



Idaho Soil & Water Conservation Commission

650 W. State St., Room 145 • Boise Idaho 83720

Telephone: 208-332-1790 • Fax: 208-332-1799

www.swc.idaho.gov

ITEM #4

IDAHO SOIL & WATER CONSERVATION COMMISSION PUBLIC MEETING & TELECONFERENCE

Date and Time:

Wednesday, November 21, 2012

From 8 am to 12:00 pm MST

Location:

Boise Commission Office

650 West State Street Room 145

Boise, Idaho

DRAFT MINUTES

COMMISSION MEMBERS PRESENT:

Dick Bronson

Dave Radford

Jerry Trebesch

Norman Wright

Roger Stutzman

COMMISSION STAFF PRESENT:

Teri Murrison

Delwyne Trefz

Jan Webster

Chuck Pentzer

PARTNERS AND GUESTS PRESENT:

Ann Vonde, Office of the Attorney General

Ray Houston, Office of LSO

PARTNERS AND GUESTS PRESENT via video and teleconference:

Terry Halbert, East Side SWCD

Karma Bragg, Custer SWCD

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

2 Chairman Bronson called the meeting to order at 8:03 am. Roll call: Commissioners Dick Bronson, Jerry
3 Trebesch, Norman Wright, Roger Stutzman and Dave Radford were present.

4

5 **ITEM #2: REVIEW AGENDA**

6 No items were added.

7

8 **ITEM #3: MINUTES**

9 Actions: Commissioner Stutzman moved to approve the minutes of Sept 24, 2012. Commissioner Wright
10 seconded the motion. On a unanimous vote, the motion carried.

11



November 21, 2012 DRAFT MINUTES

12 **ITEM #4: FINANCIAL REPORT**

13 Action: Commissioner Radford moved to approve the October 2012 Financial Report. Commissioner
14 Trebesch seconded the motion. On a unanimous vote, the motion carried.

15

16 **ITEM #5: DISTRICT ALLOCATIONS WORK GROUP RECOMMENDATIONS**

17 Action: Commissioner Radford moved to approve the Work Group's recommendation as presented by
18 staff, Commissioner Stutzman seconded the motion. On a unanimous vote, the motion carried.

19

20 Chairman Bronson directed staff to look into ways to assist four districts (Adams, Benewah, Camas, and
21 Payette) which received no or reduced local matching funds in FY 2012.

22

23 **ITEM #6: OTHER BUSINESS**

24 There was no other business to discuss.

25

26 **ITEM #7: COMMISSIONER ORAL REPORTS**

27 Action: Information only

28

29 **ITEM #10: ADJOURN**

30 There being no further business, the meeting was adjourned at 8:55 a.m. The next Commission meeting
31 will be held on Thursday, December 13, 2012, at 8:00 a.m. in Boise.

32

33

34 Respectfully submitted,

35

36

37

38 Roger Stutzman, Secretary

39

SWC REPORT SUMMARY AS OF November 30, 2012

GENERAL FUND	PERSONNEL			OPERATING			CAPITAL OUTLAY			TRUSTEE & BENEFITS			CASH			
FY13	EXPENSE thru End of Current Month			EXPENSE Thru End of Current Month			EXPENSE Thru End of Current Month			EXPENSE Thru End of Current Month			BEG CASH AT 7/1/12	PLUS TOTAL REC TO DATE	LESS TOTAL EXP TO DATE	CASH BALANCE End of Current
	BUDGET	Month	BALANCE	BUDGET	Month	BALANCE	BUDGET	Month	BALANCE	BUDGET	Month	BALANCE				
INDEX																
7101 MANAGEMENT ADMINISTRATION	274,000	171,149	102,851	28,729	10,415	18,314							302,729	678	181,565	121,843
7111 MANAGEMENT BOARD	2,000	1,561	439	6,600	4,238	2,362				0	0	0	8,600	0	5,799	2,801
7201 ADMIN & FIELD STAFF	390,000	152,028	237,972	149,338	120,995	28,343	16,146	16,146	0	0	0	0	555,484	0	289,169	266,315
7301 PROGRAMS	197,700	82,325	115,375	2,750	485	2,265				0	0	0	200,450	0	82,810	117,640
7310 DISTRICT ALLOCATIONS			0			0				0	0	0	1,053,200	0	1,053,200	0
7320 WOPA WATER QUALITY	0		0			0				0	50,000	49,998	50,000	0	49,998	2
7350 CREP	130,000	33,299	96,701	22,083	2,846	19,237			0			0	152,083	0	36,144	115,939
TOTAL GENERAL FUND 0001	993,700	440,362	553,338	209,500	138,978	70,522	16,146	16,146	0	1,103,200	1,103,198	2	2,322,546	678	1,698,685	624,540
			44.32%			66.34%						100.00%				73.14%
7315 SWC TECH ASSISTANCE	0	0	0	60,000	0	60,000	0	0	0	0	0	0	0	60,000	0	60,000
TOTAL FUND 0348	0	0	0	60,000	0	60,000	0	0	0	0	0	0	0	60,000	0	60,000
7325 SWC PROFESSIONAL SERVICES	0	0	0	20,000	0	20,000	2,599	2,599	0	0	0	0	4,314	6,686	2,599	8,400
TOTAL FUND 0450	0	0	0	20,000	0	20,000	2,599	2,599	0	0	0	0	4,314	6,686	2,599	8,400
			0.00%			0.00%										60.25%
DEDICATED FUND	PERSONNEL			OPERATING			CAPITAL OUTLAY			CASH						
FY13	EXPENSE thru End of Current Month			EXPENSE Thru End of Current Month			EXPENSE Thru End of Current Month			EXPENSE Thru End of Current Month			BEG CASH AT 7/1/12	PLUS TOTAL REC TO DATE	LESS TOTAL EXP TO DATE	CASH BALANCE End of Current
	BUDGET	Month	BALANCE	BUDGET	Month	BALANCE	BUDGET	Month	BALANCE	BUDGET	Month	BALANCE				
7351 RCRDP LOAN ADMINISTRATION	144,100	28,534	115,566	146,000	41,806	104,194	0	0	0	4,443,506	629,719	70,341	5,002,884			
TOTAL RCRDP ADMIN 0522-01	144,100	28,534	115,566	146,000	41,806	104,194	0	0	0	4,443,506	629,719	70,341	5,002,884			
			19.80%			28.63%										
7361 REVOLVING LOAN - DEQ	0	0	0	30,000		30,000	0	0	0	16,228	81,317	68,693	28,851			
TOTAL DEQ LOAN 0529-15	0	0	0	30,000	0	30,000	0	0	0	16,228	81,317	68,693	28,851			
			0.00%			0.00%										



