



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 # 3a

IDAHO SOIL & WATER CONSERVATION COMMISSION PUBLIC COMMISSION MEETING

Date and Time:

Tuesday, June 7, 2011

From 8 am to Noon PST

Location:

Holiday Inn Express

477326 Hwy 95 N, Ponderay, Idaho

AMENDED APPROVED MINUTES

COMMISSION MEMBERS PRESENT:

Bill Flory

Dwight Horsch

Dick Bronson

Roger Stutzman

Dave Radford

ADVISORS PRESENT:

None

COMMISSION STAFF PRESENT:

Teri Murrison

Kristin Magruder

Bill Lillibridge

Terry Hoebelheinrich

Mark Hogen

PARTNERS AND GUESTS PRESENT:

John Homan, Deputy Attorney General (via
teleconference)

Alice Wallace

Herman Collins

Terry Halbert

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The meeting was called to order by Chairman Bill Flory, Idaho Soil & Water Conservation Commission (SWC) member at 8:07 a.m. Chairman Flory turned the floor over to Vice Chair Dwight Horsch.

Welcome and self-introductions followed. John Homan, Deputy Attorney General, participated via teleconference.

REVIEW OF DRAFT MINUTES

Commissioner Dick Bronson moved to approve the minutes for May 17 and 18, 2011 with one modification to change ‘Tuesday, May 18, 2011’ to ‘Wednesday, May 18, 2011’. Commissioner Dave Radford seconded. Motion passed.

Commissioner Radford moved to approve the May 25, 2011 minutes. Commissioner Bronson seconded. Discussion followed. Staff was directed to follow up on the letters to the applicants not selected for the Administrator position. Motion passed.

Commissioner Roger Stutzman moved to accept the RCRDP financial and loan status report for March and April 2011 from the May 25, 2011 teleconference. Commissioner Radford seconded. No further discussion. Motion passed.

RESOURCE CONSERVATION AND RANGELAND DEVELOPMENT PROGRAM

Options for Contingency Reserve

The contingency reserve has been held at three percent of the available loan funds over the last couple of years to cover expenses that could be associated with defaulted loans. Discussion followed about whether this is still a good practice. There is support to leave the contingency in place for now.

Commissioner Radford moved to enter into executive session pursuant to Idaho Code § 67-2345(a) and (d) for the purpose of considering personnel matters and to review pending RCRDP loan applications only. Commissioner Stutzman seconded. No discussion. Roll call vote was taken with all voting in the affirmative. Motion passed unanimously.

The Commission moved into executive session at 8:29 a.m. Terry Hoebelheinrich, Teri Murrison, John Homan, Kristin Magruder, and Bill Lillibridge were invited to stay.

Executive session ended at 10:46 a.m. Chairman Flory returned to the meeting during executive session at 9:07 a.m.

Commissioners discussed the disposition of pending RCRDP loan applications.

Loan No. 652

Amount: \$78,200 (alternative \$30,000)
Term: 7 years
Rate: 2%

49 Project description: Install center pivot irrigation system and well.

50

51 **Commissioner Stutzman moved to approve Loan No. 652 pursuant to the loan officer's**
52 **recommendation and to consider the project of installing the pivot and drilling the well as a whole.**
53 **Commissioner Radford seconded. Discussion followed about contingency clarification. Further**
54 **discussion followed.**

55

56 **Vice Chair Horsch moved to amend the original motion to split the project between the two practices**
57 **as listed in the loan application. Chairman Flory seconded. Discussion followed about whether**
58 **approving the entire amount requested would go against policy. There was further discussion about**
59 **the conservation benefit of the entire project except that the pivot is already installed and to approve**
60 **the entire amount would go against policy.**

61

62 **There was further discussion on the amended motion. A vote was taken on the original motion with**
63 **all voting in the affirmative. A vote was taken on the motion as amended with all voting in the**
64 **affirmative.**

65

66 **Loan No. 652 was approved in the amount of \$30,000 for a term of seven (7) years at two-percent**
67 **interest (2%) to install the well only as part of the overall project. Motion passed.**

68

69 Loan No. 653

70 Amount: \$4,000

71 Term: 5 years

72 Rate: 2%

73 Project description: Complete irrigation improvements to install main line with risers and wheel lines.

74

75 Loan officer recommendation is to approve applicants existing loan for an additional \$4,000 rather than
76 writing an additional loan. This practice is completing the previous project and not a new project. Loan
77 policy does allow the Administrator to approve additional funding not to exceed \$5,000 and subject to
78 adequate assets to secure the loan, reasonable assurance of repayment, creditworthiness of applicant,
79 adequate funds available in the loan fund, and the additional expense will meet the conservation plan.

