Natural Resources Conservation Service. (3-28-19)

**012. PROGRAM POLICY.**

**01. Administration.** It is the policy of the Idaho State Soil and Water Conservation Commission to administer the Resource Conservation and Rangeland Development Program to provide the greatest benefits to all concerned from the agricultural lands and rangelands within the state. (4-1-94)

**02. Equal Opportunity.** Each applicant regardless of handicap, race, age, sex, creed, color or national origin, must be given the opportunity to apply for a loan. (3-28-19)

**03. Filing Applications.** An application may be filed at anytime during the program year. (4-1-94)

**04. Use of Loan Money in Conjunction with State or Federal Programs.** Requests for state or federal cost-share assistance and for loan approval are handled by different governmental agencies and approval for one does not guarantee approval for the other. (3-28-19)

**013. PROGRAM OBJECTIVES.**

**01. Objectives.** The objectives of the Resource Conservation and Rangeland Development Program are to: (9-9-86)

**a.** Conserve soil resources. (9-9-86)

**b.** Conserve water resources. (9-9-86)

**c.** Improve riparian areas for multiple use benefits. (9-9-86)

**d.** Protect or improve existing beneficial uses of the state's waters. (9-9-86)

**e.** Conserve and improve fish and wildlife habitat. (9-9-86)

**f.** Increase agricultural productivity of: (9-9-86)

**i.** Cropland. (9-9-86)

**ii.** Orchards. (9-9-86)

**iii.** Pasture and Hayland. (9-9-86)

**iv.** Rangeland. (9-9-86)

v. Woodland. (9-9-86)

**02. Achieving Program Objectives.** Decisions concerning the use of program funds must be based on achievement of program objectives. The administration of the program must emphasize coordinated resource management planning and decision-making to ensure maximum benefit of funds. Program objectives must be achieved when the conservation plan is implemented. (3-28-19)

**014. -- 055. (RESERVED)**

**056. RESPONSIBILITIES.**

**01. District.** The local District must: (3-29-10)

**a.** Receive the conservation plan for program participation. (3-28-19)

**b.** Within sixty (60) days of receipt, review and evaluate the conservation plan to determine if the project is consistent with the District's program goals and objectives. (3-28-19)

**c.** Assign a priority of high, medium, or low to the project. (3-28-19)

**d.** Forward conservation plans to the Commission with a recommendation for funding. (3-28-19)

**e.** Prepare and forward to the Commission special practice requests. (9-9-86)

**f.** The local District may assign a priority to practices in the field office technical guide and have that priority ranking apply to all future projects seeking to implement the pre-ranked practices. The local District Board must consider pre-ranking practices at a scheduled Board meeting. The Board's decision including the name and identification number of the practice(s), the assigned ranking and the recommendation for funding must be reflected in the meeting minutes and be forwarded to the Commission. (3-28-19)

**g.** If the local District does not review and evaluate a conservation plan within sixty (60) days of receipt, the Commission may review and evaluate the conservation plan and assign a priority ranking for the project based on the District's five (5) year plan. (3-28-19)

**02. Commission.** The Idaho State Soil and Water Conservation Commission must: (3-28-19)

**a.** Review and evaluate applications. (4-1-94)

**b.** Approve loans, if: (9-9-86)

**i.** The applicant has adequate assets for security to protect the state from risk of loss. (3-28-19)

**ii.** There is reasonable assurance that the borrower can repay the loan. (9-9-86)

**iii.** Money is available in the RCRDP fund. (3-28-19)

**c.** Disapprove loans for reasons including but not limited to: (4-1-94)

**i.** The purpose of the loan is to pay for conservation plan practices that have been implemented prior to Commission approval. (3-28-19)

**ii.** If all the requirements in Paragraph 056.02.b. of these rules are not met. (3-28-19)

**d.** Reconsider loan disapproval if the applicant, within fifteen (15) business days after notice of disapproval, requests the Commission, in writing, to reconsider its determination in any matter affecting the loan or the amount of loan funds. Reconsideration of the determination must take place within ninety (90) business days

from the date the written request is received. The time, place, and date must be determined by the Commission. The applicant must be notified of the time, place, and date and must have the right to appear. (3-28-19)

**e.** After loan approval, execute a promissory note and other security documents with the applicant for loan repayment. (3-28-19)

**f.** Not less than once per year, determine the loan interest rate not to exceed six percent (6%) annually. (9-9-86)

**g.** Prepare an annual report showing RCRDP accomplishments and benefits resulting from use of loan and grant funds. (4-1-94)

**h.** Administer and monitor loan proceeds to assure that the intent of the law is met. (9-9-86)

**i.** Approve or disapprove special practice requests. (9-9-86)

## **057. APPLICATION FOR LOAN.**

**01. How to Apply.** Any applicant desiring a loan from the RCRDP fund must: (3-28-19)

**a.** Prepare and submit a conservation plan. The conservation plan must be presented by the applicant (or representative appointed by the applicant) to the local District Board at a scheduled meeting unless the project includes only practices that have been pre-ranked by the local District in accordance with Paragraph 56.01.f. of these rules. If the project includes only pre-ranked practices, the applicant must submit the conservation plan to the Commission. (3-28-19)

**b.** Prepare and submit a completed application. The application including all information required under Subsection 57.03 of these rules must be submitted to the Commission. (3-28-19)

**02. Two or More Applicants.** Two (2) or more applicants may install a practice(s) as a group providing the loan can be adequately collateralized and all parties agree to joint and several liability. (4-1-94)

**03. Application Form.** The application must be on a form prescribed by the Commission and must include: (3-28-19)

**a.** Name of applicant, and the location, size, and type of agricultural enterprise. (9-9-86)

**b.** Identification and extent of the resource problem (erosion, plant community deterioration, water loss, water quality, low production, etc.). (9-9-86)

**c.** Statement of applicant's objectives and expected benefits. (9-9-86)

**d.** Estimate of costs of implementing the project and of total loan funds needed. (3-28-19)

**i.** Applicant must be required to supply at least five percent (5%) of the total project costs through personal funds or in-kind services. (3-28-19)

**ii.** Total RCRDP loan funds combined with other funds cannot exceed ninety-five percent (95%) of total project costs. (3-29-10)

**e.** Applicant's statement of security offered. (4-1-94)

**f.** Applicant's statement of willingness to allow continued monitoring and evaluation of impacts resulting from applied land treatment and management practices. (9-9-86)

**g.** All documentation required under Subsection 101.03 of these rules and any other documentation

requested by the Commission needed to determine whether there is reasonable assurance that the applicant can repay the loan. (3-28-19)

**h.** A copy of the applicant's conservation plan which becomes a part of the application for assistance. The conservation plan must include: (3-28-19)

i. A map showing project location and extent of the resource problem. (4-1-94)

ii. The eligible practices to be installed. (4-1-94)

iii. Estimated costs of applying the practices. (4-1-94)

iv. An implementation schedule. (4-1-94)

v. A statement whereby the applicant agrees to properly maintain and operate installed practices. (4-1-94)

vi. Needed clearances, easements and rights of way. (4-1-94)

vii. Any other appropriate documentation needed to complete the implementation of the conservation plan as requested by the local District or Commission. (3-28-19)

**058. SPECIAL PRACTICE(S) APPROVAL FOR LOANS.**

**01. Special Practice Approval.** A special practice must be approved by the Commission before it becomes an eligible practice. (9-9-86)

**02. Special Practice Requests.** Special practice requests may be prepared by the local District or the Commission and must include: (3-28-19)

**a.** A description of the proposed practice. (9-9-86)

**b.** A justification of need for the special practice. (9-9-86)

**c.** Standards and specifications for the proposed practice. (9-9-86)

**d.** A statement from the appropriate agency as to the technical adequacy of the special practice in solving the resource problem. (9-9-86)

