



IDAHO SOIL & WATER CONSERVATION COMMISSION

SPECIAL MEETING NOTICE & AGENDA

Idaho Soil & Water Conservation Commission
January 13, 2020, 12:00 p.m. to 3:00 p.m. MT

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

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

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

AMERICANS WITH DISABILITIES ACT COMPLIANCE

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

	1.	WELCOME, SELF-INTRODUCTIONS, AND ROLL CALL	Chairman Wright
	2.	PARTNER REPORTS (for information only) • TNC Ag Stewardship Program Presentation	Bas Hargrove, TNC
*	3.	AGENDA REVIEW (potential action item) The Agenda may be amended by formal Board action if necessary at the meeting. If so, a motion that states the reason for the amendment and the good faith reason the item was not included in the original agenda will be made and approved by the Board.	Chairman Wright
ACTION ITEMS			
	4.	ADMINISTRATIVE	
*#	a.	MINUTES 1. December 12, 2019 <u>ACTION:</u> Approve	Chairman Wright
*	b.	FINANCIAL REPORT 1. Financial Reports for the month ended December 31 <u>ACTION:</u> Approve	Young

(*) Action Item

(#) Attachment

ACTION: Staff recommended action for Commission consideration

Monday, Jan. 13, 2020 Meeting Agenda

Date of Notice: Jan. 6, 2020

*#	C.	ADMINISTRATOR'S REPORT <ul style="list-style-type: none"> • Activities • Larry Branen Ag Summit • Review of Proposed Revisions to State Level Memorandum of Agreement (MOA) and Conservation Cooperator Acknowledgement with NRCS and Districts • 2020 Legislative Session and FY 2021 Budget Update • Extension of Conservation Technical Assistance Agreement with NRCS • FY 2020 Commission Meeting Schedule <u>ACTION</u> : Consider approving and authorizing administrator to sign State Level MOAs and the Conservation Cooperator Acknowledgment	Murrison
*	d.	SEPARATING ADMINISTRATOR'S CANDIDACY FOR PUBLIC OFFICE FROM OFFICIAL DUTIES <u>ACTION</u> : Consider Formally Adopting Measures to Separate Administrator's Candidacy for Public Office from Official Duties.	Murrison
NON-ACTION ITEMS			
	6.	OTHER REPORTS <u>ACTION</u> : None, for information only.	Commissioners, Staff
POSSIBLE ACTION ITEMS			
	7.	EXECUTIVE SESSION <i>Executive Session is closed to the public. Under the relevant Idaho Code Section(s) noted below, any Board action will be taken publicly in open session directly following Executive Session.</i> <u>ACTION</u> : Move to enter Executive Session pursuant to Idaho Codes § 74-206(1)(b) for employee review and § 74-206(1)(f) for the purpose of discussing pending litigation, or controversies not yet being litigated but imminently likely to be litigated with legal counsel. <u>Roll Call Vote</u>	Chairman Wright
	a.	EMPLOYEE REVIEW The Commission will conduct an employee evaluation. <u>ACTION</u> : None, for information only.	Chairman Wright
	b.	PENDING LITIGATION The Commission will discuss pending or imminent litigation with legal counsel. <u>ACTION</u> : For information and possible action to direct legal counsel to act in pending or imminent litigation.	Chapple Knowlton
ADJOURN <i>The next Regular Commission Meeting will be on February 17, 2020, at 1:00 pm MT in Boise, Idaho.</i>			Chairman Wright

(*) Action Item

(#) Attachment

ACTION: Staff recommended action for Commission consideration

Monday, Jan. 13, 2020 Meeting Agenda

Date of Notice: Jan. 6, 2020



Idaho Soil & Water Conservation Commission

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

ITEM #4a

IDAHO SOIL & WATER CONSERVATION COMMISSION PUBLIC MEETING & TELECONFERENCE

Date and Time:

Thursday, December 12, 2019
10:01 AM – 11:24 AM MT

Location:

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

MINUTES

COMMISSION MEMBERS PRESENT:

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

COMMISSION STAFF PRESENT:

Teri Murrison	Crystal Rosen
Corrine Dalzell	Jill Young
Delwyne Trefz	

PARTNERS AND GUESTS PRESENT:

Mike Sommerville, IASCD
Benjamin Kelly, IASCD (teleconference)
Amanda Grant, Lewis SCD (teleconference)
Karol Holthaus, Lewis SCD (teleconference)
Wendy Pratt, Citizen (teleconference)
Shantel Chapple Knowlton, Office of the Attorney General (teleconference)

ITEM #1: WELCOME AND ROLL CALL

Chairman Wright called the meeting to order at 10:01 a.m.
Roll call: Chairman Norman Wright, Commissioners Cathy Roemer, Jerry Trebesch and Erik Olson were present.

ITEM #2: PARTNER REPORTS

Action: None taken

ITEM #3a: AGENDA REVIEW

Action: None taken.

ITEM #4a: MINUTES

Action: Commissioner Olson made a motion to *approve the November 12, 2019 Special Meeting minutes as submitted*. Commissioner Roemer seconded the motion. Motion carried by unanimous vote.

Action: Commissioner Roemer made a motion to *approve the November 12, 2019 Special Meeting minutes as submitted*. Commissioner Olson seconded the motion. Motion carried by unanimous vote.

ITEM #4b: FINANCIAL REPORTS

Action: Commissioner Olson made a motion *to approve the Financial Reports for the month ended November 30, 2019*. Commissioner Roemer seconded the motion. Motion carried by unanimous vote.

ITEM #4c: ADMINISTRATOR’S REPORT

Action: None taken.

ITEM #5a: RULEMAKING UPDATE

Action: None taken.

ITEM #6: OTHER REPORTS

Action: None taken

ITEM #7: EXECUTIVE SESSION

Action: Commissioner Roemer made a motion to *enter Executive Session pursuant to Idaho Code § 74-206(1)(f) for the purpose of discussing pending litigation or controversies not yet being litigated but imminently likely to be litigated with legal counsel*. Commissioner Olson seconded the motion. Motion carried by unanimous roll call vote.

Executive Session commenced at 11:01 AM.

Executive Session ended at 11:20 AM

Commission reconvened in Open Session at 11:21 AM

ITEM #7a: PENDING LITIGATION

Action: Commissioner Roemer made a motion *to delegate authority to Teri Murrison, Administrator, to negotiate and sign settlement with substantially the same terms discussed in Executive Session*. Commissioner Olson seconded the motion. Motion carried by unanimous vote.