80

81 **Commissioner Radford moved to direct the Administrator to approve this loan pending review as set**
82 **forth in loan policy. Commissioner Stutzman seconded. No further discussion. Motion passed.**

83

84 Loan No. 654

85 Amount: \$43,000

86 Term: 12 years

87 Rate: 4%

88 Project description: Install variable frequency drive and rebuild turbine pump to conserve water.

89

90 **Commissioner Radford moved to approve Loan No. 654 contingent upon the loan officer**
91 **recommendations as listed in the loan packet and contingent upon (1) the real estate collateral be**
92 **investigated to show that there is access or easement to the collateral and (2) securing credit life**
93 **insurance or similar security for the original value of the loan assigned to the Commission. Vice Chair**
94 **Horsch seconded. Further discussion followed. Motion passed.**

95

96 | Loan No. ~~636646~~

97 | Commissioner Radford moved to deny Loan No. ~~636-646~~ based upon the recommendation from the
98 Attorney General's office. Vice Chair Horsch seconded.

99

100 | Commissioner Bronson moved to amend the motion on Loan No. ~~636-646~~ to add that the loan is
101 denied because applicant is unable to furnish documentation as required in policy. Commissioner
102 Stutzman seconded.

103

104 A vote was taken on the original motion. All voted in the affirmative. Motion passed.

105

106 A vote was taken on the amended motion. All voted in the affirmative. Motion passed.

107

108

SWC PERSONNEL

109

110 Vice Chair Horsch moved to enter into executive session pursuant to Idaho Code § 67-2345(a) for the
111 purpose of considering personnel matters. Commissioner Stutzman seconded. No discussion. Roll
112 call vote was taken with all voting in the affirmative. Motion passed unanimously.

113

114 The Commission entered into executive session at 11:15 a.m. Administrator Teri Murrison was invited
115 to stay.

116

117 Executive session ended at 12:32 pm.

118

119

REPORTS

120

121 Staff reports on conservation projects and activities were continued to the June 8, 2011 agenda due to
122 lack of time.

123

124 At 12:33 pm, Vice Chair Horsch moved to recess the meeting until Wednesday, June 8, 2011 at 8 am.
125 Commissioner Stutzman seconded. Motion passed.

126

127 Respectfully submitted,

128

129 Dick Bronson

130 Commissioner and Secretary,

131 Idaho Soil & Water Conservation Commission



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ITEM #3b

IDAHO SOIL & WATER CONSERVATION COMMISSION PUBLIC COMMISSION MEETING

Date and Time:

Wednesday, August 17, 2011

From 9 am to 4 pm MDT

Location:

Capitol Building

700 W Jefferson St, Boise Idaho

House Agricultural Affairs Room EW20

DRAFT MINUTES

COMMISSION MEMBERS PRESENT:

Dick Bronson
Roger Stutzman

Dave Radford

ADVISORS PRESENT:

Randy Purser
Karma Bragg
Jeff Burwell

COMMISSION STAFF PRESENT:

Teri Murrison
Kristin Magruder
Terry Hoebelheinrich

Erin Seaman
Delwyne Trefz

PARTNERS AND GUESTS PRESENT:

Harriet Hensley, Deputy Attorney General
Terry Halbert, North Side SWCD
Ken Stinson, Latah SWCD
Kari Schwendiman, Latah SWCD
Scott Koberg, Ada SWCD
Dennis Tanikuni, Idaho Farm Bureau Federation
Ray Houston, Legislative Services Office

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ITEM #1 AND #2: WELCOME AND ROLL CALL

The meeting was called to order by Chairman Dick Bronson, Idaho Soil & Water Conservation Commission (SWC) member at 9:21 a.m. with roll call taken. Dick Bronson, Roger Stutzman, and Dave Radford were present.

ITEM #3: PUBLIC COMMENTS

Chairman Bronson discussed the protocol for taking public comments for this meeting. Chairman Bronson requested that all parties wishing to make a comment indicate on the sign in sheet. Partners listening via internet audio streaming may make comments by emailing them to info@swc.idaho.gov and the comments will be forwarded and read by staff.

ITEM #4: REVIEW AGENDA

Chairman Bronson reviewed the agenda. There being no business to add, the Commission reviewed the Consent Agenda.

ITEM #5: CONSENT AGENDA

Vice Chair Radford moved to approve items A through E on the consent agenda. Commissioner Stutzman seconded. Motion passed.