**059. -- 080. (RESERVED)**

**081. ENCOURAGING PUBLIC BENEFITS WHEN INSTALLING PRACTICES.**

District Boards must encourage persons responsible for any aspect of performing practices to promote public benefit by improving or preserving environmental quality and ecological balance when the practices are being installed. Multiple objective achievement and total resource evaluation and treatment must receive high priority consideration for loan funds. When reviewing loan requests the following considerations must be made: (3-28-19)

**01. Preventing Degradation.** Preventing or abating pollution and other environmental degradation. (9-9-86)

**02. Benefiting the Community.** Benefiting the community by means such as outdoor recreational opportunities or enhancing the appearance of the area. (9-9-86)

**03. Benefiting Habitat.** Benefiting fish and wildlife habitat. (9-9-86)

**082. -- 100. (RESERVED)**

**101. CREDIT GUIDELINES.**

**01. Standards for Acceptable Loans.** There must be adequate assets and collateral for security to protect the state from risk of loss. (3-28-19)

**02. Required Documentation.** The Commission must obtain and the applicant must provide documentation sufficient to determine the applicant's ability and willingness to repay the loan. Such documentation may include: financial statements; balance sheets; profit and loss statements; driver's license; income tax returns; budgets; credit reports; estimates/quotes; deeds; leases; and other supporting documents as deemed necessary relative to the size, complexity, and financial responsibility of the individual or entity being financed. (3-28-19)

**03. Duty to Inform.** After submitting the application and before funds are dispersed, the applicant must inform and provide documentation to the Commission of any significant change of circumstance that may impact their financial standing or ability to repay the loan. (3-28-19)

**04. Field Inspections.** The Commission may require a field inspection in order to: (3-28-19)

a. Determine loan and security positions, provide repayment estimates and verify assets. (3-28-19)

b. Indicate the applicant's management ability. (4-1-94)

c. Secure a complete and accurate description of collateral for the security agreement. (4-1-94)

**05. Additional Information Required for Loans Secured with Real Estate.** Where real estate is offered as collateral the following information must be provided: (3-28-19)

a. A legal description of the offered collateral. (4-1-94)

b. Real estate appraisal, consisting of at least one (1) of the following: (3-28-19)

i. Copy of appraisal made by a licensed professional appraiser approved by the Commission. (3-28-19)

ii. Copy of the most recent property tax assessment. (3-28-19)

iii. Evaluation made by Commission or the local District according to its knowledge of the estimated average value of the property in the area in which the project is to be implemented. (3-28-19)

c. A map designating the location of the real estate. (3-28-19)

**06. Other Collateral.** Any item having tangible value may be accepted as security for these loans. Condition of the collateral must be updated periodically and additions to the security agreement may be required over time. (3-28-19)

**102. LOAN CLOSURE AND ADMINISTRATION.**

**01. Servicing and Documentation.** All loans must be assigned to a loan officer (Commission employee) who must be responsible for servicing the loan. (3-28-19)

**02. Loan Securing Documents.** Following approval of the application, the Commission, must prepare all necessary loan securing documents. (3-28-19)

**03. Loan Note and Security Agreement.** The loan must be secured by utilizing a promissory note and security document listing the parties and the collateral, as well as terms and conditions of the loan. A mortgage or deed of trust must be executed and recorded with the county recorder where the collateral is located if the

collateral is real property. A security agreement and any other necessary documents must be executed if the collateral is not real property. Appropriate financing statements must be executed and filed with the Secretary of State on all collateral consisting of personal property. (3-28-19)

**04. Fund Obligation.** Funds must be obligated when all loan conditions established by the Commission have been met and when all necessary loan securing documents are in order and appropriately signed by the applicant. Funds will then be obligated. Upon notification of fund obligation, the applicant who is now the contractee, may complete implementation of the project. (3-28-19)

**05. Cost Incurred.** The applicant is required to cover all costs incurred for loan closure, title insurance, and recording fees. (9-9-86)

**103. IMPLEMENTATION OF AGREED TO PRACTICES.**

Once the loan has been approved and the conditions of approval have been met, the contractee may install practices as identified and scheduled in the resource conservation plan. The contractee has the responsibility to obtain the appropriate technical assistance. Technical personnel shall assist the contractee in implementation activities to ensure that practices are properly designed, constructed, and managed. The contractee may install practices or subcontract work out to a subcontractor. Whatever method is used, the contractee shall be responsible to ensure that the quality of materials and workmanship in the installation of practices meets the approved standards and specifications for each practice. (4-1-94)

**01. Practice Completion.** Upon completion of the scheduled practice the applicant/contractee must notify the provider of technical assistance. The provider of technical assistance must inspect and document the amount and extent of the installed practice and certify its completion if it meets the quality standards and construction specifications of the practice and notify the applicant/contractee. If the practice does not meet practice standards and specifications the applicant/contractee must be notified by the provider of technical assistance, in writing, of the deficiencies and what needs to be done so the practice meets standards and specifications. (3-28-19)

**02. Submitting Vouchers and Bills.** (3-29-10)

**a.** The provider of technical assistance must provide a written certification of completion of the project to the Commission. The applicant/contractee must submit invoices, vouchers and bills for the project to the Commission. (3-28-19)

**b.** Up to ninety-five percent (95%) of loan funds can be disbursed toward submitted bills during the loan installment period. The remaining loan funds will be disbursed upon receipt of written certification of project completion from the provider of technical assistance. (3-29-10)

**03. Warrant Requests.** The Commission staff must prepare warrant request(s). The warrant(s) are paid to the order of the contractee(s) and the vendor, and are mailed to the contractee. (3-28-19)

**04. Drawing Loan Funds.** The applicant/contractee must implement the practices as scheduled and the contractee may draw loan funds in multiple disbursements during installation of the project. (3-28-19)

**104. -- 125. (RESERVED)**

**126. REPAYMENT OF LOAN.**

**01. Repayment of the Loan.** Repayment of the loan, together with interest, must commence no later than two (2) full years from the date the note is signed. (3-28-19)

**02. Repayment Schedule.** The repayment schedule must be identified in the loan documents with a fifteen (15) year maximum loan period. One (1) month before payment is due, the commission will mail the contractee a notice of payment due. (3-28-19)

**03. First Payment.** The first payment must be due as required on the signed loan documents as

prepared by the Commission. Any additional interest incurred during the installment period of the loan will be added to the first payment notice. (3-28-19)

**127. FORECLOSURE.**

In the event of a contractee not adhering to the payment terms and conditions of the mortgage, promissory note, or security agreement, the Commission may seek foreclosure according to the laws of the state of Idaho. (3-28-19)

**128. -- 150. (RESERVED)**

**151. LOAN POLICIES.**

**01. Maximum Amount of Any One Loan.** The maximum amount of any one (1) loan shall must be two hundred thousand dollars (\$200,000). (3-29-10)

**152. -- 999. (RESERVED)**

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**IDAPA 60 – IDAHO SOIL AND WATER CONSERVATION COMMISSION**  
**DOCKET NO. 60-0000-1900**

**NOTICE OF OMNIBUS RULEMAKING - TEMPORARY AND PROPOSED RULEMAKING**

**EFFECTIVE DATE:** The effective date of the temporary rule(s) listed in the descriptive summary of this notice is June 30, 2019.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 22-2718 (1), Idaho Code.