ADJOURN

The meeting was adjourned at 11: 24 AM. The next Commission Meeting will be held in Boise on January 13, 2019.

Respectfully submitted,

Erik Olson, Secretary

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**IDAHO SOIL & WATER
CONSERVATION COMMISSION**

ITEM # 4b

TO: CHAIRMAN WRIGHT AND COMMISSIONERS ROEMER, OLSON, AND TREBESCH
FROM: JILL YOUNG, SENIOR FINANCIAL SPECIALIST
DATE: JANUARY 2, 2020
RE: FINANCIAL REPORTS, FISCAL MATTERS

FINANCIAL REPORTS

The monthly Financial Report and the monthly Fund Summary Report for the month ending December 31, 2019 will be available at your meeting on January 13, 2019. They are not accompanying this meeting agenda, because the statewide financial reports needed to compile our board meeting reports will not be available until January 7, 2020. For those of you that will be attending the meeting remotely, I will have the reports emailed to you by the end of the day Friday, January 10.

COMMISSIONER HONORARIUMS

Below is a schedule of the honorarium balances as of December 31, 2019. Included in the schedule are the days and amounts budgeted for each Commissioner for FY20. We are in good standing with the travel budget for Commissioners as we have spent 41.3% of the honorarium allocation and 26.6% of the operating allocation to date.

Commissioner	Days Budgeted/ Traveled to Date	Benefit Costs included in Honorariums	Honorariums Budgeted	Expended to Date	Projected Balance/ (Overage)
Wright	30 /17	\$132	\$1,632	\$1,014	\$618
Roemer	20 / 7	\$88	\$1,088	\$401	\$687
Trebesch	10 / 5	\$44	\$544	\$269	\$275
Vacant	20 / 0	\$88	\$1,088	\$0	\$1,088
Olson	20 / 10	\$88	\$1,088	\$563	\$525
Totals		\$442	\$5,442	\$2,247	\$3,195

RECOMMENDED ACTION: Approve financial reports

Attachments will be provided at meeting

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**SOIL & WATER
CONSERVATION
COMMISSION**

H. Norman Wright
Chairman

Cathy Roemer
Vice Chairman

Erik Olson
Secretary

Gerald Trebesch
Commissioner

Vacant
Commissioner

Teri Murrison
Administrator

MEMO

**TO: CHAIRMAN WRIGHT AND COMMISSIONERS ROEMER,
TREBESCH, AND OLSON**
FROM: TERI MURRISON, ADMINISTRATOR
DATE: DECEMBER 23, 2019
RE: ADMINISTRATOR'S REPORT

Activities

Since my last report in December, I've engaged in the following activities:

- Moderated a forum on Ag Land Preservation for the Idaho Environmental Forum, assumed new role as 2020 Chair
- Partnership Meeting on State Level MOA between NRCS, ISWCC, and districts
- Attended various meetings on Rules presentations to the Legislature, JFAC Budget presentation, and with DFM, etc.
- Attended Food Producers' meeting, Ag Summit Planning Committee meeting, secured key note speaker, and planned panel for the Ag Summit to deal with pathways to resilience as a vehicle to help preserve working lands

Larry Branen Ag Summit

Attached is a copy of the registration materials for the February 17-18th Larry Branen Ag Summit. We will have a Board meeting in the early afternoon of the 17th before the Strolling Ag Supper, and the Summit follows the next day. We have budgeted for commissioners to attend. This year's theme is very timely. It's Rural Resilience – Surviving Growth. Please let Crystal know if you plan to attend.

Review of Proposed Revisions to State Level Memorandum of Agreement (MOA) and Conservation Cooperator Acknowledgement with NRCS and Districts

The Partnership Committee (Cathy Roemer, Tom Daniel, Benjamin Kelly, Curtis Elke, and I) met on December 20, 2019, to discuss the previously presented national template for State Level MOA (and the Cooperator Agreement) and some concerns staff had identified with the MOA as presented to your Board in November. Curtis wants to find something that works for Idaho and has negotiated an extension of the deadline to this spring to have all agreements finalized.

Focusing on the areas of concern we expressed at your meeting, the Committee was able to agree upon the following changes to the DRAFT proposed MOA (see attached REVISED MOA):

- Page 2, under Section 1: Purpose – added “This MOA applies solely to work undertaken as part of the United States Department of Agriculture Farm Bill program.” This change solved a number of concerns with the

MOA by limiting the agreement to Farm Bill Program implementation and excluding programs/projects districts operate independent of NRCS.

- Page 4, under Locally-Led, Voluntary Conservation, the Conservation District shall – clarified that the District Long-Range Plan is the districts’ already-required 5-Year (and annual plans), “as specified in state statute”.
- Page 4, under Locally-Led, Voluntary Conservation, the NRCS shall – designate an NRCS representative to participate in the development of the above plans.
- Page 4, under Locally-Led, Voluntary Conservation, the Commission shall – substituted “Work cooperatively with conservation districts...” in place of “Utilize”.

With regard to job approval authority and compliance with Idaho Statute:

- Page 5, under Adherence to Technical Standards, the Conservation District shall – Bill Lillibridge, Commission managing engineer feels this bullet is appropriate, saying that “many districts are doing their own work without NRCS funding, and need a procedure for now to assign delegated authority.” He recommends that it follow the same criteria as NRCS, but believes district employees should “have some grounding on what they can and cannot do without supervision. Additionally, the second sentence requires them to obtain job approval authority to work on NRCS projects.
- Page 5, under Part B: Adherence to Technical Standards, NRCS Shall: Bill states that “The fifth bullet includes ‘in accordance with NRCS policy and Federal, State, and local laws, regulations, and codes.’ I think that is sufficient. Job Approval Authority is given out by the State and Regional NRCS staff in Planning (Conservationists), Design (Engineers), and Construction (Mixed).” He cautions that district staff need continuing education to understand what job approval authority means and where it applies. For example:
 - The maximum Design approval available for Pipeline is JC1 – 50 psi. Most livestock water systems from springs in the north half of Idaho would exceed that limit.
 - Access Road is limited to JC2, meaning no gravel surfacing, 1 mile maximum length, and no culverts over 24” diameter.
 - Heavy Use Protection would exclude concrete.
 - Watering Facilities, given a JC1, would exclude... all Watering Facilities.

Staff recommends that your Board consider approving and authorizing the administrator to sign State Level MOAs and the Conservation Cooperator Acknowledgment.