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ITEM #6

TO: CHAIRMAN BRONSON AND COMMISSIONERS RADFORD, STUTZMAN, WRIGHT, AND TREBESCH
FROM: TERI MURRISON, ADMINISTRATOR
DATE: DECEMBER 6, 2012
RE: ADMINISTRATOR'S REPORT

Activities Update

IASCD Conference & Listening Session

Staff and several Commissioners attended the IASCD Annual Conference in Idaho Falls where we held a Listening Session and attended various IASCD sessions. Approximately 75 people attended the Listening Session. A brief presentation was made regarding SWCC staffing (we're interviewing 5 or 6 candidates in early December for our vacant Water Quality Resource Conservation position), our FY 2014 Budget Request, the Technical Assistance Allocation Process (TAAP), the TMDL implementation planning backlog and workload, and the RCRDP Loan Program. The following topics were brought up by district representatives for discussion:

- The state budget process and timeline for the Conservation Commission to submit. Districts expressed a desire for closer coordination with IASCD earlier in the process and wondered when is the appropriate time for them to give input to the Division of Financial Management (DFM) and the Legislative Services Office (LSO) on our budget request. The appropriate action, it was decided, is for IASCD to continue its efforts after the announcement of the Governor's Recommended Budget in January and with a letter, if necessary, to DFM/LSO upon the Commission's adoption of a Budget Request in August;
- Appreciation for Conservation Commission efforts. The Commission was recognized and appreciation expressed for improved communications and relations with the Governor's office and JFAC;
- New Ride Along Policy in state vehicles. The new policy requires that non-state employees sign a Waiver of Liability for potential claims in the event of an automobile collision. Staff explained the new policy is necessitated by risk management efforts and the fact that a portion or all of any claims would have to be paid for by the Conservation Commission out of Operating Funds;
- The process for the statewide and regional TAWG for allocation of technical assistance to districts. Delwyne Trefz explained that the processes for both are in development and more info will be provided after the first of the year;
- BMP practices and TMDL planning efforts. One district sought (and received) confirmation that best management practices implemented in advance of the preparation of a TMDL Plan would count toward reducing the pollutant load in the Implementation Plan, when approved;
- IASCD Emergency Resolution. Districts expressed concern that late receipt of local matching funds disqualified several of them from receiving state matching funds for those contributions. They requested the Conservation Commission look into addressing this particular issue in the District Allocation Rule. At its General Membership meeting the next day, IASCD subsequently adopted an emergency resolution expressing the same request.



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The Commission received a very nice letter of thanks for holding the Listening Session from IASCD President Tillotson and Director VI Bagley (attached).

District Match Allocations

As directed at the Nov. 21st meeting, District matching fund allocations were distributed the last week of November (see attached email to districts from Delwyne Trefz and spreadsheet). We looked into the possibility of tweaking the District Allocation Rule immediately, but were advised that doing so would not be approved by Shelby Kerns, Budget Chief for the Division of Financial Management (DFM). She informed us that any change of the Rule will have to go through the regular Rulemaking process since changes cannot be retroactive or expedited to an existing Rule. Staff requests informal direction from the Board regarding interest in amending the Rule in the 2014 Legislative session or in developing strategies including training and reminders to assist districts in receiving their local match funds within the timeframe specified in statute and Rule.

Harriet Hensley will be at your meeting to discuss the Conservation Commission's ability to make a loan or otherwise distribute to the same districts funds to tide them over until next year's state allocation. A memo from Ms. Hensley will follow under a separate cover agenda item for your review prior to the meeting.

Press Coverage

Attached is a copy of a recent article in Capital Press about the West Side SWCD's application for a Conservation Improvement Grant to deal with the blowing dust problem in west Bonneville and southwest Jefferson Counties. Also attached are two clippings which ran in the same issue (the first on the front page and the second on the 4th page) and about voluntary conservation: the page one article about on a study which claims voluntary conservation activities are not producing the desired effects, and the fourth page article (features Conservation Commission staff and ranchers Larry and Sherri Mundt) discusses voluntary conservation's benefits to Mica Creek and Coeur d'Alene Lake.

ACTION: For information only

Attachments:

- Trefz Email to Districts Re District Allocations
- FY 2013 Match Allocation Spreadsheet
- Capital Press Mundt Mica Creek article
- Capital Press WQ Voluntary Conservation article



Idaho Association of Soil Conservation Districts

ITEM #6

November 29, 2012

Ms. Teri Murrison
Idaho Soil and Water Conservation Commission
650 W. State Street
Room 145
Boise, ID 83702

RECEIVED
Dec 03 2012
IDAHO SOIL & WATER
CONSERVATION COMMISSION

Dear Teri,

On behalf of the Idaho Association of Soil Conservation Districts Board of Directors and our member districts, we want to thank you for hosting another SWC listening session at our 70th annual business conference. We heard nothing but positive feedback from the supervisors who attended the meeting.

Our board has enjoyed working with you this past year, and we are looking forward to another successful year promoting non-regulatory conservation in Idaho.

Again, thank you very much for your attendance at our conference. We wish you a wonderful holiday season and a very happy new year!

Sincerely,

Kit Tillotson
IASCD President

Lynn Bagley
IASCD Division VI Director

From: [Delwyne Trefz](#)
To: [Ada SWCD](#); [Adams SWCD](#); [Balanced Rock SCD](#); [Bear Lake SWCD](#); [Benewah SWCD](#); [Billie Brown](#); [Bingham SCD South \(southbingham@gmail.com\)](#); [Blaine SWCD](#); [Bonner SWCD](#); [Boundary SCD](#); [Bruce Hanson](#); [Bruneau River SCD](#); [Butte SWCD](#); [Camas SCD](#); [Canyon SCD](#); [Caribou SCD](#); [Central Bingham SWCD](#); [Clark SCD](#); [Clearwater SWCD](#); [Custer SWCD](#); [East Cassia SWCD](#); [East Side SWCD](#); [Elmore SWCD](#); [Erwin Sid \(gimpykenny@yahoo.com\)](#); [Franklin SWCD](#); [Garth Boehme](#); [Gem SWCD](#); [Glen Edwards](#); [Gooding SCD](#); [Herman Collins](#); [Idaho SWCD](#); [Jefferson SWCD](#); [Kootenai-Shoshone SWCD](#); [Larry Mashburn](#); [Latah SWCD](#); [Lemhi SCD](#); [Lewis SCD](#); [Mark Streeter](#); [Matt Woodard](#); [Minidoka SWCD](#); [Nezperce SWCD](#); [North Bingham SCD](#); [North Side SWCD](#); [Oneida SWCD](#); [Owyhee SCD](#); [Payette SWCD](#); [Portneuf SWCD](#); [Power SWCD](#); [Randy Purser \(rpurser@atcnet.net\)](#); [Richard Gunning](#); [Richard Savage](#); [Rick Rodgers](#); [Robert Simpson](#); [Scott Koberg](#); [Snake River SWCD](#); [Steve Miller \(smiller@rtci.net\)](#); [Teton SWCD](#); [Tom Daniel](#); [truly@ctcweb.net](#); [Valley SWCD](#); [Vickery Kirk \(kvickery@clearwire.net\)](#); [Weiser River SCD](#); [Wilder Hatch](#); [Wood River SWCD](#); [Yellowstone SCD](#); [Allan Johnson](#); [Bill Lillibridge](#); [Brian Reed](#); [Carolyn Firth](#); [Chuck Pentzer](#); [Delwyne Trefz](#); [Eileen Rowan](#); [Jan Webster](#); [Jason T. Miller](#); [Loretta Strickland](#); [Mark Hogen](#); [Mason LeFevre](#); [Steven R. Smith](#); [Teri Murrison](#); [Terry G. Hoebelheinrich](#)
Subject: DISTRICT MATCH ALLOCATIONS
Date: Thursday, November 22, 2012 7:57:13 PM
Attachments: [FY13 PROTECTED MATCH ALLOC SPRDSHT.xlsx](#)