**PUBLIC HEARING SCHEDULE:** Oral comment concerning this rulemaking will be scheduled in accordance with Section 67-5222, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This temporary and proposed rulemaking adopts and re-publishes the following existing and previously approved and codified chapters under IDAPA 60, rules of the Idaho State Soil and Water Conservation Commission:

IDAPA 60

- 60.05.04, RULES FOR ALLOCATION OF FUNDS TO CONSERVATION DISTRICTS: [The temporary rule reestablishes the existing rule, adds a definition/requirements for Five Year Plans that was previously set forth the Docket 60.05.02, and updates the address of the Commission set forth in Section 6 of the Rules.](#)

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1) and 67-5226(2), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

These temporary rules are necessary to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These previously approved and codified rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. The expiration of these rules without due consideration and processes would undermine the public health, safety and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules. [Docket 60.05.04 provides the process and standards for providing funding to conservation districts. This Rule is necessary for compliance with requirements set forth by the Legislature in Idaho Code § 22-2727 to distribute funds to conservation districts as was appropriated in the 2019 session.](#)

**FEE SUMMARY:** This rulemaking does not impose a fee or charge.

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not feasible because of the need to adopt the rules as temporary, and because these existing chapters of IDAPA are being re-published and re-authorized. Negotiated rulemaking also is not feasible because of the need to implement these rules before they expire; the rules form the regulatory framework of the laws of this state and have been previously promulgated and reviewed by the Legislature pursuant to the Idaho Administrative Procedures Act, Chapter 52, Title 67, Idaho Code; and because engaging in negotiated rulemaking for all previously existing rules will inhibit the agency

from carrying out its ability to serve the citizens of Idaho and to protect their health, safety, and welfare.

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Corrine Dalzell, (208)332-1792.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered within twenty-one (21) days after publication of this Notice in the Idaho Administrative Bulletin. Oral presentation of comments may be requested pursuant to Section 67-5222(2), Idaho Code, and must be delivered to the undersigned within fourteen (14) days of the date of publication of this Notice in the Idaho Administrative Bulletin.

DATED this June 19, 2019.

Corrine Dalzell  
Rules Review Officer  
Idaho Soil & Water Conservation Commission  
P.O. Box 83720  
Boise, ID 83720-0083  
(208)332-1792  
(208)332-1799 FAX

**IDAPA 60  
TITLE 05  
CHAPTER 04**

**60.05.04 – RULES FOR ALLOCATION OF FUNDS TO CONSERVATION DISTRICTS**

**000. LEGAL AUTHORITY.**

This chapter is adopted by the Idaho State Soil and Water Conservation Commission under the legal authority of Sections 22-2718 and 22-2727, Idaho Code. (3-29-12)

**001. TITLE AND SCOPE.**

**01. Title.** These rules shall be known and cited as IDAPA 60.05.04, “Rules for Allocation of Funds to Conservation Districts.” (3-29-12)

**02. Scope.** These rules establish the procedures to be followed by the Commission and the conservation districts in the implementation of Section 22-2727, Idaho Code, providing for the allocation of state funds appropriated for distribution to conservation districts. (3-29-12)

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations of these rules. (3-29-12)

**003. ADMINISTRATIVE APPEAL.**

There is no provision for administrative appeals before the Commission under this chapter. Persons may be entitled to appeal final agency actions authorized under this chapter pursuant to Section 67-5270, Idaho Code. (3-29-12)

**004. INCORPORATION BY REFERENCE.**

There are no documents that have been incorporated by reference into this rule. (3-29-12)

**005. IDAHO PUBLIC RECORDS ACT.**

These rules are public records available for inspection and copying at the department. (3-29-12)

**006. ADDRESS, OFFICE HOURS, TELEPHONE, AND FAX NUMBERS.**

**01. Physical Address.** The central office of the Idaho State Soil and Water Conservation Commission, ~~650 W State~~322 E Front Street, ~~Room 145~~Suite 560, Boise, Idaho, 83702. (3-29-12)

**02. Office Hours.** Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (3-29-12)

**03. Telephone Number.** The telephone number of the Idaho State Soil and Water Conservation Commission at the central office is (208) 332-1790. (3-29-12)

**04. Fax Number.** The fax number of the Idaho State Soil and Water Conservation Commission at the central office is (208) 332-1799. (3-29-12)

**05. Website.** The Commission’s website address is <http://www.swc.idaho.gov/>. (3-29-12)

**007. -- 009. (RESERVED)**

**010. DEFINITIONS.**

For the ~~purpose of the~~ rules contained in this chapter, the following definitions apply: (3-29-12)

**01. Base Funding.** Funds appropriated to the Commission to be allocated equally to the various soil

conservation districts in a sum not to exceed eight thousand five hundred dollars (\$8,500) per district per year. (3-29-12)

**02. Board of Supervisors.** Governing body of a district as provided in Section 22-2717(25), Idaho Code. (3-29-12)

**03. Certify.** To confirm formally as true, accurate, or genuine. (3-29-12)

**04. Commission.** The Idaho State Soil and Water Conservation Commission as defined in Section 22-2718, Idaho Code. (3-29-12)

**05. Conservation District or District.** A soil (and water) conservation district as defined in Section 22-2717, Idaho Code. (3-29-12)

**06. Financial and Match Report.** Documentation certified by the Board of Supervisors that: (3-29-12)

**a.** Itemizes local funds and services received by a district during the previous fiscal year; and (3-29-12)

**b.** Describes how state base and match funds were utilized during the previous fiscal year. (3-29-12)

**07. Fiscal Year.** As set forth in Section 67-2201, Idaho Code, the fiscal year will begin on July 1 and close on June 30 of the following year. (3-29-12)

**08. Five (5) Year Plan.** The plan ~~prepared-reviewed and updated annually~~ by each district pursuant to the Final Agreement to implement an Antidegradation Policy for the State of Idaho (August 18, 1988), as defined in Section 025 of IDAPA 60.05.02, "Rules of the Antidegradation Plan for Agriculture for the Idaho Soil Conservation Commission and Soil Conservation Districts." The plan will contain the following components, as further specified by Commission policy: physical characteristics, economic condition and outlook, assessment of the District's resource conditions and conservation needs, prioritized objectives, water quality component, and an annual work plan. (3-29-12)

**09. Funding Criteria.** Criteria considered by the Commission to determine the amount of base and match funding to be allocated to the conservation districts. Criteria may include district budgets, district budget requests, district programs and work plans, and district work load analysis. The following documents may be required on an annual basis in order to consistently apply the criteria to all districts: (3-29-12)

**a.** Five (5) year plans; (3-29-12)

**b.** Financial and match reports; and (3-29-12)

**c.** Performance reports. (3-29-12)

**10. Local Funds.** Monies received in the previous fiscal year from local units of government and organizations for the general purposes of a conservation district. Funds received for special projects, used as required match for specific grants or projects, or on a fee-for-service basis will not be used to calculate match funding. (3-29-12)

**11. Local Services.** Non-cash contributions received in the previous fiscal year from local units of government and organizations for the general purposes of a conservation district. Services received for special projects, used as required match for specific grants or projects, or on a fee-for-service basis will not be used to calculate match funding. (3-29-12)

**12. Local Units of Government.** Any general or special purpose political subdivision of the state which has the power to levy taxes and/or appropriate and spend funds. (3-29-12)

**13. Match Funding.** Funds appropriated to the Commission for distribution to conservation districts in excess of base funding not to exceed twice the amount of local funds and services received by each district in the previous fiscal year. (3-29-12)

**14. Maximum Allocation.** The total of base funding and match funding allocated to any one (1) conservation district shall not exceed fifty eight thousand and five hundred dollars (\$58,500) in a fiscal year. (3-29-12)

**15. Organizations.** A group of two (2) or more persons structured and managed to pursue a collective goal on a continuing basis. (3-29-12)

**16. Performance Report.** Documentation summarizing conservation activities, projects, and programs implemented by a conservation district during the previous fiscal year. (3-29-12)