2020 Legislative Session and FY 2021 Budget Update

The Governor will present his Recommended Budget to the Legislature in his State of the State Address on January 6, 2020. Staff will report at your meeting. We will also present our one remaining Rule to the Senate and House Ag Committees, deliver our annual budget presentation to JFAC on January 17th, and beginning around the end of January, will schedule germane committee presentations.

Extension of Conservation Technical Assistance Agreement with NRCS

From the analysis Jill Young has performed, it appears that the current NRCS CTA agreement is of value to NRCS and the Commission. Curtis has asked us to fill all three positions as Soil Conservation Technicians (before we filled one of them and the other two were Soil Conservationists). We are proceeding to reclassify the two positions and will update the agreement amount, if necessary, to insure

the salary and benefit amounts will be sufficient over the life of the contract (to 2022). We should be able to fill the positions fairly quickly once the reclassifications and any minor amendments are complete.

FY 2020 Commission Meeting Schedule The following is the current Meeting Schedule for FY 2020. As always, we will make changes in the schedule as the Board directs.

Date & Time	Meeting, Location	Meeting Type
February 17, 2020, 1 pm – 5 pm MT, held in conjunction with Strolling Supper and Ag Summit	Regular meeting, 322 E. Front Street, Suite 560, Boise	In person
April 9, 2020, 10 am – 3 pm, MT	Regular meeting, 322 E. Front Street, Suite 560, Boise	In person
May 14, 2020, 10 am – 3 pm, MT	Regular meeting, 322 E. Front Street, Suite 560, Boise	In person
June 11, 2020, 10 am – 3 pm, MT and TBD (Joint Meeting with IASCD Board)	Regular meeting, 322 E. Front Street, Suite 560, Boise Special Joint Board Meeting with IASCD, location and time TBD	In person In person

REQUESTED ACTION: Consider approving and authorizing administrator to sign State Level MOAs and the Conservation Cooperator Acknowledgment

Attachments:

- Larry Branen Ag Summit Registration Packet
- REVISED State Level MOA (with Track Changes)

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

January 2020

TO: Idaho Ag Summit Former Participants
 Idaho Agriculture Organizations and Commodity Commissions

FR: Rick Waitley, Executive Director
 Teri Murrison, Co-chairman
 Britany Hurst, Co-chairman

RECEIVED

DEC 30 2019

IDAHO SOIL & WATER
 CONSERVATION COMMISSION

2020 Idaho Ag Summit Rural Resilience - Surviving Growth

Enclosed you will find a brochure for the 2020 Larry Branen Idaho Ag Summit. We hope you will take a moment to look at the brochure and learn more about this year's event. The planning committee has selected a very timely subject based upon the unbelievable growth throughout Idaho. The program has several enlightening speakers and topics:

- *What is Happening Inside the Beltway & What is Rebuild the Rural?*
 - *What is Happening in Idaho as a Result of Urban Growth & the Impact on Ag*
 - *Working Lands in Idaho*

We hope you will help us spread the word to your boards, councils and commissions about this event.

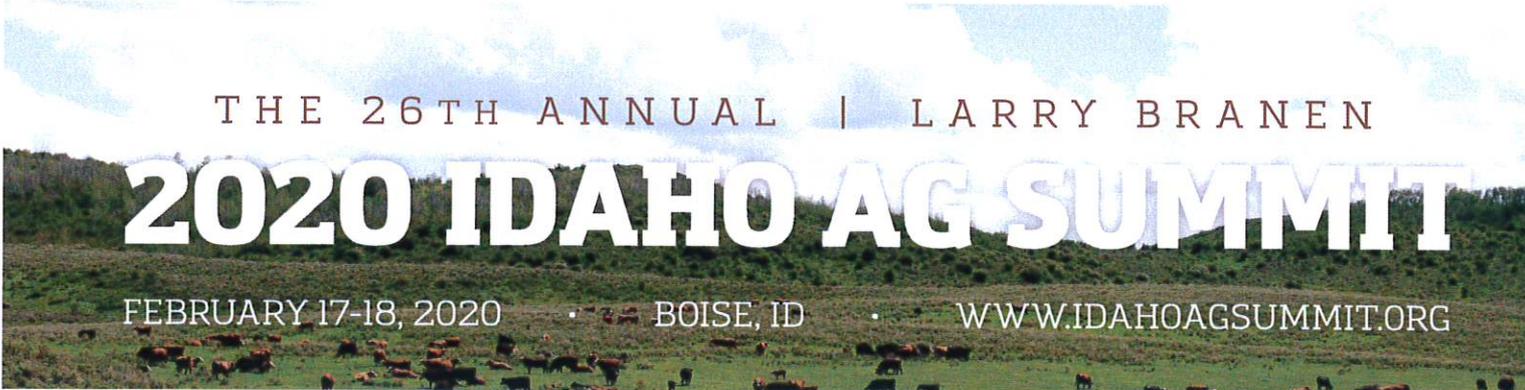
Special activities taking place during the Summit:

- ♦ **Monday evening, February 17: (Boise Centre East)**
 - **Strolling Dinner** with Idaho Legislators
- ♦ **Tuesday, February 18: (Red Lion Downtowner)**
 - The **Pat Takasugi Leadership Award** presented to an individual selected by Idaho's Wine and Grape Industry.
 - At noon, Governor Brad Little invited to join us for the annual **Governor's Award luncheon** and the presentation of the awards for Excellence in Agriculture with a reception honoring the winners to follow. Winners listed in the brochure.

The presenters at the Ag Summit will help to enlighten Summit participants on leading Idaho agriculture into the future and on how the industry can prepare to address challenging situations. We hope you will make an effort to join us for the 2020 event. If you need additional brochures, contact our office by calling Cindy at 888-0988 or emailing Cindy at cindy@amgidaho.com.