Hello All,

The members of the District Allocations Work Group (DAWG) met Monday, November 19, 2012 via teleconference to review the FY 2013 district Financial and Match reports. Thank-you to DAWG members Lori Ringel, Julie Burkhardt, Steve Becker, Terry Halbert, Terry Kramer, and Kevin Koester. Your efforts are greatly appreciated! Also, thank you to all districts and district staff for your patience as I worked through this process for the first time. I sincerely appreciate your prompt responses to my questions and your great ideas about how we can streamline this process in the future.

In accordance with the District Allocations Rule (IDAPA 60.05.04), state funds available for FY 2013 match are proportionately allocated to each district based upon the value of local funds and services received by each district for the general purposes of the district in FY 2012. The DAWG's role is to determine which local funds and services are eligible for use in calculating the match fund allocations. After the value of the eligible local support has been determined for each district, those values are entered into a spreadsheet (see attachment) which computes the amount of match funding each district will receive. The allocations are proportional in the sense that if a district received 2% of the total amount of eligible local funds and services received by all districts statewide, then 2% of the total state funds available for match would be allocated to that district.

During their November 21, 2012 meeting, Commissioners unanimously approved the district match allocations which were calculated based upon the DAWG's recommendation. The match funds allocated to each district are presented in the light orange colored column on the attached spreadsheet. You will note that several districts (Adams, Benewah, Camas, and Payette) will receive minimal, or no, matching funds. This is due to the fact that these districts did not receive some—or all—of their local match funds within the time frame stipulated in the District Allocations Rule. We are investigating ways we may be able to help these districts make it through this fiscal year, and will consider tweaking the Rule going forward.

As you know, each year the legislature appropriates state funds to the Commission for distribution to conservation districts. These funds, which are referred to in the budget as Trustee and Benefit funds, are distributed to the districts as base allocations, match allocations, and district capacity

building grants. Though we requested the full 2:1 match funding for FY 2013, the Commission's budget appropriation for Trustee and Benefit funds totaled \$1,103,200, which, after subtracting \$433,500 for district base allocations and \$50,000 for district capacity building grants, left \$619,700 to be distributed as district match allocations. Referring again to the spreadsheet, the total reported at the bottom of the "State Funding Needed to Maximize Match" column shows that an additional \$209,674 in state funds would be required in order to provide all districts with a full 2:1 match in FY 2013.

The "% State Match to Approved Funds & Services" column on the spreadsheet shows the match-to-local support ratio for each district, expressed as a percentage. You can interpret these percentages in several ways. For example, if the spreadsheet reports that the match your district received equals 136.8%, your match-to-local support ratio is 1.368:1, which means you received \$1.368 in match funds for every \$1 in local funds and services you received. Statewide, the total match allocation for FY 2013 equals 127.9%, or just under 1.3:1.

Because we do not anticipate budgetary holdbacks by the State this year the Commission is distributing the total match allocation due each district in a single payment. This means districts will not receive another match allocation check during FY 2013. The paperwork is now being processed and we expect match allocations checks to be mailed out the week after Thanksgiving.

If you have specific questions related to your district's match allocation, or anything else for that matter, please don't hesitate to contact me!

Thank-you,

Delwyne Trefz
District Services Support Specialist
Idaho Soil & Water Conservation Commission
896.4544 x111
989.0707 cell