**011. ALLOCATION OF FUNDS TO DISTRICTS.**

**01. Base Funding.** The Commission shall determine the dollar amount to allocate equally to conservation districts on an annual basis. As soon as practicable after the start of the fiscal year, the Commission shall immediately distribute base funding to the districts that submitted the required documents during the previous fiscal year. (3-29-12)

**02. Match Funding.** Following determination of base funding, the Commission shall review and approve the additional amount of state appropriations available for proportional allocation to each district in match funding. The amount of match funding allocated will be based upon local funds and services received in the previous fiscal year by each conservation district for the general purposes of the district. Funds received for special projects, used as required match for specific grants or projects, or on a fee-for-service basis will not be used to calculate match funding. Once the required documents for match funding are submitted and determined to be complete, the Commission shall distribute match funding to each district as soon as practicable. (3-29-12)

**03. Required Documents.** The Commission may require submission of certain documents prior to allocation of base and match funding to districts. These documents may include five (5) year plans, financial and match reports, and performance reports. (3-29-12)

**a.** The Board of Supervisors shall certify in writing that the district has examined all documentation submitted and that the statements and representations in the documents are true and accurate. (3-29-12)

**b.** The district shall submit any required documents by a date established by the Commission. (3-29-12)

**04. State Budget Requests.** The Commission shall conduct a public hearing to consider the needs of the conservation districts on or before June 15th of each year, giving twenty (20) days' written notice of the hearing to each conservation district and to all other persons requesting notice of the hearing. The Commission shall hear and consider testimony at the hearing and all information submitted by the districts prior to submission of the annual budget request to the legislature and governor based upon the criteria of Subsection 010.09 of this rule. (3-29-12)

**012. -- 999. (RESERVED)**

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**SOIL & WATER  
CONSERVATION  
COMMISSION**

H. Norman Wright  
Chairman

Cathy Roemer  
Vice Chairman

Gerald Trebesch  
Commissioner

Erik Olson  
Commissioner

Vacant  
Commissioner

Teri Murrison  
Administrator

**MEMO**

**TO: CHAIRMAN WRIGHT AND COMMISSIONERS ROEMER, TREBESCH,  
AND OLSON**  
**FROM: TERI MURRISON, ADMINISTRATOR**  
**DATE: MAY 1, 2019**  
**RE: ADMINISTRATOR'S REPORT**

**Activities**

- Transitioned back into Administrator role, met with staff to discuss ISWCC activities in the interim. A-Team staff videoconference.
- Met with Alex Adams, DFM Administrator, twice regarding the Governor's Executive Order 2019-02, the Red Tape Reduction Act, which aims to reduce state regulatory burdens on Idaho citizens and businesses. Details follow in agenda item #4e.
- Met numerous times with counsel and various program staff to discuss impacts of above EO.
- Discussed EO 2019-02 with Chairman Wright, and Steve Becker, President of IASCD. Followed up with emails to entire Board of IASCD, Executive Director Kelly, and Commissioners encouraging them to participate in your meeting for discussion of EO 2019-02's possible impacts.
- Rock Creek Advisory Committee (now Advisory Board) meeting. The transition of Rock Creek Ranch to the University of Idaho has been accomplished via a long-term lease (99 years) to the University pending changes to the NRCS easement indemnification language that would enable the State of Idaho to approve a purchase.
- Idaho Environmental Forum Board meeting.
- NASCA Board teleconference meeting

**Governor's Award for Excellence in Agriculture**

It is time again for your Board to consider possible nominees for the Governor's Award for Excellence in Agriculture. Winners are celebrated at the annual Ag Summit in February. Information is attached.

**Draft Idaho Conservation Partnership Agreement**

At the Joint IASCD and ISWCC Board meeting in January, staff was directed to work with Benjamin Kelly, Commissioner Roemer, and Board Member Daniels to prepare a draft update to the 2011 Partnership Agreement. Between Legislative Session and my medical leave, that task got forgotten until last month Commissioner Roemer emailed reminding me. Given the short amount of time for your Board to consider a draft before discussing it with the IASCD Board, IDEA, and NRCS in June, Commissioner Roemer asked me to initiate a draft for discussion at your meeting.

Attached is a first draft for your discussion and consideration. I have sent a copy to partners and to district supervisors and staff, requesting their input, as well. Your Board is asked to review and discuss the Draft, not take action, at this point.

**New Commissioner Appointment to ISWCC Board**

Despite numerous email and telephone contacts (including one yesterday), there has been no appointment to your Board to replace Commissioner Radford. I have advised the only applicant I know who has applied.

**FY 2019 Commission Meeting Schedule**

The following is the Meeting Schedule for the remainder of FY 2019. As always, we will make changes in the schedule as the Board directs.

<b>Date &amp; Time</b>	<b>Meeting, Location</b>	<b>Meeting Type</b>
June 7, 2019	Regular meeting, 322 E. Front Street, Suite 560, Boise	In person
June 8, 2019	Joint Board meeting tentatively scheduled in Burley. Details TBD. A quorum is not required for this meeting.	In person

REQUESTED ACTION: For Information Only

Attachments:

- Governor's Award for Excellence in Agriculture Information
- Draft Idaho Conservation Partnership Agreement

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55 SW 5th Avenue, Suite 100  
 Meridian ID 83642  
 208-888-0988  
 208-888-4586 (fax)  
[www.idahoagsummit.org](http://www.idahoagsummit.org)

RECEIVED

APR 05 2019

IDAHO SOIL & WATER  
 CONSERVATION COMMISSION

April 2019

TO: Agriculture Associations, County Extension Offices, Northwest Farm Credit Services, USDA FSA, Idaho AgCredit, Commodity Commissions, and Soil and Water Conservation Districts

FR: Rick Waitley, Executive Director

## Governor's Awards for Excellence in Agriculture

**July 1 is the deadline** for nominations for the Governor's Awards for Excellence in Agriculture to be presented at the 2020 Larry Branen Idaho Ag Summit. Now is the time to get started collecting information for your nomination(s). The dates of the 2020 Summit have been set for Tuesday, February 18, at the Red Lion Downtowner Hotel in Boise.

Enclosed is a copy of the *Governor's Awards Nominees-2019*, listing names currently in the pool for consideration. Names are held for three years from the initial date of submission.

Over the years, a number of outstanding Idaho residents have been recognized for their investment in Idaho agriculture. The *Idaho Governor's Awards for Excellence in Agriculture Recipients* list is enclosed for your review and indicates the quality of people recognized by the governor. This year, I have enclosed the **yellow sheet** that lists the names in alphabetical order.

Also enclosed is the *Idaho Governor's Award for Excellence in Agriculture* criteria information sheet with the *Nomination Form* on the back. The application and other award information are also available on the Idaho Ag Summit website at [www.idahoagsummit.org](http://www.idahoagsummit.org).

In submitting a nomination, please highlight activities and achievements of the nominee and support the nomination with letters of recommendation, background information, etc. Email recommendation letters to Lisa Byce at [lisa@amgidaho.com](mailto:lisa@amgidaho.com).

If you have any questions about this process, the current pool of candidates, or the enclosed information, please feel free to contact me by calling 208-888-0988, or contact Lisa Byce at the email address listed above. Please spread the word regarding the Governor's Awards to anyone who might be interested. We are looking forward to your nomination!

Encl: *Governor's Awards Nominees in the pool for 2020 nominees*  
*Idaho Governor's Awards for Excellence in Agriculture Past Recipients (yellow - alpha order)*  
*Idaho Governor's Award for Excellence in Agriculture criteria info sheet/Nomination Form*

## **Governor's Awards Nominees – 2020**

**Education/Advocacy:** A person in any profession who is committed to educating Idaho citizens about the importance of agriculture and the agricultural industry to their life, culture and economy. An advocate is one who is devoted to promoting agriculture to the public, government and other decision makers at the local, state and/or national level.