ITEM #6: ADMINISTRATORS REPORT

Administrator Murrison reported on staff activities since the last meeting in June. She has spent a significant amount of time meeting with districts, partners, state agencies, the Governor's office, and Commission budget analysts. There has been a focus on discussing agency activities to ensure there is no redundancy in services and she is actively looking for opportunities to share resources. Ms. Murrison also met Office of Species Conservation staff in Salmon to discuss project status and needs. There was a leadership meeting to review the strategic plan and discuss options for the concerns that were expressed and identify missing components. Conducted an all staff meeting in July where she was able to meet all of the Commission staff from around the state and discuss and share ideas. Other events around the state that she has attended include the Idaho Woolgrower's Annual Rangeland Tour, Owyhee Cattlemen's Annual Conference, and the Food Producer's summer meeting.

Ms. Murrison discussed the disbursement of the remaining FY 2011 Water Quality Program for Agriculture (WQPA) funds that the Commission sent out in June 2011. Some districts asked if the Commission was required to send the funds out via the allocation process. Harriet Hensley, Deputy Attorney General, reported on her research and reported that the WQPA funds budgeted for that program are not subject to the district allocation process and the Commission had the authority to disburse the funds in support of their duties and responsibilities.

Ms. Murrison advised that Jeff Burwell, State Conservationist with Natural Resources Conservation Service (NRCS) contacted Commission staff in late June with an offer for a grant for technical assistance

49 funds. Staff submitted a proposal and received permission from Division of Financial Management
50 (DFM) to proceed with the grant in the amount of \$80,000.

51

52 NRCS Partner Report

53 Mr. Burwell discussed the one-time technical assistance funds that became available to assist the
54 Commission with related personnel costs for staff that is providing the technical assistance on existing
55 CCPI projects in Burley, Twin Falls, and Marsing. Individual districts were also awarded grants (Franklin,
56 Jefferson) that will be working with EQIP and WHIP projects, TMDLs, and a grant with the Nature
57 Conservancy will be working on sage grouse issues. Mr. Burwell is actively working to get more funding
58 in Idaho before the end of the fiscal year.

59

60 Mr. Burwell discussed the budget issues that NRCS is facing for next couple of years. This next year
61 should be stable but FY 2013 is going to be difficult because it is likely that NRCS will be eliminating
62 positions and offices. NRCS will be coordinating with Farm Services Agency (FSA) because they will be
63 dealing with similar issues and the two agencies will attempt to maintain overall coverage and services
64 to landowners across the state. He is closing the Meridian office and is working with district on the
65 disposition of the office space. They will be renting the space and the focus of the office will shift to
66 support organic farming initiatives.

67

68 NRCS will be working with partners to coordinate and collaborate to share resources to keep
69 conservation on the ground in light of the reduced and uncertain budgets. They are working under a
70 1950's business model and they need to update their business practices. He encouraged all natural
71 resource agencies to work together and pool resources to get conservation on the ground.

72

73 Mr. Burwell explained that he is looking at a \$1 million budget cut next year and is uncertain what affect
74 the debt reduction plan and the expiration of Farm Bill is going to have on agriculture. NRCS and other
75 agencies are looking to streamline and there is congressional and agency support to focus on three
76 priorities for funding.

77

78 The Contribution Agreement with the Commission is being finalized and should be completed and funds
79 obligated by September 2nd.

80

81 **Commissioner Stutzman moved to approve the NRCS Contribution Agreement for technical assistance**
82 **funding pending NRCS and attorney review and further directed the Administrator to finalize the**
83 **agreement. Vice Chair Radford seconded. No further discussion. Motion carried.**

84

85 **ITEM #7: FINANCIAL & MATCH REPORT**

86

87 Kristin Magruder, Commission Program Specialist, presented a request to convene a working group to
88 review the Financial & Match Reports due on September 1, 2011. The working group last year was a
89 valuable exercise for the peer review and input of type of match supported for allocation purposes. Vice
90 Chair Radford spoke in support of the process and requested Chairman Bronson chair the group since he
91 has the experience from last year. There was discussion over rescission of prior temporary rule, which
92 was necessary in order for the updated temporary/proposed rule to take effect on July 1st. The changes
93 in temp/proposed rule are to the districts' benefit to allow funds and services received from local
94 organizations to be considered for match allocations and also reducing the number of required reports
95 from four to three. Chairman Bronson spoke in support of the working group and the members that

96 served last year and volunteered to chair the group. Chairman Bronson further appointed the previous
97 working group unless they decline and suitable alternative will be recruited to take their place.