FY2013 MATCH ALLOCATIONS ASSUMING FUNDS RECEIVED AFTER CLOSE OF FY2012 ARE NOT ELIGIBLE FOR MATCH							
Soil and Water Conservation District	Base Allocation	Approved Local Funding \$484,697.76	Match Allowed (2:1, not to exceed \$50,000)	State Match, Total (1st, 2nd, & 3rd Iteration)	% State Match to Approved Local Funds & Services	State Funding Needed to Maximize Match	Total FY 2013 Allocation (Base + Match)
Ada	\$ 8,500.00	\$ 45,000.00	\$ 50,000.00	\$ 50,000.00	111.1%	\$ -	\$ 58,500.00
Adams	\$ 8,500.00	\$ 1,980.00	\$ 3,960.00	\$ 2,708.93	136.8%	\$ 1,251.07	\$ 11,208.93
Balanced Rock	\$ 8,500.00	\$ 7,850.00	\$ 15,700.00	\$ 10,739.95	136.8%	\$ 4,960.05	\$ 19,239.95
Bear Lake	\$ 8,500.00	\$ 7,473.85	\$ 14,947.70	\$ 10,225.32	136.8%	\$ 4,722.38	\$ 18,725.32
Benewah	\$ 8,500.00	\$ 1,000.00	\$ 2,000.00	\$ 1,368.15	136.8%	\$ 631.85	\$ 9,868.15
Blaine	\$ 8,500.00	\$ 27,200.00	\$ 50,000.00	\$ 37,213.59	136.8%	\$ 12,786.41	\$ 45,713.59
Bonner	\$ 8,500.00	\$ 6,750.00	\$ 13,500.00	\$ 9,234.99	136.8%	\$ 4,265.01	\$ 17,734.99
Boundary	\$ 8,500.00	\$ 9,000.00	\$ 18,000.00	\$ 12,313.32	136.8%	\$ 5,686.68	\$ 20,813.32
Bruneau River	\$ 8,500.00	\$ 2,900.00	\$ 5,800.00	\$ 3,967.63	136.8%	\$ 1,832.37	\$ 12,467.63
Butte	\$ 8,500.00	\$ 9,017.00	\$ 18,034.00	\$ 12,336.58	136.8%	\$ 5,697.42	\$ 20,836.58
Camas	\$ 8,500.00	\$ -	\$ -	\$ -	0.0%	\$ -	\$ 8,500.00
Canyon	\$ 8,500.00	\$ 7,500.00	\$ 15,000.00	\$ 10,261.10	136.8%	\$ 4,738.90	\$ 18,761.10
Caribou	\$ 8,500.00	\$ 11,000.00	\$ 22,000.00	\$ 15,049.62	136.8%	\$ 6,950.38	\$ 23,549.62
Central Bingham	\$ 8,500.00	\$ 3,000.00	\$ 6,000.00	\$ 4,104.44	136.8%	\$ 1,895.56	\$ 12,604.44
Clark	\$ 8,500.00	\$ 7,500.00	\$ 15,000.00	\$ 10,261.10	136.8%	\$ 4,738.90	\$ 18,761.10
Clearwater	\$ 8,500.00	\$ 12,574.50	\$ 25,149.00	\$ 17,203.76	136.8%	\$ 7,945.24	\$ 25,703.76
Custer	\$ 8,500.00	\$ 4,050.00	\$ 8,100.00	\$ 5,540.99	136.8%	\$ 2,559.01	\$ 14,040.99
East Cassia	\$ 8,500.00	\$ 2,500.00	\$ 5,000.00	\$ 3,420.37	136.8%	\$ 1,579.63	\$ 11,920.37
East Side	\$ 8,500.00	\$ 7,000.00	\$ 14,000.00	\$ 9,577.03	136.8%	\$ 4,422.97	\$ 18,077.03
Elmore	\$ 8,500.00	\$ 6,700.00	\$ 13,400.00	\$ 9,166.58	136.8%	\$ 4,233.42	\$ 17,666.58
Franklin	\$ 8,500.00	\$ 13,620.14	\$ 27,240.28	\$ 18,634.35	136.8%	\$ 8,605.93	\$ 27,134.35
Gem	\$ 8,500.00	\$ 5,000.00	\$ 10,000.00	\$ 6,840.73	136.8%	\$ 3,159.27	\$ 15,340.73
Gooding	\$ 8,500.00	\$ 5,500.00	\$ 11,000.00	\$ 7,524.81	136.8%	\$ 3,475.19	\$ 16,024.81
Idaho	\$ 8,500.00	\$ 7,000.00	\$ 14,000.00	\$ 9,577.03	136.8%	\$ 4,422.97	\$ 18,077.03
Jefferson	\$ 17,000.00	\$ 9,500.00	\$ 19,000.00	\$ 12,997.40	136.8%	\$ 6,002.60	\$ 29,997.40
Kootenai-Shoshone	\$ 8,500.00	\$ 800.00	\$ 1,600.00	\$ 1,094.52	136.8%	\$ 505.48	\$ 9,594.52
Latah	\$ 8,500.00	\$ 21,000.00	\$ 42,000.00	\$ 28,731.08	136.8%	\$ 13,268.92	\$ 37,231.08
Lemhi	\$ 8,500.00	\$ 5,000.00	\$ 10,000.00	\$ 6,840.73	136.8%	\$ 3,159.27	\$ 15,340.73
Lewis	\$ 8,500.00	\$ 8,500.00	\$ 17,000.00	\$ 11,629.25	136.8%	\$ 5,370.75	\$ 20,129.25
Madison	\$ 8,500.00	\$ 6,000.00	\$ 12,000.00	\$ 8,208.88	136.8%	\$ 3,791.12	\$ 16,708.88
Minidoka	\$ 8,500.00	\$ 3,000.00	\$ 6,000.00	\$ 4,104.44	136.8%	\$ 1,895.56	\$ 12,604.44
Nez Perce	\$ 8,500.00	\$ 51,275.00	\$ 50,000.00	\$ 50,000.00	97.5%	\$ -	\$ 58,500.00
North Bingham	\$ 8,500.00	\$ 2,200.00	\$ 4,400.00	\$ 3,009.92	136.8%	\$ 1,390.08	\$ 11,509.92
North Side	\$ 8,500.00	\$ 45,111.66	\$ 50,000.00	\$ 50,000.00	110.8%	\$ -	\$ 58,500.00
Oneyda	\$ 8,500.00	\$ 11,500.00	\$ 23,000.00	\$ 15,733.69	136.8%	\$ 7,266.31	\$ 24,233.69
Owyhee	\$ 8,500.00	\$ 2,500.00	\$ 5,000.00	\$ 3,420.37	136.8%	\$ 1,579.63	\$ 11,920.37
Payette	\$ 8,500.00	\$ -	\$ -	\$ -	0.0%	\$ -	\$ 8,500.00
Portneuf	\$ 8,500.00	\$ 16,257.00	\$ 32,514.00	\$ 22,241.96	136.8%	\$ 10,272.04	\$ 30,741.96
Power	\$ 8,500.00	\$ 6,500.00	\$ 13,000.00	\$ 8,892.95	136.8%	\$ 4,107.05	\$ 17,392.95
Snake River	\$ 8,500.00	\$ 7,350.00	\$ 14,700.00	\$ 10,055.88	136.8%	\$ 4,644.12	\$ 18,555.88
South Bingham	\$ 8,500.00	\$ 2,000.00	\$ 4,000.00	\$ 2,736.29	136.8%	\$ 1,263.71	\$ 11,236.29
Squaw Creek	\$ 8,500.00	\$ 5,995.21	\$ 11,990.42	\$ 8,202.33	136.8%	\$ 3,788.09	\$ 16,702.33
Teton	\$ 8,500.00	\$ 5,919.40	\$ 11,838.80	\$ 8,098.61	136.8%	\$ 3,740.19	\$ 16,598.61
Twin Falls	\$ 8,500.00	\$ 7,350.00	\$ 14,700.00	\$ 10,055.88	136.8%	\$ 4,644.12	\$ 18,555.88
Valley	\$ 8,500.00	\$ 26,424.00	\$ 50,000.00	\$ 36,151.91	136.8%	\$ 13,848.09	\$ 44,651.91
Weiser River	\$ 8,500.00	\$ 10,000.00	\$ 20,000.00	\$ 13,681.47	136.8%	\$ 6,318.53	\$ 22,181.47
West Cassia	\$ 8,500.00	\$ 2,500.00	\$ 5,000.00	\$ 3,420.37	136.8%	\$ 1,579.63	\$ 11,920.37
West Side	\$ 8,500.00	\$ 5,000.00	\$ 10,000.00	\$ 6,840.73	136.8%	\$ 3,159.27	\$ 15,340.73
Wood River	\$ 8,500.00	\$ 6,900.00	\$ 13,800.00	\$ 9,440.21	136.8%	\$ 4,359.79	\$ 17,940.21
Yellowstone	\$ 8,500.00	\$ 5,000.00	\$ 10,000.00	\$ 6,840.73	136.8%	\$ 3,159.27	\$ 15,340.73
Total	\$ 433,500.00	\$ 484,697.76	\$ 829,374.20	\$ 619,700.00	127.9%	\$ 209,674.23	\$ 1,053,199.97

Funds sought to encourage cover crops

Dust blowing from barren fields poses traffic hazard

By **JOHN O'CONNELL**
Capital Press

Idaho's West Side Soil and Water Conservation District has applied for a federal grant intended to entice more local growers to plant their fields to fall cover crops.