Encls: Ag Summit Brochure
 Registration Form
 Sponsor Form

Ag Summit\Masters\pastpart_ltr



THE 26TH ANNUAL | LARRY BRANEN

2020 IDAHO AG SUMMIT

FEBRUARY 17-18, 2020 · BOISE, ID · WWW.IDAHOAGSUMMIT.ORG

REGISTRANT INFORMATION

First Name _____ Last Name _____

Affiliation (Agency/Company/Firm) _____

Address _____

City/State/Zip _____

Phone _____ Email _____

SELECTIONS & FEES *(Please mark events you will be attending)*

- Full Ag Summit Registration (2/17-18) \$100 (\$135 after 2/5/20)
(Includes Strolling Supper & Awards Luncheon)
 - Yes, I will attend the All Idaho Strolling Supper (Boise Centre West - 2/17 - 5:30pm)
 - Yes, I will attend the Governor's Awards Luncheon (Red Lion Downtowner - 2/18 - 12:15pm)
- Young Farmer/Rancher (**UNDER 40**) Full Summit Registration (2/17-18) \$70 (\$95 after 2/5/20)
(Includes Strolling Supper & Awards Luncheon)
 - Yes, I will attend the All Idaho Strolling Supper (Boise Centre West - 2/17 - 5:30pm)
 - Yes, I will attend the Governor's Awards Luncheon (Red Lion Downtowner - 2/18 - 12:15pm)
- ONLY Tuesday Ag Summit Registration - NO LUNCHEON INCLUDED \$40 x _____ = \$ _____
(Red Lion Downtowner - 2/18)

Guest Options

- ONLY All Idaho Strolling Supper (Boise Centre West - 2/17 - 5:30pm) \$45 x _____ = \$ _____
First Name _____ Last Name _____
- ONLY Governor's Awards Luncheon (Red Lion Downtowner - 2/18 - 12:15pm) ... \$40 x _____ = \$ _____
First Name _____ Last Name _____

PAYMENT INFORMATION

- Check (payable to Idaho Ag Summit) Credit Card (VISA, MC, Discover, AmEx) Total Amount Due \$ _____
- Card No. _____ Exp. _____ CVV _____
- Name on Card _____
- Email of Cardholder _____

Ag Summit/2020/form_registration_agsum20.pdf



Please send with payment to:
Idaho Ag Summit | 55 SW 5th Ave, Suite 100 | Meridian, ID 83642 | FX: 208.888.4586

2020 IDAHO AG SUMMIT SPONSORSHIP OPPORTUNITIES

FEBRUARY 17-18, 2020 BOISE, ID WWW.IDAHOAGSUMMIT.ORG

All sponsors will be prominently recognized during the Idaho Ag Summit!

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| <input type="checkbox"/> | PREMIER..... | \$5,000 |
| <input type="checkbox"/> | PLATINUM..... | \$2,000 |
| <input type="checkbox"/> | GOLD..... | \$1,000 |
| <input type="checkbox"/> | SILVER..... | \$500 |
| <input type="checkbox"/> | BRONZE..... | \$250 |
| <input type="checkbox"/> | 8' Display Table..... | \$150 |

In-Kind Contributions

In-kind contributions will be accepted. In order to be recorded as an in-kind contributor, the contributing party must provide the Larry Branen Idaho Ag Summit, on official stationery, the item(s) or service donated and its value.

SPONSOR INFORMATION

Sponsoring Organization _____

Contact Name _____

Address _____

City/State/Zip _____

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Phone _____ Fax _____

*In order to be included as an Idaho Ag Summit Sponsor, please complete and return this form and payment **by Wednesday, February 5, 2020.***

Idaho Ag Summit / 55 SW 5th Ave, Suite 100 / Meridian, ID 83642
PH: 208.888.0988 / FX: 208.888.4586 / E: cindy@amgidaho.com

FOR OFFICE USE	
DATE _____	
AMT _____	
CH # _____	

GOVERNOR'S EXCELLENCE IN AGRICULTURE AWARDS CONGRATULATIONS TO THE 2020 RECIPIENTS

Education/Advocacy:	Wayne Hurst / Burley
Environmental Stewardship:	David Mosman / McCall <i>(in memoriam)</i>
Marketing Innovation:	Dwight Little, Sr. (Little Farms) / Teton
Technical Innovation:	Boyer Farms / Culatesac
Lifetime Achievement:	Frank S. Priestley / Franklin

\$70 SPECIAL for YOUNG FARMERS / RANCHERS

Once again, the Idaho Ag Summit Planning Committee is making a special appeal to all Idaho farmers and ranchers under the age of 40. Registration will be \$70 (\$95 after 2/5) for the conference. We recognize that the future of agriculture relies on the next generation of farmers/ranchers.

We would like each agriculture organization, commodity group, and agency to identify at least one young farmer or rancher (under age 40) and invite them to be your guest(s) at Idaho Ag Summit.

Information received and connections made will be well worth the investment of \$70 for a young farmer or rancher.

AG SUMMIT FACILITY & LODGING INFORMATION



The Red Lion Downtowner
1800 W. Fairview Avenue, Boise
208.344.7691

Special rates start at \$98/night (single) available until 1/27/20
Reserve under Idaho Ag Summit (Government rate available)

THANKS TO OUR 2019 SPONSORS

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Idaho Beef Council
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JR Simplot Company
NW Agricultural Cooperative Council
Scouler Grain

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Idaho Alfalfa/Clover Seed Growers Assn.
Idaho Barley Commission
Idaho Grain Producers Association
Idaho Hay & Forage Association
Idaho Honey Industry Association

Idaho Onion Growers' Association
Idaho Pea & Lentil Commission
Idaho Potato Commission
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Snake River Sugar Company

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Idaho Power Company
Idaho Rangeland Resources Commission
Idaho Oilseed Commission
Nyssa Nampa Sugarbeet Growers

REGISTER, SPONSOR, MORE INFO:

Idaho Ag Summit
55 SW 5th Ave, Ste 100
Meridian, ID 83642
(ph) 208.888.0988 (fx) 208.888.4586
cindy@amgidaho.com
www.idahoagsummit.org

2020 Ag Summit Schedule *as of December 2019*

MONDAY, FEBRUARY 17 (Boise Centre East)

5:30P All Idaho Strolling Supper with Idaho Legislators

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TUESDAY, FEBRUARY 18 (Red Lion Downtowner)

7:15A Summit Registration

7:30A Opening Session

Blair Wilson, *Co-Chairman* | Intro of Dr. Larry Branen

8:30A What is Happening Inside the Beltway & What is *Rebuild the Rural?*

Todd Van Hoose, *President & CEO, Farm Credit Council*

2020 Pat Takasugi Leadership Award

Idaho Wine & Grape Industry

10:00A Break

10:15A What is Happening in Idaho as a Result of Urban Growth & the Impact on Agriculture

Jodie Brandt, *Professor, Boise State University*

11:15A Break

12:00P Seating for Governor's Awards Luncheon

12:15P Governor's Awards Idaho Luncheon "Excellence in Agriculture" - Governor Brad Little

1:45P Reception for Governor's Awards Winners & Guests

2:30P Panel: Working Lands

Teri Murrison, *Moderator*

Josie Erskine, *Peace Belly Farm / Ada Soil & Water District*

Braden Jensen, *Idaho Farm Bureau Federation*

Merrill Beyeler, *Beyeler Ranches, LLC*

Jodie Brandt, *Professor, Boise State University*

4:30P Adjournment



TODD VAN HOOSE | KEYNOTE SPEAKER

The Farm Credit Council selected Todd Van Hoose to serve as their president and CEO in 2016. Farm Credit is a nationwide network of customer-owned financial institutions that provides loans and related financial services to U.S. farmers and ranchers, farmer-owned cooperatives, rural homebuyers, agribusinesses and rural infrastructure providers.