John Foltz

**Environmental Stewardship:** An individual or agri-business that demonstrates a commitment to maintaining and improving the quality of the air, water or soil as a result of innovative practices, technologies and/or partnerships.

**Marketing Innovation:** A grower, shipper, processor or commodity group that demonstrates excellence and effectiveness of individual programs conducted in an effort to develop or increase sales of Idaho food or agriculture products, internationally or domestically. This may include development and use of new markets, new marketing methods or new uses for agriculture products and/or services.

**Technical Innovation:** The Technical Innovation Award is for the individual or agri-business that develops or implements new methods or mechanisms to advance agricultural production or processing.

**Lifetime Achievement:** An individual who has dedicated his or her life to the advancement of agriculture through production, innovation, improvement, leadership, service and/or advocacy and who embodies the high standards of Idaho agriculture and sets an example for others to follow.

Art Beal  
Cleve Buttars  
Rich Yankey



## GOVERNOR'S AWARD FOR EXCELLENCE IN AGRICULTURE

### Criteria for Nominations

The **Larry Branen Idaho Ag Summit** committee is seeking nominations for the Governor's Awards for Excellence in Agriculture. As part of the annual Ag Summit, the Governor recognizes individuals and organizations that have made outstanding contributions to the Idaho agricultural industry.

Recipients are chosen from nominations received from organizations or individuals. Nominations must be received at 55 SW 5th Ave, Suite 100, Meridian, ID 83642 or can be emailed to [lisa@amgidaho.com](mailto:lisa@amgidaho.com) by July 1.

The awards are not limited to agriculture producers. For example, a nominee for the Education and/or Advocacy category could be a local agriculture reporter or someone on a chamber of commerce agriculture committee. The purpose of each award is to recognize outstanding individuals who impact agriculture in a positive way.

This is a wonderful opportunity for honorees to be recognized by their peers and state leaders for their contributions to agriculture and Idaho. Please take the time to consider nominating someone you know that should be recognized for his or her important contribution to agriculture.

### Category Descriptions

**Education and/or Advocacy:** A person in any profession who is committed to educating Idaho citizens about the importance of agriculture and the agricultural industry to their life, culture and economy. An advocate is one who is devoted to promoting agriculture to the public, government and other decision makers at the local, state and/or national level. Education and/or Advocacy may be presented as one or separate awards; however, only one award may be presented in this category each year.

**Environmental Stewardship:** An individual or agri-business that demonstrates a commitment to maintaining and improving the quality of the air, water or soil as a result of innovative practices, technologies and/or partnerships.

**Marketing Innovation:** A grower, shipper, processor or commodity group that demonstrates excellence and effectiveness of individual programs conducted in an effort to develop or increase sales of Idaho food or agriculture products, internationally or domestically. This may include development and use of new markets, new marketing methods or new uses for agriculture products and/or services.

**Technical Innovation:** An individual or agri-business that develops or implements new methods or mechanisms to advance agricultural production or processing.

**Lifetime Achievement:** An individual who has dedicated his or her life to the advancement of agriculture through production, innovation, improvement, leadership, service and/or advocacy and who embodies the high standards of Idaho agriculture and sets an example for others to follow.

**Larry Branen Idaho Ag Summit  
Governor's Award for Excellence in Agriculture  
Nomination Form – Due July 1**

Name of Nominee \_\_\_\_\_  
Title and Business (if applicable) \_\_\_\_\_  
Address \_\_\_\_\_  
City/State/Zip \_\_\_\_\_  
Work phone \_\_\_\_\_ Home phone \_\_\_\_\_  
E-mail \_\_\_\_\_

**Award Category nominated for:**

(more than one category may be checked)

*See award descriptions on other side*

- \_\_\_\_\_ Education and/or Advocacy
- \_\_\_\_\_ Environmental Stewardship
- \_\_\_\_\_ Marketing Innovation
- \_\_\_\_\_ Technical Innovation
- \_\_\_\_\_ Lifetime Achievement

**NOTE:** No nominee who has received an award will be eligible for a second award until after 5 years have passed. The individual must then be nominated by a different organization and in a different category.

Please respond to the following items on a separate sheet. Additional information pertinent to the Governor's Award for Excellence in Agriculture is welcome. Please include only information relevant to the award.

1. Provide a brief description of nominee (ag-related work/business history, education, family, etc.)
2. Describe specific achievements in the category for which the nomination is submitted and provide examples of the nominee's activities and accomplishments.
3. List nominee's involvement in agricultural organization and leadership roles related to agriculture.

Additional information, including letters of recommendation, that further illustrate the nominee's accomplishments are welcome. Nominations will be held in the candidate pool for three (3) years from the initial date of nomination.

**Nominating information:**

Name of person submitting nomination \_\_\_\_\_  
Organization (You are affiliated with) \_\_\_\_\_  
Address \_\_\_\_\_  
City/State/Zip \_\_\_\_\_  
Phone \_\_\_\_\_ E-mail \_\_\_\_\_

**If the individual nominated is selected, the party nominating will be expected to assist in securing information and pictures to be used in producing the video that will be shown during the Ag Summit Awards Luncheon.**

Send completed application to:

**Idaho Ag Summit  
Governor's Award Committee  
55 SW 5th Ave, Suite 100 • Meridian, ID 83642  
Fax: 208-888-4586 email: [lisa@amqidaho.com](mailto:lisa@amqidaho.com)**

**Nominations Due JULY 1**

**AG Summit**  
**Governor Award Winners - Alpha**

(Current as of: 8/15/2018)

<b>Last Name</b>	<b>First Name</b>	<b>Award</b>	<b>Year</b>
A to Z Retained Ownership, Inc.		Marketing Innovation	1999
AgriSource, Inc. - Mendenhall	Bill*	Marketing/Technical Innovation	2006
Alder	Kathy	Education/Advocacy	2002
Anderson	Gayle	Education/Advocacy	2013
Anderson	Joe	Education/Advocacy	2011
Andrus	Ken	Lifetime Achievement	2016
Atchley	Clen & Emma	Lifetime Achievement	2012
Ball	Gary	Lifetime Achievement	1995
Ball	Don	Environmental Stewardship	1996
Ballard	Steve & Stacie	Marketing Innovation	2011
Batt	Governor Phil	Lifetime Achievement	2011
Beyeler	Merrill	Environmental Stewardship	2016
Biar	John	Education/Advocacy	2016
Bitner	Ron	Technical Innovation	2016
Blair	Robert	Technical Innovation	2013
Blattner	Jeanie	Education/Advocacy	2001
Bolz	Darrell	Education/Advocacy	1997
Brackett	Jared	Technical Innovation	2015
Brockway	Dr. Chuck	Marketing/Technical Innovation	2003
Burkhardt	Julie	Environmental Stewardship	2011
Cellan	Sid	Environmental Stewardship	2017
Clark	Leah	Marketing Innovation	2012
Coiner	Charles	Environmental Stewardship	2004
Corbett	Craig	Marketing Innovation	2014
Crabtree	Carl	Education/Advocacy	2009
Cranney	Michael	Education/Advocacy	2007
Dean	Dr. Bill	Technical Innovation	2009
DeWit	Rudy	Technical Innovation	2018
Diehl	William (Ted)	Lifetime Achievement	2002
Dillin	Tim	Marketing Innovation	2019
Dixon	Dan	Education/Advocacy	2019
Dixon	Don	Education/Advocacy	2003
Eggers	Drew	Lifetime Achievement	2018
Fallahi	Dr. Esmaeil	Technical Innovation	2008
Faulkner	John	Lifetime Achievement	2014
Franklin	DeLance "Doc"*	Lifetime Achievement	1997
Gallup	Gordon	Environmental Stewardship	2006
Garber	Richard	Lifetime Achievement	2009
Geary	Tom	Lifetime Achievement	1998