98

99 **ITEM #8: CONSIDERATION OF STRATEGIC PLAN**

100

101 Ms. Murrison reviewed the overall strategic plan process, which began back in February 2011. Based on
102 feedback received from districts and partners regarding the first draft of the strategic plan, she directed
103 staff to review all factors and prepare a revised plan for feedback and comment. She discussed the
104 timeline for rolling out the second draft plan with the presentation, which included two teleconferences
105 in which the plan was reviewed and feedback. There was discussion about the feedback received from
106 districts. Staff further prepared alternatives for Commissioner's consideration based on the feedback
107 and comments received.

108

109 Ms. Magruder presented the district survey results for FY 2011. There was discussion about importance
110 of having the district's feedback and Commissioner's voiced their appreciation.

111

112 Ms. Murrison clarified a concern over coordination. Coordination is a formal government to
113 government process and it had never been the Commission's intent to coordinate on behalf of districts.

114

115 Strategic Plan Presentation

116

117 Ms. Murrison discussed the necessity of revising the strategic plan, looking at a new model for service
118 delivery, and the timeline for the strategic plan process and getting feedback from districts and partners.
119 She stressed the importance of receiving direction today so the Commission can finalize the strategic
120 plan, performance measurements report, and FY 2013 budget request by the September 1, 2011
121 deadline. Vice Chair Radford asked Ms. Hensley what the ramifications would be if an agency missed
122 that deadline. She replied that she does not have any experience in that issue. Vice Chair Radford
123 concerned about having district buy in and support and there were questions posed to Ms. Murrison
124 regarding the same. Ms. Murrison advised that there is a considerable amount of work in preparation
125 for the upcoming legislative session and invited Ray Houston, Budget Analyst for Legislative Services
126 Office, to comment on the matter. Mr. Houston advised that the strategic plan and PMR are part of the
127 budget request and required under statute. All agencies have their own unique issues to deal with so
128 we are not alone in that regard. Further discussion followed.

128

129 Ms. Murrison discussed the rubric that the leadership team created to evaluate all of the criteria under
130 the strategic plan: satisfy legislative intent, promote fiscal responsibility, benefit environment, benefit
131 SWC, benefit districts, including landowner and land users. Locally-led efforts were paramount to all
132 criteria.

133

134 The Commission collected feedback and formal comments from districts and other partners, including
135 Department of Environmental Quality and Idaho Department of Fish and Game. For purposes of today's
136 meeting, staff categorized comments within categories.

137

138 Agency Organization:

- 139 - Most important concern was the technical assistance.
- 140 - There is support on both sides of the issue.

141

142

- 143 Coordination:
- 144 - There are some federal and state agencies that are coordinating and collaborating, but not all
 - 145 (OSC example).
 - 146 - Confusion about coordination being a formal government to government process.
 - 147 - Some districts don't have capacity and could make better use of SWC staff.
 - 148 - Some support IASCD taking the lead on certain activities; some districts do not.
 - 149 - Most districts liked the idea of being at the table with other agencies.

150

151 Discussion about the intergovernmental coordinator position and the concerns voiced by the districts

152 and IASCD. Clarified the intent about district support and what coordinator would do.

- 153
- 154 Funding:
- 155 - All districts support more funding and additional funding opportunities.
 - 156 - Some support full 2:1 match as top priority, others do not.
 - 157 - Strong support to seek alternative funding opportunities to support cost share programs.
 - 158 - Suggestion that SWC remove engineers, vacant TA, and pass through money to districts.

- 159
- 160 Draft Plan:
- 161 - Concern about perception of SWC changing mission and vision. Mission and vision was updated
 - 162 to encompass the entire legislative intent.
 - 163 - Too many benchmarks
 - 164 - Prioritize goals
 - 165 - Mention districts in mission
 - 166 - Draft 1 disregarded. Ms. Murrison explained that the first draft is reflected in the second draft.

167

168 Discussion about using 'public land managers' in the vision as it has implications to the public land trusts

169 and Vice Chair Radford proposed that be modified in the final draft based on feedback from Idaho Farm

170 Bureau Federation.

171

172 Discussion about Farm Bureau comments. Dennis Tanikuni, Governmental Affairs Office, addressed the

173 Commission about the practical and political concerns. Farm Bureau has been a strong supporter of the

174 Commission over the years and made comments with the best of intentions. Concerned about the

175 political pushback that could occur as a result of not having a simple, solid plan that deviates from the

176 perceived function of the SWC. Vice Chair Radford asked about the focus of Farm Bureau and their

177 membership. Further discussion followed.

178

179 Ms. Murrison reiterated the importance of receiving comments from partners.

- 180
- 181 RCRDP:
- 182 - Districts support a funding mechanism for the time they spend processing applications.
 - 183 - Many districts do not understand the program and funding or how the program positively
 - 184 impacts SWC and the state.