Van Hoose had previously served as CoBank's Senior VP of Government Affairs. Prior to joining CoBank, he was Senior VP of Government Affairs for The Farm Credit Council. He also has held positions on Capitol Hill and with USDA, and has a degree in journalism and public relations from the University of Kentucky. Todd brings a wealth of Farm Credit and Washington experience to the council.

REGISTRATION FORM AVAILABLE ONLINE AT WWW.IDAHOAGSUMMIT.ORG

THE 26TH ANNUAL | LARRY BRANEN

2020 IDAHO AG SUMMIT

RURAL RESILIENCE - SURVIVING GROWTH

FEBRUARY 17-18, 2020 | BOISE, ID

Templates for State-Level MOA

MEMORANDUM OF AGREEMENT BETWEEN THE
United States Department of Agriculture, Natural Resources Conservation Service
AND
State of [INSERT STATE], [INSERT NAME] Conservation District,
AND
[INSERT Name of State Conservation Agency]

Note: Other stakeholders and signatories may be added, as appropriate].

I. PURPOSE

This Memorandum of Agreement (MOA) is entered into between the United States Department of Agriculture (USDA) Natural Resources Conservation Service (hereafter referred to as NRCS), the [INSERT NAME] Conservation District, and [INSERT NAME of State Conservation Agency]. [Note: Include additional stakeholders, as appropriate] This MOA applies solely to work undertaken as part of the United States Department of Agriculture Farm Bill program.

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

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

II. BACKGROUND

The NRCS and [INSERT NAME] Conservation District, and [INSERT NAME of State Conservation Agency] share a rich history of collaborating to deliver comprehensive technical and financial assistance to farmers, ranchers, forest stewards, and other entities to voluntarily protect, restore, and enhance natural resources.

The Soil Conservation Service was established in 1935 (renamed NRCS in 1994 to reflect its broader conservation mission). NRCS is committed to “helping people help the land.” It provides assistance and resources for conservation practices that improve water and air quality, prevent erosion, restore wetlands, and enhance wildlife. NRCS’s approach to mission delivery and customer service is deeply rooted in the notion that locally-led, voluntary efforts yield the most effective and productive outcomes. Locally-led conservation is the principle that farmers, ranchers, and forest stewards know their lands better than anyone else based on their personal knowledge and experience with those lands. As such, they are best positioned to make optimal decisions for the benefit of their operations, its natural resource conditions, and their communities.

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

III. STATEMENT OF MUTUAL BENEFIT

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

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

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

A. Locally-Led, Voluntary Conservation

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

The Conservation District shall:

- Assist NRCS in promoting USDA programs by participating in outreach and community education activities.
- Advocate for a strong natural resource conservation program by keeping appropriate boards, landowners, legislators, county commissioners, and other key stakeholders apprised of conservation activities within the district.
- Assemble and chair the USDA local working group, as chartered under the State Technical Committee and authorized by 7 CFR 610, Part C, to encourage public participation.
 - Encourage diverse participation in local working groups through community outreach and education, to include stakeholders from historically underserved community.
 - Open local working group meetings to the public and advertise notification of meetings in one or more newspapers, including Tribal publications.
 - Develop the agenda and associated materials/information for local working groups and distribute at least 14 calendar days prior to the meeting.
 - Develop and file local working group meeting records within 30 calendar days of the meetings at the local NRCS office.

- Adhere to local working group responsibilities and standard operating procedures, as documented in NRCS policy (Title 440, Conservation Programs Manual).
- Develop the conservation needs assessment through broad-based community participation and in accordance with NRCS policy and procedures. This will provide a comprehensive evaluation of the district's natural resource base and be the basis for making decisions about local priorities or policies in all local conservation programs.
- Recommend local natural resource priorities and criteria for NRCS conservation activities and programs based on the conservation needs assessment and public input.
- Develop a District Long-Range Plan ~~every three (3) years~~ **(Five Year Plan)** and an Annual Plan of Work each year, ~~or~~ as specified in state statute. These documents must incorporate local and community inputs.
- Identify NRCS program resources, develop and implement conservation plans and natural resource systems, and evaluate/measure the technical and community impacts of solutions.
- Update NRCS on activities of local and state advisory committees and community groups attended by Conservation District board members and staff.
- Cooperate and collaborate across conservation districts, as appropriate and as permitted by state statute.

NRCS shall:

- Support outreach activities and ensure the parties are kept informed of NRCS activities and programs on at least a monthly basis. This includes bringing technical and financial assistance opportunities (including matching fund strategies) to the attention of the Conservation District.
- Work cooperatively to solicit and leverage community recommendations to inform priorities that guide the delivery of NRCS conservation programs.
 - Designate an NRCS representative to participate in the development of District Long-Range a(Five Year) and Annual Work Plans.
 - Designate an NRCS representative to participate in Conservation District meetings and events, including local working group meetings. Alternatively, NRCS will chair the local working group should the Conservation District be unable or unwilling to.
 - Develop and transmit written notifications to the local working group members as to the decisions made in response to their recommendations within 90 days.
- Respond to requests from the parties for technical guidance and assistance.
- Partner with local and Tribal agricultural, conservation, agency, and community groups where possible, to further Conservation District natural resource conservation goals and objectives.
- Attempt to align program priorities within the conservation district with the natural resource concerns identified by the local working group.
- Provide an annual summary of NRCS accomplishments to the parties.

[INSERT NAME of State Conservation Agency] shall:

- Facilitate coordination between conservation districts when appropriate.
- ~~Utilize Work cooperatively with~~ conservation districts to administer state conservation programs when appropriate.
- Serve on the State Technical Committee.

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B. Adherence to Technical Standards

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

The Conservation District shall:

- Adhere to Federal, State, Local, and Tribal laws and regulations.
- Adopt NRCS policies and procedures, including the NRCS Field Office Technical Guide (FOTG), and other science-based technical standards.
- Leverage and promote use of USDA technologies and applications, as appropriate.
- Assign conservation practice job approval authority to its personnel based on employee knowledge, skill, and ability level, and within applicable laws and guidelines. Obtain NRCS concurrence for job approval for practices involving USDA authorities or programs.
- Participate in local, state, and national opportunities for policy, program, and project development.