\*deceased

## Ag Summit Governor Award Winners - Alpha

Gehring	Tom	Technical Innovation	2019
Grant	Duane	Education/Advocacy	2015
Gray	Lawerance & Mary Lou*	Lifetime Achievement	2004
Grim	Lowell & Joanne	Environmental Stewardship	2007
Gross	Doug	Lifetime Achievement	2017
Guenthner	Dr. Joseph	Technical Innovation	2007
Guthrie	Jim & Carol	Environmental Stewardship	2008
Hafez	Dr. Saad	Education/Advocacy	1996
Hillco Technologies		Technical Innovation	2011
Hobbs	Carl J.	Marketing/Technical Innovation	2004
Hopkins	Ivan	Lifetime Achievement	2000
Idaho Irrigation Equipment Assoc.		Education/Advocacy	2012
Idaho OnePlan		Marketing/Technical Innovation	2005
Jensen	Wayne & Jacie	Education/Advocacy	1999
Kauffman	Clark & Debbie	Marketing Innovation	2013
Ledbetter	Dr. Greg	Technical Innovation	1999
Ledbetter	Greg	Environmental Stewardship	2010
Lee	Arthur	Lifetime Achievement	2010
Little	David* & Geraldine*	Lifetime Achievement	2001
Lufkin	Carl	Environmental Stewardship	2018
Mahler	Dr. Robert	Environmental Stewardship	1998
Mann	Kent	Environmental Stewardship	2015
May	Ralph	Technical Innovation	1999
McIntosh	Art and Doug	Marketing Innovation	2017
McKellip	Robert	Technical Innovation	2014
McKellip	Lewis*	Technical Innovation	2002
McNabb	John B.	Environmental Stewardship	2005
Meadows	William	Marketing Innovation	2009
Miller	Dr. John	Education/Advocacy	2010
Moss	Kevin	Marketing Innovation	2018
Mulkey	Bruce	Environmental Stewardship	1999
Mundt	Dr. John	Education/Advocacy	2004
Nelson	Dr. Greg	Lifetime Achievement	2006
Nelson	Dave*	Environmental Stewardship	2001
Novinger	Bill	Environmental Stewardship	2019
Olson	Kelly	Marketing Innovation	2015

\*deceased

## Ag Summit Governor Award Winners - Alpha

Pals	Dr. Douglas	Education/Advocacy	2000
Phillips	Clyde* & Jan	Environmental Stewardship	2009
Pline	Dale* & Ellen	Lifetime Achievement	1998
Purdy	Bud* & Ruth*	Lifetime Achievement	1996
Purdy	Nick	Environmental Stewardship	2013
Raybould	Dell	Marketing/Technical Innovation	1998
Rebholtz	Robert*	Lifetime Achievement	1997
Rimbey	Neil	Environmental Stewardship	2014
Ritchie	Janis	Education/Advocacy	2006
Roberts	Orville* & Louise	Lifetime Achievement	1999
Rush	Dick	Lifetime Achievement	2005
Sample	Dan	Education/Advocacy	2014
Sasser	Garth	Technical Innovation	2017
Savage	Richard	Education/Advocacy	2018
Seyedbagheri	Mir-M	Environmental Stewardship	2012
Seyedbagheri	Mir-M	Education/Advocacy	1995
Silver	Lary	Education/Advocacy	2005
Simplot	J.R.*	Lifetime Achievement	2003
Sommer	Tim	Marketing Innovation	2016
Soulen	Philip	Lifetime Achievement	2019
Stevenson	John "Bert"	Lifetime Achievement	2015
Stewart	Jim & Marcella	Environmental Stewardship	2003
Stroschein	Tom	Lifetime Achievement	1996
Strouder	Dr. Bill*	Lifetime Achievement	2008
Thiessen	Wayne	Lifetime Achievement	2007
Thornton	Dr. Michael	Technical Innovation	2012
Tsukamoto	Masa*	Technical Innovation	2010
Wada	Albert	Marketing Innovation	2008
Waitley	Rick	Education/Advocacy	1998
Walker	Dr. John	Marketing/Technical Innovation	1997
Wilder	Steve	Education/Advocacy	2017
Willard	Miles	Marketing/Technical Innovation	1995
Wilson	Peter K.*	Lifetime Achievement	2000
Winterfeld	Delbert & June	Environmental Stewardship	1997
Wittman	Dick	Environmental Stewardship	2002
Wittman	Marvin*	Lifetime Achievement	2013
Wood	Mary Lee	Education/Advocacy	2008
Woodard	Maurice	Lifetime Achievement	1995
Wooten	Kip	Environmental Stewardship	2004
Wyatt	Grant	Marketing Innovation	2010

Ag Summit\Gov Awards\Governors Award Winners - Alpha.xlsx

**DRAFT****The Idaho Conservation Partnership Agreement**

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

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

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

**Guiding Principles**

Partners do the following:

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

We work together by:

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

**Roles and Responsibilities**

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

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

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

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

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

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

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

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

64  
 65 \_\_\_\_\_  
 66 Steven Becker, President, IASCD

\_\_\_\_\_

Robbie Taylor, President, IDEA

67  
 68 \_\_\_\_\_  
 69 H. Norman Wright, Chairman, ISWCC

\_\_\_\_\_

Curtis Elke, State Conservationist, NRCS

70 [Back to Memo](#)  
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**SOIL & WATER  
CONSERVATION  
COMMISSION**

H. Norman Wright  
Chairman

Cathy Roemer  
Vice Chairman

Gerald Trebesch  
Secretary

Erik Olson  
Commissioner

Vacant  
Commissioner

Teri Murrison  
Administrator

**MEMO**

**TO: CHAIRMAN WRIGHT AND COMMISSIONERS ROEMER,  
TREBESCH, AND OLSON**  
**FROM: CORRINE DALZELL, RULES REVIEW OFFICER**  
**DATE: April 25, 2019**  
**RE: FY 2020-2023 STRATEGIC PLAN UPDATE**

The Administrator has assigned the annual updates to the Strategic Plan, and preparation of the annual Performance Measures Report, to me as our official agency Rules Review Officer.

You will likely remember that the Commission is required by statute to submit an updated and adopted Strategic Plan annually to serve as a guidance document for the agency over the next four years. In February, your Board reviewed this year’s draft. Subsequently, a copy of that Draft Strategic Plan was distributed to the Strategic Plan District & Partner Review Committee (Steve Becker, Art Beal, Benjamin Kelly, and Chris Simons) in March. There were no suggested changes received from that committee.

Since your last meeting there have been updates to two items listed in our Core Functions & Key Performance Measures section. Executive Order 2017-02, regarding Cybersecurity, was updated as per an ITS communication received on April 25, 2019, and an objective was added in accordance with Governor Little’s Executive Order 2019-02, the Red Tape Reduction Act. There was also an update to the Performance Targets/Benchmarks for the Social Media goals. These changes were made in order to clarify targets and reflect the benchmarks established in last year’s Performance Measurement Report.

Should your Board direct further changes, they will be incorporated prior to sending a final draft to all districts in May month for comments. Staff will review with your Board, all comments received prior to final adoption of the Plan at your June meeting. The updated Strategic Plan must be submitted to DFM by July 1, 2019.

RECOMMENDED ACTION: None. For information only.