- 185
- 186 Review of Proposed Agency and Staffing Plans:
- 187 Option One: Status Quo.
- 188 Option Two: Coordination
- 189 - Supported by statute, mission change
 - 190 - SWC facilitates, doesn't not coordinate for districts

191 - Staff with intergovernmental coordinator

192 Option Three: Latah Proposal.

193 Option Four: Transition

194

195 Factors to consider for all options are the technical assistance focuses on mandates, agreements, and
196 existing projects first, then rank district needs. Convert one FTP to full-time loan servicing assistant (this
197 position would be paid from dedicated funds and cannot be paid out of general funds). Reestablish full-
198 time loan officer.

199

200 Review of Option One priorities, staffing, and staff recommendations if Commissioners select this
201 option.

202

203 Review of Option Two priorities, staffing, and staff recommendations if Commissioners select this
204 option.

205

206 Review of Option Three priorities and staffing. Implications of proceeding with this option because the
207 Commission would permanently lose the three FTPs and related personnel funding. There is also not a
208 guarantee the legislature would fund district allocations at the same level in future fiscal years.

209

210 Review of Option Four priorities and staffing. Within a transition plan, SWC would provide support and
211 transitional capacity. There would be a focus on removing administrative functions from field staff so
212 they could provide more technical planning and implementation to the districts. Priorities would be
213 district support and services, resource programs, incentive programs, strong organizational foundation,
214 and building relationships with other state and federal agencies to seeking opportunities and sharing
215 resources. Staffing would include a District Support and Services Specialist to focus on district needs and
216 facilitate needs assessment in cooperation with districts.

217

218 Ms. Murrison reviewed the evaluation criteria to be considered in selecting an agency and staffing
219 model moving forward.

220

221 Staff evaluation of proposed options:

222 • Status quo is potentially unsustainable in the long-term because it doesn't satisfy all of the
223 criteria or is only being marginally satisfied.

224 • Coordination offers a good combination of achieving criteria but is not universally supported by
225 the districts because there is a resistance to change.

226 • The Latah proposal would significantly erode SWC capacity to do business and permanent loss of
227 funding.

228 • The Transition proposal would provide the highest level of technical assistance services and
229 provide the potential for coordination as well.

230

231 Staff is making a recommendation to finalize the strategic plan based on the transition proposal but will
232 defer to the Commission's final decision.

233

234 Randy Purser, IASCD President, spoke in support of the status quo based on the IASCD resolution in 2010
235 to not support any additional SWC administrative staff but instead fill that position as technical
236 assistance. Chairman Bronson spoke on the merits of having a statewide support position and asked to
237 have a meeting with the IASCD board next week prior to approving a final plan to discuss options. Mr.
238 Purser agreed.

239
240 Chairman Bronson proposed an option for meeting and staff will work with Commissioners and IASCD to
241 secure a meeting time and place. Jeff Burwell offered the Twin Falls office to conduct the meeting.

242
243 Ken Stinson, Latah SWCD District Manager, clarified that their proposal is not endorsed by the Latah
244 board because they have not met to review this proposal, and takes responsibility for submitting this
245 idea. He discussed the idea of the district independence model that has been considered over the years
246 and options that would help districts become less dependent on Commission technical or administrative
247 staff that would include utilization of existing district resources, division plans, and IASCD strategic plan.
248 Mr. Stinson spoke in support of the responsibilities being put on the locally elected officials in the
249 districts and the value it would place on the districts without impacting general funds.

250
251 Mr. Stinson responded to a question on whether he had a specific example of other states that worked
252 under the small commission staff with independent districts. Mr. Stinson explained how their district
253 started out with a traditional district model that had administrative staff and began with one 319 grant
254 and built from there by tapping into the available federal funding in a natural resource area of concern
255 that impacted their part of the state. Does not believe that the allocation of 6-7 state staff across 50
256 districts is unsustainable in the long term. There are Commission programs that are unique and specific
257 to the Commission and should be built and promoted separately from district issues. Discussed taxing
258 authority of the Spokane District in Washington. Commission thanked Mr. Stinson for his constructive
259 feedback and good ideas.

260
261 Chairman Bronson voiced concerns how other districts might perceive his proposal as a “scorched earth
262 plan.” Ms. Murrison saw potential in some of Mr. Stinson’s ideas for moving forward in a transition
263 plan. Chairman Bronson asked about the merits of a needs assessment so that districts knew what their
264 deficiencies are and identify a plan for moving forward. Mr. Stinson offered to meet with Commission
265 staff to discuss specific ideas and spoke in support of the Latah board as being the driving force behind
266 the success of their district and the level of expectation for the elected officials should be high.