NRCS shall:

- Develop, update, and disseminate technical standards, policies, and procedures.
- Seek input and comment from communities on natural resource conservation policies and issues.
- Inform the Conservation District and communities when pending statutes, laws, regulations, policies, or procedures may have a significant impact on the community.
- Develop and provide access to USDA technologies and applications to facilitate shared standards, as appropriate.
- Provide job approval authority for non-NRCS employees, in accordance with NRCS policy and Federal, State, and local laws, regulations and codes.
- Provide conservation planning certifications for non-NRCS employees in accordance with the NRCS policy and Federal, State, and local laws, regulations and codes
- Create and promote opportunities for the Conservation District board members and staff to participate in policy, program, and project development.
- Provide technical or other training for conservation partnership employees in conjunction with its own training, or as separate events. Training must be consistent with and support of NRCS's mission objectives. As such, the principle emphasis will be on the support and delivery of field-based conservation technical assistance.

[INSERT NAME of State Conservation Agency] shall:

- Adhere to Federal, State, Local, and Tribal laws and regulations.
- Adopt NRCS policies and procedures, including the NRCS Field Office Technical Guide (FOTG), and other science-based technical standards.
- Leverage and promote use of USDA technologies and applications, as appropriate.
- Assure state statutes and regulations are observed by all parties.

C. Data and Information Sharing

Any information furnished to NRCS under this agreement is subject to the Freedom of Information Act (5 U.S.C. 552). Cooperators providing technical or financial assistance under USDA programs may have access to information that must not be subsequently disclosed and may only be used for the purpose of providing that assistance.

See Appendix A, “ACKNOWLEDGMENT OF REQUIREMENTS FOR PROTECTION OF PRIVACY OF PERSONAL AND GEOSPATIAL INFORMATION RELATING TO NATURAL RESOURCES CONSERVATION SERVICE PROGRAMS.” The signatory agrees to abide by these requirements as a condition of receiving access to such information.

IV. GENERAL PROVISIONS

A. Period of Performance

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

B. Amendments

This MOA may be extended or amended upon written request of either Party and the subsequent written concurrence of the other. Any of the parties may terminate this MOA with a 60-day written notice to the others.

This state-level MOA may be supplemented by a local-level MOA, if desired and mutually agreed to by the parties. The local-level MOA reflects locally developed detailed working arrangements, to include NRCS’s and Conservation District’s Annual Workplan and/or Plan of Operations. These may include, but are not limited to, documenting specific objectives or goals, action items, provision for documentation of accomplishments, schedule of planned events, and assignment of responsibilities.

C. Transfer of Funding or Non-Monetary Resources

This MOA is established to document the collaborative relationship between the Parties. Nothing in this MOA shall require either Party to obligate or transfer funding, or anything of value. This may include, but is not limited to:

- Office spaces and equipment/supplies
- Vehicles and associated expenses (e.g., fuel, maintenance)
- Computers, software, and technical equipment

The transfer of funding or other resources of value among the Parties offices requires execution of a separate agreement. The appropriate instruments include:

- Cooperative Agreement (2 CFR 200.24), which allows federal agencies to transfer a thing of value to the State, local or Tribal government, or other recipient to carry out a public purpose of support or stimulation authorized by law of the United States.
- Contribution Agreement (7 CFR 6962a), which is a unique statutory authority allowing NRCS to enter into an agreement with a non-federal entity that shares a mutual purpose in carrying out NRCS programs. All parties must contribute resources to the accomplishment of these objectives.
- Reimbursable Agreement (31 USC 686; PL 90-577), which allows federal agencies to provide specialized or technical services to State and local governments.

D. Other

This MOA is not intended to, and does not create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by any party against the United States, its agencies, its officers, or any person.

All activities and programs conducted under this MOA shall be in compliance with the nondiscrimination provisions contained in Titles VI and VII of the Civil Rights Act of 1964, as amended; Civil Rights Restoration Act of 1987 (Public Law 100-250); and other nondiscrimination statutes; namely, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendment of 1972, and the Age Discrimination Act of 1975. Also, they will be in accordance with regulations of the Secretary of Agriculture (7 CFR Part 15, subpart A), which provide that no person in the United State shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity of an applicant or recipient receiving federal financial assistance from the Department of Agriculture or any Agency thereof.

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

V. SIGNATURES

USDA Natural Resources Conservation Service
Signature:

DATE:
Printed Signer Name, Title:

[INSERT NAME] Conservation District
Signature:

DATE:
Printed Signer Name, Title:

[INSERT NAME of State Conservation Agency]
Signature:

DATE:
Printed Signer Name, Title:

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**MEMORANDUM OF AGREEMENT BETWEEN THE
United States Department of Agriculture, Natural Resources Conservation Service (NRCS), the
[INSERT TRIBAL NATION], and the [INSERT NAME OF CONSERVATION DISTRICT OR
TRIBAL CONSERVATION ADVISORY COUNCIL]**

For their Cooperation in the Implementation of the Common Objectives and Goals of
NRCS, the [INSERT TRIBAL NATION], and the [INSERT NAME OF CONSERVATION
DISTRICT OR TRIBAL CONSERVATION ADVISORY COUNCIL]

[Note: Other stakeholders and signatories may be added, as appropriate].

VI. PURPOSE

This Memorandum of Agreement (MOA) is entered into between the United States Department of Agriculture (USDA) Natural Resources Conservation Service (hereafter referred to as NRCS), the [INSERT TRIBAL NATION], and the [INSERT NAME OF CONSERVATION DISTRICT OR TRIBAL CONSERVATION ADVISORY COUNCIL] (referred to jointly as the Parties) [Note: Include additional stakeholders, as appropriate].

The NRCS, [INSERT TRIBAL NATION], and [INSERT NAME OF CONSERVATION DISTRICT OR TRIBAL CONSERVATION ADVISORY COUNCIL], (referred to jointly as the Parties) recognize the importance of natural resources, the wise use and management of these natural resources, and, as appropriate, the protection and/or development of these natural resources. The Parties also recognize and honor their unique government-to-government relationship.

The NRCS further recognizes its responsibility to seek advice, guidance, and counsel from Indian Tribes and confer with them on topics regarding natural resource conservation issues that may impact their members or lands through the consultation process. It also recognizes the importance of legal, social, cultural, and economic independence to Tribal self-determination and self-sufficiency.