The district is seeking \$214,000 over three years in Conservation Innovation Grant money, earmarked for projects that promote water conservation.



Submitted by Jesse Fullmer

The grant would be available in one-year contracts to growers in west Bonneville

County and southwest Jefferson County, where farm dust blowing from barren fields has

Jesse Fullmer, left, of the Natural Resources Conservation Service in Idaho Falls, and Brian Reed, of the Idaho Soil and Water Conservation Commission, uproot cover crops from a field near Idaho Falls.

posed a traffic hazard. Applicants should know by Jan. 31 if their grant is approved.

Cover crops are planted for soil health benefits rather than harvesting, lending organic matter and improving water retention. Diverse cover crop mixtures can add nutrients and natural fumigants to soil. However, the grant wouldn't differentiate based on number of species in a cover crop mixture.

Though growers can also obtain cover crop funding through the federal Environmental Quality Incentives Program, the grant would simplify the application process, providing assistance on a first-come, first-served ba-

sis rather than a competitive point-based system.

"If you can improve your soil while saving money, doesn't it make sense to try?" asked Deb Nace, Natural Resources Conservation Service district conservationist in Idaho Falls.

NRCS soil conservationist Jesse Fullmer recommended the project and aided in drafting the grant. Fullmer said the funding should be sufficient to assist growers with planting cover crops on at least 1,740 acres. Growers would be compensated up to \$41 per acre, with payments reduced if tillage is used with cover crops, thereby breaking up organic matter.

"It's one of those things that hasn't been done in the past and is growing slowly," Fullmer said of local cover crop use. "My hope is after these contracts are up they'll keep trying by themselves, with our technical assistance, and they will see long-term benefits."

Fullmer said the district also applied for \$3,000 in grant funding to host field tours and workshops highlighting participants' cover crops.

"Even if we reach a small number of producers, they will reach their neighbors and say, 'Look what I've done. Look at the benefits I've achieved through this practice,'" Fullmer said.

Ranch's voluntary conservation curbs regulatory action

Landowners reduced erosion on impaired Mica Creek

By SEAN ELLIS
Capital Press

COEUR d'ALENE, Idaho — A proactive, voluntary approach to conservation by a north Idaho ranch has helped clean up an impaired waterway and helped prevent the need for regulatory action.

After Mica Creek was placed on Idaho's list of impaired waterways in 2000, Larry and Sherry Mundt, the owners of the Rocking R8 ranch, decided to take matters into their own hands.

Twelve years and several conservation projects later, conservation agencies are holding the 680-acre ranch up as a model for how landowners can voluntarily work with them to address environmental issues.

"The Mundts are exemplary ranchers and stewards of their land. They've been proactively and systematically reducing stream bank erosion on Mica Creek for years," said Teri Murrison, administrator of the Idaho Soil and Water Conservation Commission.

The Rocking R8 is the largest ranch on Mica Creek, which is eight miles south of Coeur d'Alene and is a main tributary to Lake Coeur d'Alene. The family-owned ranch runs cattle and horses, produces forest products from its timber and harvests 500 tons of hay.

Working with the ISWCC, Natural Resources Conservation Service and local conservation districts, the ranch put

in 3.4 miles of riparian exclusion fencing, developed eight off-creek watering facilities, reconfigured livestock stream crossings and created a ranch-wide grazing plan.

The ranch has also constructed cofferdams, which create a dry environment for projects while protecting flowing water from construction sediment.

"Each work site is unique and we have used several techniques to meet the requirement, from plastic and sandbags to plastic culverts," Larry Mundt said. "This allowed the fish to pass through active work sites without interference."

Using grants to help finance the projects, the Mundts decided to implement these conservation practices on their own, said Mark Hogen, the ISWCC water quality resource conservationist who helped the ranch develop its conservation plan.

"It's all been voluntary," Hogen said. "They wanted to do something proactively versus having a regulatory agency come after them."

The efforts have resulted in a significantly cleaner creek and serve as inspiration to other ranchers who "like to hear there is some hope out there for them if things aren't going so good," he adds.

Larry Mundt said the ranch's owners committed a long time ago to manage it in an environmentally responsible manner and the cooperation and technical expertise provided by the various conservation agencies, as well as cost-share assistance from a downstream homeowner's group, has helped them achieve that goal.



Water study raises issues

Researchers find no proof conservation reduces pollution

By SEAN ELLIS
Capital Press

A U.S. Geological Survey study found no consistently detectable reductions in nutrient pollution in streams across the country as a result of conservation practices.

The study analyzed 133 large agricultural watersheds around the country and found no significant improvements in water quality resulting from common conservation practices designed to reduce soil runoff and nutrient loss.

The study assessed the watersheds in relationship with conservation tillage and the Conservation Reserve Program, which are both designed to reduce soil runoff and nutrient loss from farmland.

"When you look at it on a large watershed scale, we clearly are not seeing the effects of conservation practices yet," said Lori Sprague, the lead author of the study, which was recently published in the *Journal of Environmental Quality*.

Sprague said a possible explanation for the lack of improvement is that changes in water quality could lag significantly behind the implementation of conservation practices.

This lag time could mean conservation practices "don't translate into improvements in stream quality in real time," she said. "Current nutrient conditions in streams may still be reflecting agricultural practices that were in place prior to the implementation of the conservation practices."

Sprague said lags may occur for several reasons, including the fact that nitrogen from ag land moves slowly to streams through groundwater, so it can take several years for reductions in nitrogen inputs to affect nitrogen levels in streams.

Phosphorus runoff to streams can continue to be an issue even after inputs are reduced

Turn to WATER, Page 8

Study: Changes in stream quality may lag

WATER from Page 1

because of past accumulation in soils, she said. And while nutrient pollution can be reduced when ag land is restored to natural vegetation, it takes time for those plants to reach their maximum ability to retain nutrients.

The study included USGS data from 1993 to 2001, paired with conservation data from that time period that has only recently become available,

Research Center



Sprague said.

If changes in stream quality do lag the implementation of conservation practices, nutrient levels in streams may be reduced in years beyond the scope of the study, she said, and the agency plans to continue to monitor watersheds to see if that's the case.

Kent Politsch, chief of public affairs for the Farm Service

Online

Journal of Environmental Quality: www.agronomy.org/publications/jeq
USDA Farm Service Agency: www.fsa.usda.gov

Agency, which administers the U.S. Department of Agriculture's CRP program, spoke with Sprague and believes her explanation of improvements in water quality lagging be-

hind the implementation of conservation practices accounts for the study's results.

He said the FSA has evidence that shows CRP practices reduce sediment, nitrogen and phosphorus runoff.

"At the surface, we know we've succeeded," he said.