267
268 Karma Bragg, IDEA President and Custer SWCD, addressed the commissioners. She is conflicted about
269 supporting any of the proposed options because she is an employee of the Custer district as well as the
270 IDEA board members. She does support a level of transition regardless of the option chosen and that
271 districts should have a choice about how they participate in the change. Ms. Bragg commended Ms.
272 Murrison for taking the time to consider all of the issues and concerns and believes all four options have
273 merit. She also spoke in support of the other statewide roles that the Commission used to staff and the
274 tremendous impact they had. Districts support of each other is an important component to success and
275 Division 6 is good about offering that support to each other.

276
277 Vice Chair Radford asked her opinion about the implications of choosing the “wrong” strategy. Ms.
278 Bragg spoke for herself by stating that she is not good with change but they will make the best of what is
279 chosen. Commended Commission staff for making the effort to provide the opportunity to involve the
280 districts to get as much feedback as possible and for the difficulties they face when making these
281 decisions.

282
283 Terry Halbert, North Side SWCD District Manager, addressed the Commission about the first strategic
284 plan. He was very disappointed in the lack of benchmarks and forward movement in the first plan and
285 did not comment on it. When he saw the second draft, he was encouraged and excited about the
286 possibilities that were contained within that plan. Mr. Halbert described how his district has grown over

287 the past five years, growing from a budget of \$4,500 to over \$100,000 this year; \$49,000 of which is
288 local funding. He watched and learned from other districts and agencies to see how they were
289 successful and implemented the same in his district. Currently employs a part-time engineer and
290 contracted with an engineering firm to provide additional project work. He is concerned with the
291 stagnant status quo and what the perception will be from other parties to see if past lessons have been
292 learned.

293
294 Vice Chair Radford asked for feedback from Mr. Halbert on DEQ's comments towards the urban/rural
295 interface. Terry responded that they were able to offer solutions to parties that weren't able to move
296 forward with an issue. Ms. Murrison recommended addressing the language in the strategic plan to
297 reference serving both rural and rural/urban interface.

298
299 Ken Stinson readdressed the Commission. He gave credit to the entire Commission, both
300 Commissioners and staff, for asking the districts for feedback, for providing information, and for making
301 a positive transition over the past couple of years. He wanted to thank staff for making the effort.

302
303 A break for lunch was called for at 12:25 pm.

304 The meeting reconvened at 1:46 pm.

305

306 Commissioners took further comments on the draft strategic plan.

307

308 Scott Koberg, Ada SWCD District Manager, provided feedback on behalf of his district. Spoke in further
309 support of the Commission maintaining an annual plan within the overall strategic plan so the districts
310 have a better idea of what Commission activities would be from year to year and how it relates to the
311 districts and the overall direction. He was concerned about the movement towards "boots in the office"
312 versus "boots on the ground." Sees some merit to Ken Stinson's proposal and the transition proposal.
313 The Ada district supports the technical staff to help the districts rather than letting the FTPs disappear.
314 He is inclined to support the transition plan but is concerned that there may be the perception that the
315 District Support position would be sucked into an administrative role or that it is a cover for the
316 intergovernmental coordinator.

317

318 Vice Chair Radford asked Mr. Koberg what his suggestion would be to convey the message to districts
319 about the one-time money that may or may not be there in the future. Mr. Koberg spoke in support of
320 IASCD being a good resource to help orchestrate the technical needs around the state beyond what the
321 Commission can do. He discussed the history of IASCD and the Commission and the partnership that
322 worked together with DEQ and the Idaho State Department of Agriculture to get projects done and
323 finance the technical assistance in districts.

324

325 There was further discussion about what the districts could do to support the idea of this being the new
326 norm for budgets and staffing. Vice Chair Radford asked what amount of time it takes for technical staff
327 to become good technical staff. Mr. Koberg responded that it can depend on the district boards and the
328 projects that they move forward with. It takes a lot of time to build the trust and relationships with the
329 local landowners, leaders, and partners. It depends on the district, their resources, project types, and
330 technical needs to determine how many districts one person can support.

331

332 Ms. Murrison advised that Shelby Kerns, DFM Budget Analyst, advised that the deadlines for strategic
333 plan, PMR and budget are in statute. Ms. Magruder advised that Eileen Rowan sent an email stating

334 that she is supportive of a transitional plan assuming that there would be a year to flesh out the details
335 and review again next year during the annual review.