This agreement is made and entered into with the objectives of:

- Furthering the [INSERT TRIBAL NATION]'s goal of self-determination and self-sufficiency by collaborating to develop strong, stable natural resource management programs;
- Ensuring that the policies, procedures, and implementation of NRCS conservation programs or activities are in the best interest of the community by engaging in the consultation process with Tribal leaders, Tribal entities (e.g., the Conservation District, Tribal Conservation Advisory Council), and their members;
- Continuing to support the delivery of excellent and innovative technical and financial assistance and customer service to Tribal entities, leaders, and members;
- Maximizing outreach to the community relating so as to increase awareness of natural resource needs and conservation practices, as well as engage in meaningful dialogue and obtain timely input from the community to ensure such services are responsive to its specific needs and desires;
- Strengthening and modernizing conservation delivery to optimize efficiency and effectiveness;
- Supporting science-based decision making as close to the resource issue/opportunity as possible;
- Encouraging a voluntary approach as the primary means of accomplishing conservation goals; and
- Using sound approaches to strengthen each Party and its role in the delivery of soil, water, and related natural resource conservation across the nation.

VII. BACKGROUND

The United States (U.S.) and American Indian and Alaska Native Tribes maintain a special “government-to-government” relationship based on the U.S. Constitution, treaties, Federal Statues, court decisions, and Executive Branch policies. This unique relationship is also grounded in the doctrine of “trust.” This unique relationship between the Federal government and Tribal governments means that Federal agencies (such as NRCS) carry a responsibility to ensure that agency actions are in the best interest of the Tribe, its members, and its lands.

In 1988, the Secretaries of the Interior and Agriculture signed a Memorandum of Understanding (MOU) in recognition of their respective departmental responsibilities with American Indian Tribes. The MOU focused on meeting the needs of American Indians by working in a Federal partnership to improve delivery of services and programs. Over the years, this MOU has been updated to reflect current missions, relationships, and services.

VIII. STATEMENT OF MUTUAL BENEFIT

In many cases, the Federal and Tribal governments have entered into treaties that influence natural resource management options for NRCS programs both on and adjacent to Tribal lands. The Parties have a mutual interest in helping Tribal members utilize, manage, protect, and enhance its natural resources in accordance with their needs for protection and improvement and their capabilities. The [INSERT TRIBAL NATION] has established the [INSERT NAME OF CONSERVATION DISTRICT OR TRIBAL CONSERVATION ADVISORY COUNCIL] to provide leadership and counsel to the NRCS.

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

A. Responsibilities of the Parties

The [Tribal Conservation Advisory Council / Conservation District] shall:

- Advocate for a strong, stable, and quality natural resource conservation program.
- Provide leadership, counsel, and consultation to NRCS on its conservation needs, programs, and priorities.
 - Engage in meaningful dialogue with NRCS, including the Tribal Liaison, and provide guidance on NRCS activities, policies, and/or procedures that may impact the Tribe, its members, or land.
 - Identify conservation needs assessment through broad-based community participation and in accordance with Tribal and NRCS protocols, policies, and procedures. This will provide a comprehensive evaluation of the Tribe’s natural resource base and be the basis for making decisions about local priorities or policies in all local conservation programs.
 - Encourage [Tribal Conservation Advisory Council or Conservation District] members to participate on state and regional-level Tribal Advisory councils (e.g., Conservation Advisory Council).
- Encourage community participation to the planning, conduct, and administration of natural resource programs and services.
 - Assist NRCS in outreach and community education activities.
 - Encourage individual members of Tribes and Tribal organizations to participate in dialogue, analyze issues and solutions to address natural resource concerns, and seek agreement on resource decisions.

- Encourage member participation in National Environmental Policy Act (NEPA) procedures, including preparation of Environmental Impact Statements, when appropriate.
- Engage NRCS in resource assessments.
- Assist NRCS in establishing training programs on consultation procedures and protocols.
- Cooperate and collaborate across Tribes, NRCS State offices, conservation districts, as appropriate.
- Keep appropriate NRCS and Tribal leaders, boards or committees, members, and other key stakeholders apprised of conservation priorities and activities.
- Develop a District Long-Range Plan every three (3) years and an Annual Plan of Work each year. These documents must incorporate local and community inputs.
- Identify NRCS program resources, develop and implement conservation plans and natural resource systems, and evaluate/measure the technical and community impacts of solutions.

The NRCS shall:

- Acknowledge and honor the trust responsibility relationship between the Federal government and Tribe.
- Identify a Tribal Liaison, to coordinate as needed for Tribal consultation and maintain its relationship as outlined in this MOA.
- Engage in the consultation process, with the intent of seeking advice, guidance, and counsel and engaging in meaningful dialogue.
 - Consult with Tribal leaders and entities prior to implementing actions, policies, or rules that may impact its members, organizations, lands, or resources.
 - Ensure that the consultation process is collaborative, taking into account individual members' and stakeholders' opinions and recommendations.
 - Work with and require contractors to consult with Tribal employee rights offices, where present, when providing Federal funds for projects on Tribal lands.
- Advocate, support and assist the Tribe in achieving its goal of self-sufficiency through establishment of strong and stable organizations capable of administrating quality and effective conservation programs.
 - Advocate natural resource stewardship, while working within Tribal religion, standards, values, and culture.
 - Assist the Tribes in building Tribal capacity in natural resources conservation.
 - Support and advocate for members to fully participate in council decision-making and to propose/conduct appropriate community improvement projects.
- Provide quality service through technical and financial assistance.
 - Assist Tribes in resource assessment and conservation program development, providing appropriate resources and expertise, as appropriate and desired.
 - Work with cultural resource specialists and coordinators to ensure appropriate cultural resource consultation protocols and procedures are followed.
 - Inform the [Conservation District or Tribal Conservation Advisory Council] informed of NRCS activities and programs on at least a monthly basis. This includes bringing technical and financial assistance opportunities (including matching fund strategies) to its attention through the consultation process.
 - Increase opportunities for the community to benefit from NRCS programs.
 - Provide an annual summary of NRCS accomplishments.
- Identify and take appropriate steps to remove impediments to working directly and effectively with Indian Tribes.

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- Establish and maintain an office at Tribal Headquarters in accordance with the provisions of the Food, Conservation, and Energy Act of 2008 (Section 14001(g)).
- Develop and provide awareness training to NRCS personnel.
- Assist with planning and participation in community outreach activities.
- Cooperate with Indian Tribes, conservation districts, resource conservation development councils, federal, state, and local governmental entities, and other non-governmental entities to deliver services and further the goals of this MOA.