"We can extrapolate from that that eventually the evidence will show up at the (stream level). It does take time for that evidence to show up."



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

December 6, 2012

Teri Murrison
Administrator
Idaho Soil and Water Conservation Commission
650 W. State Street, Room 145
Boise, Idaho 83720

Dear Teri:

You asked two questions regarding whether the Idaho Soil and Water Conservation Commission ("Commission") has the authority to loan public funds to Idaho soil and water conservation districts ("Districts") for operational purposes. This letter will state the specific questions and then provide a brief analysis and response.

- (1) *Do Idaho Code §§ 22-2730, 2731, and 2732, the Resource Conservation and Rangeland Development Program statutes ("RCRDP Statutes") and the RCRDP Rules, IDAPA 60.05.01 ("Rules") authorize the Commission to loan money from the RCRDP fund to Districts for operational purposes, and if so, are Districts required to make interest payments?*

It is important to note at the outset that the Commission, as a statutorily created agency, is limited to the powers and authorities granted to it by the Legislature. *Kelso & Irwin, P.A. v. State Ins. Fund*, 134 Idaho 130, 138, 997 P.2d 591, 599 (2000). Your questions turn, therefore, on the statutes defining the Commission's authority to loan public funds and the rules promulgated pursuant to those statutes.

The RCRDP Statutes establish a funding mechanism and criteria allowing eligible applicants to obtain loans for the implementation of conservation improvements, projects, and programs and set forth the respective roles of the Commission and Districts in carrying out the RCRDP. The Rules define further the procedures and requirements for implementation of the loan program. Pursuant to the Rules, an applicant is "[a]ny individual, partnership, association, trust, estate, private corporation, or any other private legal entity that is recognized by law as the subject of rights and duties who files an application with the appropriate local District for a loan under the provisions of the act."

IDAPA 60.05.01.010.02. The Rules define those types of activities that are eligible for RCRDP funds as follows:

01. DEFINITIONS

...

10. Field Office Technical Guide. The primary technical reference used by NRCS and the Districts.

...

12. Practice or Eligible Practice for Loans. A practice listed in the field office technical guide.

13. 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.

...

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

...

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 as determined by the local District.

Reading the statutes and rules as a whole, RCRDP funds may only be loaned to eligible applicants for the installation of specific “practices” listed in the field office technical guide and “special practices” approved by local Districts. There is nothing in the statutes or rules to suggest that the Legislature intended for the Commission to loan RCRDP funds to Districts for operational purposes. Instead, the Legislature enacted specific statutes and approved rules governing the distribution of other public funds to Districts for operational purposes. See Idaho Code § 22-2727 and IDAPA 60.05.04. The conclusion that Districts are not eligible for RCRDP loans for operational purposes is further supported by examination of the *Rules for Administration Of Agricultural Water Quality Cost-Share Program For Idaho*. IDAPA 02.05.03. The rules governing the cost-share program expressly authorize the Commission to distribute cost-share funds to Districts by including them in the definition of eligible applicants. Those rules define an eligible applicant as an “[i]ndividual agricultural owner, operator, partnership, corporation, **conservation district**, irrigation district, canal company or other agricultural or grazing interest.” IDAPA 02.05.03.15 (emphasis added). In short, the statutes and rules governing the RCRDP do not imply any authority for the Commission to loan RCRDP funds to Districts for operational purposes.

Finally, the Commission is not authorized to loan RCRDP funds to any applicant on an interest-free basis. “If the commission approves a loan, the applicant **shall** execute a promissory note for repayment to the account of money loaned therefrom, **together with interest not to exceed six percent (6%) annually** as determined by the commission.” I.C. § 22-3732(4) (emphasis added). The Legislature's use of the word

“shall” denotes a mandatory, not a discretionary, act. *Simpson v. Louisiana-Pacific Corp.* 134 Idaho 209, 212-13, 998 P.2d 1122, 1125-26 (2000).

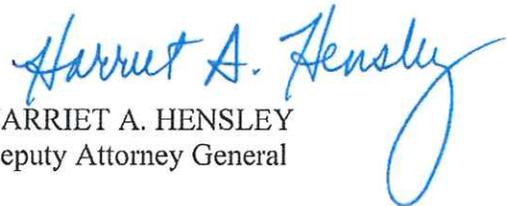
(2) *May the Commission loan other funds appropriated to it by the Legislature to Districts for operational purposes?*

As noted earlier, as a statutorily created agency, the Commission is limited to the powers and authorities given to it by the Legislature. When the Legislature intends to authorize officers of the state to loan public moneys, it says so and provides specific criteria and directives regarding administration of the loan programs. *See e.g.*, I.C. § 42-1734 (water resource board authorized to loan proceeds of the sale of revenue bonds to local water project sponsors) and I.C. § 39-3626 (board of environmental quality authorized to make loans to municipalities in the construction of sewage treatment works, community public water systems, and nonprofit community public water systems).

The only express authorization to the Commission to loan public funds is set forth in the RCRDP Statutes. Without specific statutory authority, the Commission is not authorized to loan other appropriated funds for any purpose and to do so would violate Idaho Code § 18-5701(2), which makes it a felony punishable by imprisonment for any officer of the state to loan public money for any purpose not authorized by law.

This letter is based upon the research of the author and is not an official opinion of the Office of the Attorney General. If you would like to discuss these matters further or have follow-up questions please contact me at any time.

Sincerely,



HARRIET A. HENSLEY
Deputy Attorney General



Idaho Soil & Water Conservation Commission

650 W. State St., Room 145 • Boise Idaho 83720

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www.swc.idaho.gov

ITEM #8

**TO: CHAIRMAN BRONSON, COMMISSIONERS STUTZMAN, RADFORD, WRIGHT, AND
TREBESCH**

FROM: TERI MURRISON, ADMINISTRATOR

DATE: DECEMBER 7, 2012

RE: TMDL IMPLEMENTATION STATUS REPORT

Tony Bennett, ARB Consulting, will be at your meeting to deliver preliminary findings on SWCC's Current TMDL Program status. His presentation will cover TMDL unmet program needs, the existing Implementation Plan backlog, and the impact of increasing Plan Addendums for temperature, TMDLs, and 5-year reviews. Attached for your review are the handouts for his presentation. Most of you remember that Mr. Bennett worked for SWCC for a number of years and was instrumental in creating and managing our TMDL Program.

Earlier this year staff identified a significant workload and backlog in the TMDL Program and requested an additional FTP Water Quality Resource Conservationist to assist in addressing that. We did an initial workload and backlog assessment based on the way we currently handle the preparation and updating of TMDL Implementation Plans, knowing that we needed to go back and check the projections and consider ways of decreasing the amount of time it takes to prepare Plans.