Attachment:

- FINAL Draft FY 2020-2023 ISWCC Strategic Plan

[Back to Agenda](#)

# FY 2020-2023 Strategic Plan

*Conservation the Idaho Way: sowing seeds of stewardship*



IDAHO  
SOIL & WATER  
CONSERVATION  
COMMISSION

322 E. Front Street, Suite 560  
Boise, Idaho 83702 | 208.322.1790  
info@swc.idaho.gov

## FY ~~2019~~2020-2022-2023 STRATEGIC PLAN

### CONSERVATION THE IDAHO WAY

Private lands – forest, range, and croplands - care for 71% of the lower 48 states, 82% of wetlands, and 80% of endangered species. They support urban areas, agriculture, provide energy and transportation corridors, habitat for fish and wildlife, and contribute to water quality goals. In Idaho, just under 30% of all lands are privately-owned. They're in large part responsible for the health of the economy and steward much of our natural resources.

Conservation the Idaho Way is locally led agricultural stewardship on private lands. It depends on voluntary actions – projects that improve water quality, restore streams, rivers, forests, range, and croplands, and contribute to healthy soils. It balances our economic health with that of our natural resources, and helps satisfy environmental laws and regulations.

### MISSION

We facilitate coordinated non-regulatory, voluntary, and locally-led conservation by federal, state, and local governments and other partners to conserve, sustain, improve, and enhance soil, water, air, plant, and animal resources. (IC 27:22)

### SLOGAN

*Conservation the Idaho Way: sowing seeds of stewardship*

### VISION

Conservation in Idaho reflects locally-led natural resource conservation leadership and priorities, is voluntary and incentive-based, non-regulatory, and demonstrates scientifically sound stewardship. The Conservation Commission and local conservation districts are the primary entities to lead coordinated conservation efforts with partners to provide landowners and land-users with assistance and solutions for natural resource concerns and issues.

### GUIDING PRINCIPLES

- Address legislative intent and statute
- Benefit the environment and Idaho's agricultural-based economy
- Benefit conservation districts' locally led, voluntary, non-regulatory priorities and projects
- Benefit the Commission's ability to serve and meet statutory authorities
- Promote fiscal responsibility
- Strengthen existing and build new conservation partnerships
- Incorporate valid scientific data and practices
- Benefit conservation work on natural resource priority issue areas

*Conservation the Idaho Way: Sowing the Seeds of Stewardship*



## FY ~~2019~~2020-2022-2023 Strategic Plan

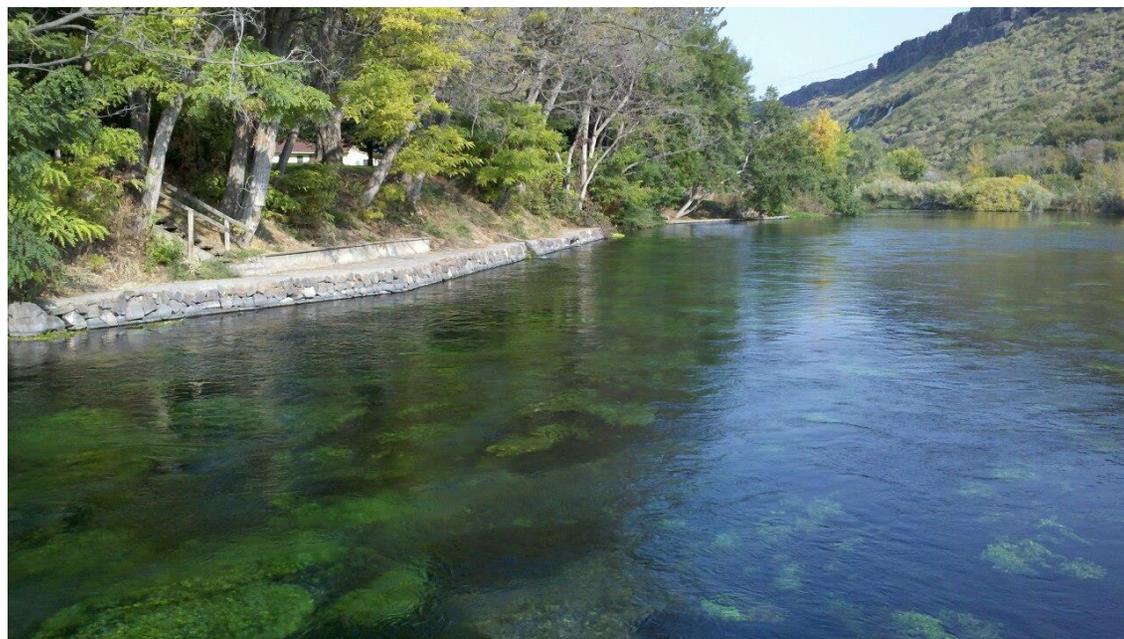
- Promote established and innovative conservation measures

### CORE FUNCTIONS

The Conservation Commission focuses on ~~three~~ core functions under Idaho Code Title 22, Ch. 2700 et seq, [and responds to Executive Orders outlining other Strategic Plan Requirements](#):

1. Providing support to Idaho's 50 locally-led conservation districts.
2. Providing incentive-based and general voluntary conservation programs and services.
3. [Conducting outreach and communications to educate and inform the public, decision makers, partners, and other stakeholders.](#)

[3-4. Complying with Other Strategic Plan Requirements](#)



### KEY EXTERNAL FACTORS

There are key external factors that could affect the agency's ability to meet the goals and objectives contained in this Strategic Plan. They include:

- Availability of funding.
- Changing demographics and land use designations.
- State and federal regulatory pressure and mandates that could shift priorities and resources away from current activities.
- Changing economics and pressures of agricultural and natural resource dependent industries which could result in significant increases or decreases in conservation program participation.
- Changing economics of local, state, and federal budgets, which could result in reductions in agency personnel/services and/or fewer conservation dollars.

*Conservation the Idaho Way: Sowing the Seeds of Stewardship*

## FY ~~2019~~2020-2022-2023 STRATEGIC PLAN

**CORE FUNCTIONS & KEY PERFORMANCE MEASURES** *Performance Measures were developed based on internal targets established to improve customer service. They were initially developed with key legislators and partners in conjunction with Commissioners and staff. Benchmarks/quantifiable targets were further refined in this Plan after review of past years' performance and the potential occurrence of key external factors. They are measured annually at the completion of each fiscal year.*

FY <del>2019</del> 2020 GOALS	FY <del>2019</del> 2020 OBJECTIVES	FY <del>2019</del> 2020-KEY PERFORMANCE MEASURES	FY <del>2019</del> 2020-PERFORMANCE TARGETS/BENCHMARKS
1. Support Districts' voluntary conservation efforts	Provide and implement districts with financial, technical, and capacity building assistance	<ul style="list-style-type: none"> <li>Conduct annual survey to identify satisfaction with services &amp; programs</li> </ul>	<ul style="list-style-type: none"> <li>% of districts satisfied with services &amp; programs               <ul style="list-style-type: none"> <li>5047.5% strongly agree</li> <li>4647.5% somewhat agree</li> <li>20% neutral</li> <li>2.5% somewhat disagree</li> <li>02.5% disagree</li> <li>0% N/A</li> </ul> </li> </ul>
		<ul style="list-style-type: none"> <li>Assist in updating 5-Year Plans</li> </ul>	<ul style="list-style-type: none"> <li>50 of 50 district 5-Year Plans updated</li> </ul>
		<ul style="list-style-type: none"> <li>Conduct annual technical &amp; comprehensive assistance request process, assign field staff, include reasonable/flexible amount of discretionary time</li> </ul>	<ul style="list-style-type: none"> <li>Quantify and track assistance provided               <ul style="list-style-type: none"> <li>Serve 50 districts with financial assistance</li> <li>7,400/6,100 technical assistance hours requested/awarded</li> <li>serve 40 districts technical assistance</li> <li>initiate 50-25 new projects</li> <li>work on 100 ongoing projects</li> <li>300-350 landowners served</li> </ul> </li> </ul>
2. Provide Conservation Programs & Services	Provide and implement Incentive-Based Programs	<b>Resource Conservation &amp; Rangeland Development Program (RCRDP)</b> Make low interest conservation loans	<ul style="list-style-type: none"> <li>Quantify and track:               <ul style="list-style-type: none"> <li>65 loan inquiries/landowners served</li> <li>15 new loans</li> <li>\$850,000-1,000,000 in new loans</li> <li>28-25 applications submitted</li> <li> <ul style="list-style-type: none"> <li>Revise-If Legislature rejects proposed Rule changes (all or in part), reintroduce revised Rules to streamline application process, make program more flexibleaddress Senate Agricultural Committee's concerns about liens and loan limits</li> </ul> </li> </ul> </li> </ul>