336
337 Ms. Murrison concluded with comments about her observations during her tenure to date. Based on
338 what she has witnessed with current statewide activities of districts and other agencies, her fear is that
339 the districts and the Commission would become irrelevant to conservation if we don't step up our
340 efforts to seek a better way to do business. She spoke on behalf of the efforts and extra hours that all
341 staff is putting in to attend meetings, to keep operations going, and believes that the Commission in not
342 adequately compensating them for their efforts. Statute clearly states what the Commission is
343 authorized to do and is making a recommendation to move forward in a way that supports the
344 legislative intent, provides a benefit to districts and to the Commission.

345
346 Chairman Bronson advised that the Commissioners will not be adopting a strategic plan today, but
347 directing staff to proceed drafting strategic plan, PMR and budget for consideration at the August 30th
348 meeting.

349
350 Commissioner Stutzman asked about the need for two full-time loan staff. Chairman Bronson discussed
351 the need for separation of duties and the part-time hours placing a burden on other Boise staff to
352 maintain the program. Ms. Magruder spoke further in support of staffing the loan program full-time:
353 separation of duties, timeliness of processing requests. Also discussed that if we do not utilize the FTP,
354 the Commission will lose it this fiscal year because it cannot be supported from the general fund
355 personnel budget.

356
357 There was further deliberation over the four proposed options. Vice Chair Radford spoke in support of
358 the transitional option as being the best scenario to address the multiple concerns of all districts and
359 partners. Does not believe that the Commission can afford for the staff to get any smaller. In an ideal
360 world, option three would be the best because that would mean that all of the districts would have all of
361 the resources that they needed and the Commission would focus on the loan program, processing the
362 district allocations, and help facilitate programs with other agencies. In the interest of unification, he
363 believes option four is the best bet.

364
365 Commissioner Stutzman agrees that option four is the best but wants to reinforce the need for the
366 technical support because there are several districts that need to have that continued support.

367
368 Chairman Bronson spoke in support of option four as well. He commented about the need of the staff
369 that are spread thin and does not want the districts to perceive this as building the bureaucracy because
370 that is not the intent. With reduced budgets across the board, it is imperative that the Commission
371 looks at innovative ideas to seek opportunities.

372
373 Chairman Bronson directed staff to proceed with drafting strategic plan, PMR and budget in accordance
374 with Option Four Transition Plan.

375
376 **ITEM #9: INFORMATION TECHNOLOGY PLAN FY 2012-2015**

377
378 Ms. Magruder presented the IT Plan as submitted for FY 2012-2015 to the Office of the Chief
379 Information Officer. The plan includes components to support the loan software program and database,
380 a virtual board to supply Commission board members with access to agency email and documents
381 remotely, an upgrade to the agency website to provide more information to districts and partners,

382 improvements to Idaho OnePlan including online statewide BMP reporting, and creating an online
383 application for the RCRDP loan program. Further discussion followed.

384

385 **ITEM #10: RCRDP IT INITIATIVE – DIVERSIFIED BOND FUND PRESENTATION**

386

387 Diversified Bond Fund Presentation. Shawn Nydegger, State Treasurer’s Office and John McCune from
388 Capitol Investments gave the Commissioners a brief introduction to the bond fund. The IDLE fund,
389 which is where the loan funds currently sit, is a short-term, low-risk investment fund. As an alternative,
390 the state began the diversified bond fund to provide a higher rate of return, but it does have a higher
391 risk and is meant for investments that will be sitting for a longer period of time. The current yield is
392 2.15% as of the end of July. There is an inverse effect for bonds – if interest rates rise, the value goes
393 down, if the interest rates lower, the value goes up. Mr. McCune discussed the types of securities and
394 the pros and cons of the fund. Recommends minimum investment duration of three and a half years to
395 mitigate the possibility of loss. He related the fund to a mutual fund account, but it is not attached to
396 the SEC and is only for Idaho investors. Chairman Bronson asked about the participant breakdown. Mr.
397 Nydegger responded that is approximately 60-40 split of municipalities to state investors.

398

399 **ITEM #11: RCRDP LOAN RATE FOR FY 2012**

400

401 Idaho Code 22-2732 permits the Commission to set the loan rates annually. Last year, the rates were
402 reduced one percent. Staff is not recommending a change to rates, but to change the terms: 1-4 year
403 for 2% APR; 5-9 years for 3% APR; and 10-15 years for 4% APR. Staff is presenting this information to
404 Commissioners for consideration at the August 30-31 meeting. Chairman Bronson believes this change
405 is warranted to support proposed changes and consideration of investing funds into the diversified bond
406 fund. Vice Chair Radford also noted that there has been discussion about providing a funding
407 mechanism to pay districts for the time they spend on the loan application process and requested a staff
408 recommendation in support of such measure.