Given his expertise and history with the Program, we contracted with ARB Consulting to evaluate current Program status, recommend ways to streamline the lengthy process, identify minimum staffing requirements, chart a course forward to eliminate the backlog, and help determine how to ensure we meet Program obligations.

In preparation for this presentation, Mr. Bennett has conducted significant information and data gathering to this point including meetings with EPA TMDL lead staff, with DEQ state and regional TMDL coordinators and staff, interviewing our field staff, and soliciting input from key districts including East Side, Portneuf, Cassia (East and West), Ada, Clearwater, and Latah.

His presentation is the first of a number of reports you will receive over the next few months.

REQUESTED ACTION: For information only

Attachments:

- DEQ TMDL Addendums Summary
- Implementation Planning Backlog
- TMDL Agriculture Implementation Plan Status Map

SUMMARY

Completed plans:	88	
Plans to be completed:	18	
Addendums to be addressed:	<u>2013</u>	<u>2014</u>
	13	22
Five year reviews:	14	17

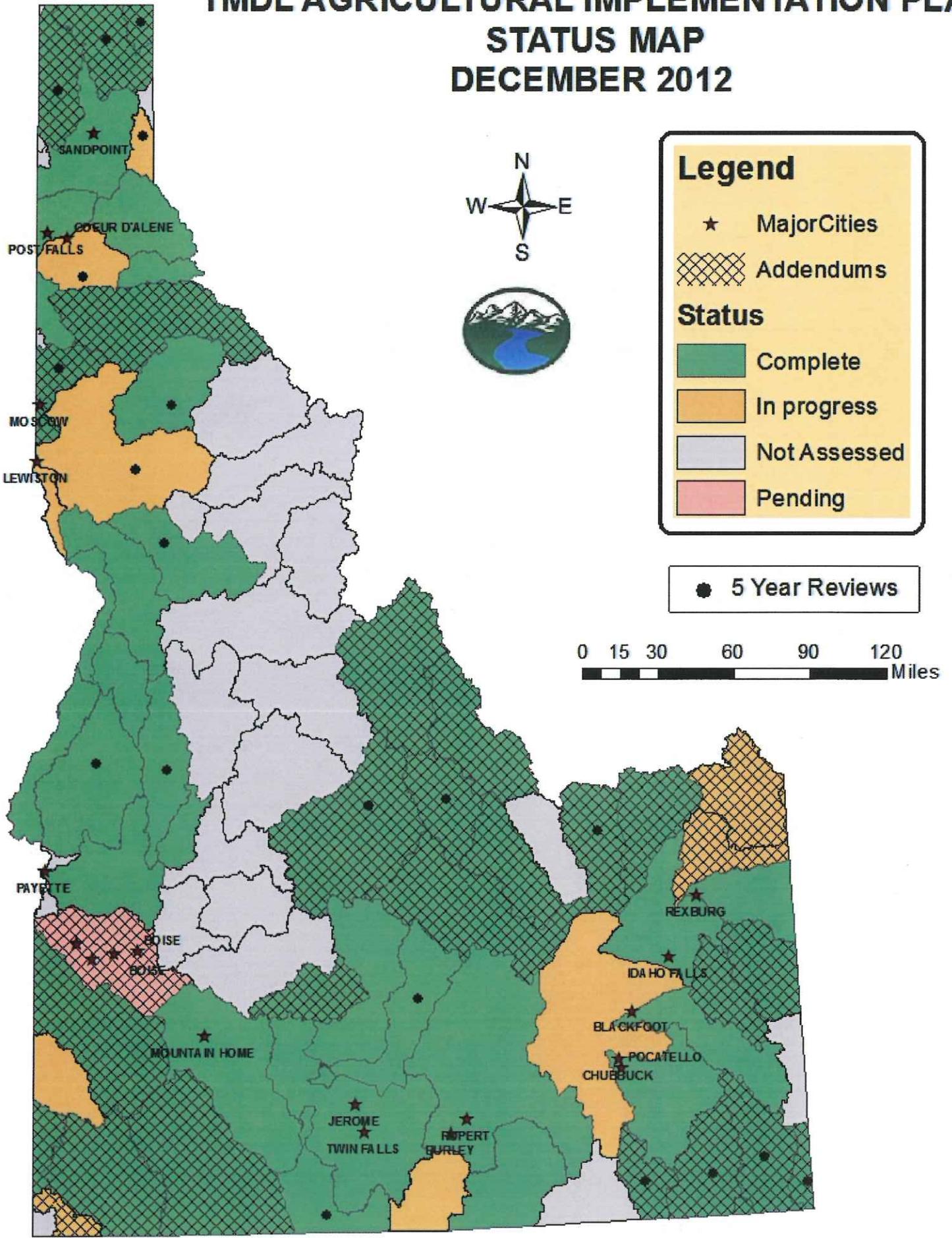
Note: DEQ recently decided to scale back the number of 5-year reviews. Their new policy requires each regional office to complete at least one 5-year review per year. However, the regional offices have the latitude to do more. Expectations are that the 5-year review process will continue to be fluid and will require close coordination with DEQ Regional Offices.

TMDL Implementation planning focus will be shifting from developing comprehensive watershed plans to water body specific addendums to existing TMDLs and implementation plans. DEQ estimates that they will be developing 5 to 7 new addendums per year. The addendums scheduled for 2013 need to be evaluated and prioritized based on ISWCC staff availability, DEQ completions of addendums, TMDL targets and EPA approval.

BACKLOG LIST

Bedrock Creek	10% Completed}	Nez PerceTribe/Nez Perce SWCD/EPA
Catholic Creek	95% Completed}	Tribe waiting for EPA
Mission Creek	68% Completed}	review of TMDL
Pine Creek	25% Completed}	Document
Tammany Creek	75% Completed	
Six Mile Creek	50% Completed	
Idaho Falls	N/A	
Upper & Lower Henry's	N/A	Assesement
Marsh Creek	0%	
Goose Creek	90%	
American Falls	50%	
Boise Mores Creek	N/A	
Little Willow	Start Up	
Lower Clark Fork	75%	
Black Lake	15%	
Jordan Creek	25%	
Coeur d'Alene Lake		
Tributaries	0%	
Clark Fork River		
Tributaries	0%	

TMDL AGRICULTURAL IMPLEMENTATION PLAN STATUS MAP DECEMBER 2012





Idaho Soil & Water Conservation Commission

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ITEM #9

TO: CHAIRMAN BRONSON, COMMISSIONERS STUTZMAN, RADFORD, WRIGHT, AND TREBESCH
FROM: TERRY HOEBELHEINRICH, LOAN OFFICER
DATE: DECEMBER 5, 2012
RE: RESOURCE CONSERVATION AND RANGELAND DEVELOPMENT PROGRAM UPDATE

New Loans

Despite the fact that staff has been aggressively marketing the RCRDP program for the past 4 or 5 months, no completed loan applications have been submitted for Commission or Loan Officer approval since the last RCRDP update in September. One incomplete loan application has been received. There have been 9 loan inquiries since the last update.