## FY ~~2019~~2020-~~2022~~2023 Strategic Plan

FY <del>2020</del> <u>2019</u> GOALS	FY <del>2020</del> <u>2019</u> OBJECTIVES	FY <del>2020</del> <u>2019</u> KEY PERFORMANCE MEASURES	FY <del>2020</del> <u>2019</u> PERFORMANCE TARGETS/BENCHMARKS
<b>2. Provide Conservation Programs &amp; Services</b> (continued)	<b>Provide and implement Incentive-Based Programs</b> (continued)	<b>Conservation Reserve Enhancement Program (CREP)</b> Provide technical leadership and oversight to reduce ground water use, improve water quantity and quality, enhance wildlife habitat, and decrease the risk of agriculture-related chemical and sediment runoff in Eastern Snake Plain Aquifer.	<ul style="list-style-type: none"> <li>▪ Quantify &amp; track:                             <ul style="list-style-type: none"> <li>▪ <del>181</del><u>201</u> active contracts</li> <li>▪ <del>18,332</del><u>20,000</u> total acres under contract</li> <li>▪ <del>135</del><u>8</u> new contracts certified (<i>achieving program goals</i>)</li> <li>▪ <del>11,495</del><u>500</u> total certified acres</li> <li>▪ <del>36,660</del><u>40,000</u> total acre ft. water conserved</li> </ul> </li> </ul>
	<b>Provide and implement General Conservation Programs &amp; Services</b>	<b>Total Maximum Daily Load (TMDL) Implementation Planning Program</b> – subject to DEQ priorities, write plans/ designated lead for voluntary ag/grazing projects on listed/impaired waterways	<ul style="list-style-type: none"> <li>▪ Quantify &amp; track:                             <ul style="list-style-type: none"> <li>▪ 5 new plans assigned by DEQ</li> <li>▪ 5 plans completed</li> <li>▪ 12 in progress</li> <li>▪ <del>19</del><u>10</u> pending</li> </ul> </li> </ul>
		<b>Ground Water Quality/Nitrate Priority Areas</b> - Facilitate cooperative ground water protection, promote and support implementation of water quality projects to maintain and enhance ground water quality	<ul style="list-style-type: none"> <li>▪ Quantify &amp; track:                             <ul style="list-style-type: none"> <li>▪ <del>37,700</del><u>43,000</u> acres treated</li> <li>▪ <del>132,100</del><u>147,000</u> pounds nitrates reduced</li> <li>▪ <del>26,500</del><u>29,500</u> pounds phosphorus reduced</li> <li>▪ <del>142,600</del><u>150,500</u> tons sediment reduced (tons)</li> </ul> </li> </ul>

## FY ~~2019~~2020-2022-2023 Strategic Plan

FY <del>2019</del> 2020 GOALS	FY <del>2020</del> 2019 OBJECTIVES	FY <del>2020</del> 2019-KEY PERFORMANCE MEASURES	FY <del>2020</del> 2019-PERFORMANCE TARGETS/BENCHMARKS
<p><b>3. Build Support for Voluntary Conservation</b></p>	<p><b>Provide and implement outreach and communication</b> - educate/inform public, decision makers, partners, and other stakeholders</p>	<p>Maintain Facebook &amp; Twitter content about voluntary conservation activities of Commission and districts</p> <p><u>Update</u></p>	<ul style="list-style-type: none"> <li>▪ Quantify &amp; track:                             <ul style="list-style-type: none"> <li>▪ 5,000<del>74,000</del> annual website total <del>hits</del> visitors</li> <li>▪ <del>275-50,000</del> total annual Facebook post <u>reaches</u></li> <li>▪ <del>100-75</del> new Facebook page likes</li> <li>▪ <del>75-45100</del> total annual tweets on Twitter</li> <li>▪ <del>200-50</del> new Twitter followers</li> </ul> </li> </ul>
		<p><u>Maintain and enhance content in</u> Tracker statistical database, <u>create increase participation in</u> online, map-based reporting site,</p>	<ul style="list-style-type: none"> <li>▪ Add FY 2013-16 technical assistance projects to Tracker</li> <li>▪ <u>Train and enable 40 of 50 districts to actively utilize Tracker for annual Technical Assistance Requests</u></li> <li>▪ <u>Utilize to automate staff planning and evaluations</u></li> </ul>
		<p><u>Update website to WordPress system per Governor’s Office direction</u></p>	<ul style="list-style-type: none"> <li>▪ <u>Develop plan and timeline for eventual migration of website to WordPress</u></li> </ul>
		<p>Publish monthly newsletter about voluntary conservation activities of Commission and districts</p>	<ul style="list-style-type: none"> <li>▪ <del>675-700</del> newsletter subscriptions</li> </ul>
		<p>Produce video on Commission accomplishments for <u>2019</u> Legislative Session, funding permitting</p>	<ul style="list-style-type: none"> <li>• 1 7-9 minute video about Commission accomplishments, funding permitting</li> <li>• Present to 5 germane legislative committees</li> </ul>
<p><b>4. <u>Other Strategic Plan Requirements</u></b></p>	<p><u>Executive Order 2017-02, adopt the NIST Cybersecurity Framework and implement CIS Critical Security Controls 1-5</u></p>	<p>As a technology customer of the Office of Information Technology Services (ITS) in the Governor’s Office, we are using the cybersecurity systems and technical expertise in ITS to fulfill requirements related to Executive Order 2017-02. Staff from ITS briefed the NIST Core Framework, CIS Controls 1-5, and their plan for adoption of the NIST Cybersecurity Framework. We participate in DHR and ITS administered cybersecurity training, as awareness is a critical component of an effective cybersecurity program. As briefed by ITS staff, implementation of the CIS Controls 1-5 will be their responsibility for the systems they operate and, as technological tools applied to the computer systems, largely invisible to us as a customer. ITS, <u>working through the multi-agency Incident Response Task Force, has developed an is-refining the cybersecurity Incident Response Program plan</u> in support of our agency.</p>	

## FY ~~2019~~2020-2022-2023 Strategic Plan

<p>4. <a href="#">Other Strategic Plan Requirements</a> (continued)</p>	<p><a href="#">Executive Order 2019-02</a>, undertake a critical and comprehensive review of the agency's administrative rules to identify costly, ineffective, or outdated regulations</p>	<p><a href="#">Rules Review Officer to review agency rules and provide recommendations for changes</a> in order to reduce and/or simplify existing rules <a href="#">(and eliminations where rules are not found to be essential to the functioning of the agency and programs)</a></p>
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# FY ~~2019~~2020-2022-2023 Strategic Plan

## Idaho Soil & Water Conservation Commission

~~C.L. "Butch" Otter~~Brad Little, Governor

### Board

H. Norman Wright, Chairman

Cathy Roemer, Vice Chair

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