B. Adherence to Technical Standards

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

The [Conservation District or Tribal Conservation Advisory Council] shall:

- Adhere to Federal, State, Local, and Tribal laws and regulations.
- Adopt NRCS policies and procedures, such as the NRCS Field Office Technical Guide (FOTG), and other science-based technical standards.
- Leverage and promote use of USDA technologies and applications, as appropriate.
- Participate in Tribal, local, state, and national opportunities for policy, program, and project development.
- Assign conservation practice job approval authority to its personnel based on employee knowledge, skill, and ability level, and within applicable laws and guidelines. Obtain NRCS concurrence for job approval for practices involving USDA authorities or programs.

NRCS shall:

- Consult with Tribal leadership to seek guidance, input and comment from communities on natural resource conservation policies and issues.
- Consult with the [Conservation District or Tribal Conservation Advisory Council] prior to developing, updating, and disseminating technical standards, policies, and procedures.
- Develop and provide access to USDA technologies and applications to facilitate shared standards, as appropriate.
- Provide job approval authority for non-NRCS employees in accordance with NRCS policy and consistent with State laws.
- Provide conservation planning certifications for non-NRCS employees in accordance with the NRCS in accordance with NRCS policy and Federal, State, and local laws, regulations and codes.
- Provide technical or other training for Tribal leaders and members in conjunction with its own training, or as separate events. Training must be consistent with and support of NRCS's mission objectives. As such, the principle emphasis will be on the delivery of field-based conservation technical assistance.

C. Data and Information Sharing

Any information furnished to NRCS under this agreement is subject to the Freedom of Information Act (5 U.S.C. 552). Cooperators providing technical or financial assistance under USDA programs may have access to information that must not be subsequently disclosed and may only be used for the purpose of providing that assistance.

See Appendix A, "ACKNOWLEDGMENT OF REQUIREMENTS FOR PROTECTION OF PRIVACY OF PERSONAL AND GEOSPATIAL INFORMATION RELATING TO NATURAL RESOURCES CONSERVATION SERVICE PROGRAMS." The signatory agrees to abide by these requirements as a condition of receiving access to such information.

IX. GENERAL PROVISIONS

E. Period of Performance

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

F. Amendments

This MOA may be extended or amended upon written request of any of the Parties and the subsequent written concurrence of the other(s). Either of the parties may terminate this MOA with a 60-day written notice to the other(s).

This MOA may be supplemented, to reflect mutually agreed-to detailed working arrangements, to include an Annual Workplan and/or Plan of Operations. These may include, but are not limited to, documenting specific objectives or goals, action items, provision for documentation of accomplishments, schedule of planned events, and assignment of responsibilities.

G. Transfer of Funding or Non-Monetary Resources

This MOA is established to document the collaborative relationship between the Parties. Nothing in this MOA shall require either Party to obligate or transfer funding, or anything of value. This may include, but is not limited to:

- Vehicles and associated expenses (e.g., fuel, maintenance)
- Computers, software, and technical equipment

The transfer of funding or other resources of value among the Parties offices requires execution of a separate agreement. The appropriate instruments include:

- Cooperative Agreement (2 CFR 200.24), which allows federal agencies to transfer a thing of value to the State, local or Tribal government, or other recipient to carry out a public purpose of support or stimulation authorized by law of the United States.
- Contribution Agreement (7 CFR 6962a), which is a unique statutory authority allowing NRCS to enter into an agreement with a non-federal entity that shares a mutual purpose in carrying out NRCS programs. All parties must contribute resources to the accomplishment of these objectives.
- Reimbursable Agreement (31 USC 686; PL 90-577), which allows federal agencies to provide specialized or technical services to State and local governments.

H. Other

This MOA is not intended to, and does not create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by any party against the United States, its agencies, its officers, or any person.

All activities and programs conducted under this MOA shall be in compliance with the nondiscrimination provisions contained in Titles VI and VII of the Civil Rights Act of 1964, as amended; Civil Rights Restoration Act of 1987 (Public Law 100-250); and other nondiscrimination statutes; namely, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendment of 1972, and the Age Discrimination Act of 1975. Also, they will be in accordance with regulations of the Secretary of Agriculture (7 CFR Part 15, subpart A), which provide that no person in the United State shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity of an applicant or recipient receiving federal financial assistance from the Department of Agriculture or any Agency thereof.

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

X. SIGNATURES

USDA Natural Resources Conservation Service

[INSERT NAME] Conservation District

[Insert Name, Title]

[Insert Name, Title]

[Insert Date]

[Insert Date]

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**SOIL & WATER
CONSERVATION
COMMISSION**

H. Norman Wright
Chairman

Cathy Roemer
Vice Chairman

Erik Olson
Secretary

Gerald Trebesch
Commissioner

Vacant
Commissioner

Teri Murrison
Administrator

MEMO

**TO: CHAIRMAN WRIGHT AND COMMISSIONERS ROEMER,
TREBESCH, AND OLSON**
FROM: TERI MURRISON, ADMINISTRATOR
DATE: JANUARY 2, 2020
**RE: SEPARATING ADMINISTRATOR'S CANDIDACY FOR PUBLIC
OFFICE FROM OFFICIAL DUTIES**

As you know, in October 2019, I approached members of your Board individually to inquire if any had objection to my becoming a candidate for the Ada County Board of Commissioners in 2020, while retaining my position as Administrator. I discussed with you the fact that I had approached our Governor's Liaison Nate Fisher with the same inquiry and had been told the Governor would have no objection so long as I clearly separated Commission work and campaign activities.

No member of your Board expressed reservations or concerns, I subsequently filed paperwork to designate a Treasurer, and began campaigning for elected office. As we discussed, I have been carefully recording time spent campaigning and have made sure not to blur the line between that and Commission work.

I have been advised that the Public Integrity in Elections Act prohibits public funds and resources from being used to promote a candidate, and that it would be advisable for the Board to formally adopt measures to be followed in order to avoid a violation. In order to avoid such a violation these are measures I have taken and will continue to take:

- Work for the Commission and campaign will be kept separate. Use vacation leave for any time spent campaigning.
- Disclose any potential conflict of interest and recuse myself from any decision for which I have a conflict.
- Not use public funds or property to promote my candidacy including not using State owned devices for campaign purposes or campaigning while on paid travel.
- Wear a red state Commission ID nametag when representing the Commission. When representing the campaign, wear a campaign name tag.

REQUESTED ACTION: Consider Formally Adopting Measures to Separate Administrator's Candidacy for Public Office from Official Duties

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