Potential Loans

We have received an inquiry from Eastern Idaho about funding a potentially significant number of loans for variable frequency drives (VFD). Several Commissioners attended a recent tour hosted by Division 6 during which we toured a VFD project and these Commissioners expressed strong interest to staff that we investigate expanding the Program to fund this type of loans. As most of you likely know, the use of VFDs results in substantial energy savings (energy is now among the resources NRCS works on conserving) and water conservation, as well.

Staff will convene a meeting of the Loan Committee in December to discuss this with Lori Ringel, Teton District, and a project engineer. We expect the outcome of that meeting will be a recommendation by the Loan Committee in January to the Conservation Commission on funding VFDs.

Program Activities

The following marketing activities have been conducted since your last meeting:

- Staff attended and promoted the RCRDP loan program at the Division 1, 2, 3, 5, and 6 meetings in October.
- Attended the IASCD meeting in Idaho Falls in November. Spoke to several district staff and directors including, but not limited to Balanced Rock, Blaine, Elmore, Owyhee, Squaw Creek, Teton, and Valley SCD's. Presented the loan program at the IDEA meeting.
- Presented the loan program at the Kootenai Shoshone SCD on November 8.



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- Met with NRCS district conservationists from Bonners Ferry and Coeur d' Alene and district staff from Boundary, Bonner, and Benewah SCD's to discuss the use of the RCRDP to fund conservation projects.
- Inspected an animal feeding operation (AFO) conservation project funded by the loan program.
- Attended the Farm Finance Trade Show on November 27 in Jerome which was organized by the North Side Soil and Water Conservation Commission.

Staff is scheduled to present the RCRDP program at the Treasure Valley Irrigation Conference on December 6. An RCRDP booth will also be staffed at the 1 day conference. Staff will also present at the Idaho Irrigation Equipment Show and Conference on January 10 in Nampa and at the Potato Conference in Pocatello on January 24. A booth will be staffed at the Nampa show.

RCRDP financial information

See attached RCRDP financial report for September and October 2012.

ACTION: For information only

Attachments:

- RCRDP Financial Report September & October 2012

RCRDP - SEPTEMBER 2012		
	CURRENT	YEAR TO DATE
BEGINNING CASH BALANCE	\$ 4,368,993.66	\$ 4,443,506.48
Interest Received		
- 2515 Interest Income:	\$ 2,115.68	\$ 6,888.75
- 2523 Loan Interest:	\$ 7,858.30	\$ 15,625.81
- 2535 Default Interest: (late fees)	\$ -	\$ 172.38
Principal payments received	\$ 92,852.67	\$ 186,669.30
Suspense items cleared	\$ -	\$ -
Refund form ITRMC (incorrect assessment of fees)	\$ 103.00	\$ 103.00
TOTAL INCREASES	\$ 102,929.65	209,459.24
ADJUSTED CASH BALANCE	\$ 4,471,923.31	4,652,965.72
Decrease of Funds		
1) Personnel costs	\$ (5,946.67)	\$ (13,215.87)
2) Operating Expense (less P-Card liability)	\$ (865.59)	\$ (37,327.81)
3) State Holdback	\$ -	\$ -
4) Loan Disbursements (0)	\$ -	\$ (137,311.00)
5) Capital Outlay	\$ -	\$ -
6) Suspense adjustment	\$ (0.01)	
6) Refund from ITRMC (incorrect assessment of fees)	\$ (103.00)	\$ (103.00)
TOTAL DECREASES	(6,915.27)	(187,957.68)
ENDING CASH BALANCE as of 09/30/2012	\$ 4,465,008.04	\$ 4,465,008.04
Cash as of 9/30/2012		\$ 4,465,008.04
3% Minimum Contingency Reserve		\$ (169,582.35)
Funds Approved - Not Disbursed		\$ 85,491.47
FUNDS AVAILABLE TO LOAN		\$ 4,380,917.16
Pending Approval		\$ -
Funds Available		\$ 4,380,917.16
LOAN STATUS REPORT:		
Outstanding Principal Loan Balance beginning 8/31/2012		\$ 5,745,597.80
Disbursements during September 2012		\$ -
Principal payments made during September 2012		\$ (92,852.67)
Adjustments to STARS balance		\$ -
ADJUSTED PRINCIPAL LOAN BALANCE as of 9/30/2012		\$ 5,652,745.13

Previous report number of active loans	153
Loans Paid Off	4
Current Month number of active loans	149
Past Due Accounts	2

RCRDP - OCTOBER 2012		
	CURRENT	YEAR TO DATE
BEGINNING CASH BALANCE	\$ 4,465,008.04	\$ 4,443,506.48
Interest Received		
- 2515 Interest Income:	\$ 2,126.77	\$ 9,015.52
- 2523 Loan Interest:	\$ 28,094.65	\$ 43,720.46
- 2535 Default Interest: (late fees)	\$ 500.00	\$ 672.38
Principal payments received	\$ 205,971.00	\$ 392,640.30
Suspense items cleared	\$ 14,170.99	\$ 14,170.99
Refund for professional services	\$ 349.08	\$ 349.08
Loan Refunds	\$ 1,749.64	
TOTAL INCREASES	252,962.13	460,568.73
ADJUSTED CASH BALANCE	\$ 4,717,970.17	4,904,075.21
Decrease of Funds		
1) Personnel costs	\$ (7,121.86)	\$ (20,337.73)
2) Operating Expense (less P-Card liability)	\$ (3,075.99)	\$ (40,403.80)
3) State Holdback	\$ -	\$ -
4) Loan Disbursements (0)	\$ -	\$ (137,311.00)
5) Capital Outlay		\$ -
6) Suspense adjustment	\$ -	
6) Refund from loan payments	\$ (1,749.64)	
TOTAL DECREASES	(11,947.49)	(198,052.53)
ENDING CASH BALANCE as of 10/31/2012	\$ 4,706,022.68	\$ 4,706,022.68
Cash as of 10/31/2012		\$ 4,706,022.68
3% Minimum Contingency Reserve		\$ (163,403.22)
Funds Approved - Not Disbursed		\$ 85,491.47
FUNDS AVAILABLE TO LOAN		\$ 4,628,110.93
Pending Approval		\$ -
Funds Available		\$ 4,628,110.93
LOAN STATUS REPORT:		
Outstanding Principal Loan Balance beginning 9/30/2012		\$ 5,652,745.13
Disbursements during October 2012		\$ -
Principal payments made during October 2012		\$ (205,971.00)
Adjustments to STARS balance		\$ -
ADJUSTED PRINCIPAL LOAN BALANCE as of 10/31/2012		\$ 5,446,774.13
Previous report number of active loans	149	
Loans Paid Off	5	
Current Month number of active loans	144	
Past Due Accounts	2	