409

410 Chairman Bronson called for a five-minute break at 2:57 pm prior to entering Executive Session. The
411 only remaining agenda item is the RCRDP loan business.

412

413 Meeting reconvened at 3:05 pm.

414

415 **ITEM #13: RESOURCE CONSERVATION AND RANGELAND DEVELOPMENT PROGRAM**

416

417 **Vice Chair Radford moved to enter into executive session pursuant to Idaho Code § 67-2345 (d) to**
418 **review pending RCRDP loan applications only. Commissioner Stutzman seconded. No discussion. Roll**
419 **call vote was taken with all voting in the affirmative. Motion passed unanimously.**

420

421 The Commission moved into executive session at 3:07 p.m. Terry Hoebelheinrich, Teri Murrison, Kristin
422 Magruder, Harriet Hensley, and Erin Seaman were invited to stay.

423

424 **Vice Chair Radford moved to end executive session at 4:01 p.m. Commissioner Stutzman seconded.**
425 **Motion passed and the audio streaming was initiated.**

426

427 Commissioners discussed the disposition of pending RCRDP loan business.

428

429 Loan No. 652

430 Amount: \$78,200 (alternative \$30,000)

431 Term: 7 years

432 Rate: 2%

433 Project description: Install center pivot irrigation system and well.

434

435 **Vice Chair Radford moved to reconsider Loan A-652 at the August 30-31, 2011 meeting.**

436 **Commissioner Stutzman seconded. No further discussion. Motion passed.**

437

438 Loan No. A-653

439 Amount: \$4,000

440 Term: 5 years

441 Rate: 2%

442 Project description: Complete irrigation improvements.

443

444 **Commissioner Stutzman moved to deny the applicant's request. Vice Chair Radford seconded. No**

445 **further discussion. Motion passed.**

446

447 **At 4:05 p.m., Vice Chair Radford moved to adjourn the meeting. Mr. Stutzman seconded. Motion**

448 **passed.**

449

450 Respectfully submitted,

451

452 Roger Stutzman

453 Commissioner and Secretary,

454 Idaho Soil & Water Conservation Commission



Idaho Soil & Water Conservation Commission

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

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

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ITEM #3c

IDAHO SOIL & WATER CONSERVATION COMMISSION PUBLIC COMMISSION MEETING

Date and Time:

Wednesday, August 24, 2011

From 10 am to 2 pm MDT

Location:

Team Con Paulos Dealership

251 E Frontage Rd S, Jerome Idaho

DRAFT MINUTES

COMMISSION MEMBERS PRESENT:

Dave Radford, Vice Chair

Roger Stutzman, Secretary

ADVISORS PRESENT:

Randy Purser, President, IASCD

Chris Simons, Division IV, IDEA

Jeff Burwell, State Conservationist, NRCS

COMMISSION STAFF PRESENT:

Teri Murrison

Kristin Magruder

Chuck Pentzer

Carolyn Firth

PARTNERS AND GUESTS PRESENT:

Bret Rumbeck, Executive Director, IASCD

Terry Halbert, North Side SWCD

Rick Rodgers, Division IV Director, IASCD

Dennis Tanikuni, Idaho Farm Bureau Federation

Dave Ascuena, Division III Director, IASCD

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ITEM #1: WELCOME AND SELF INTRODUCTIONS

The meeting was called to order by Vice Chair David Radford, Idaho Soil & Water Conservation Commission (SWC) member at 10:04 a.m. Self-introductions followed. Vice Chair Dave Radford and Roger Stutzman, Secretary, were the only Commission board members present and there was not a quorum.

Vice Chair Radford provided a brief overview of the process the Commission went through to get to this meeting. Since there is not a quorum present today, the Commissioners that are present will be listening to the partner’s feedback in order to have a strategic plan to adopt at next week’s meeting.

Commissioner Stutzman spoke in appreciation of the partnership and the value of receiving the feedback.

Teri Murrison, SWC Administrator, spoke on behalf of the public planning process and the value in the feedback that has been received by the partners.

ITEM #2: STRATEGIC PLAN PRESENTATION

Ms. Murrison briefly highlighted the overall strategic plan process and what has been done over the past several months. After the alternatives were considered by the Commissioners at the August 17, 2011 meeting, staff was directed to prepare a third draft of the strategic plan for consideration.

Ms. Murrison reviewed the Commission’s roles and responsibilities including District Support and Services, Comprehensive Conservation Services, and Administration. She reviewed the priorities contained within each category and highlighted the number of FTPs that is required to support those services.

Discussion followed about the FTPs that support the RCRDP loan program and how the funding works to pay for those two positions. Randy Purser asked if the FTPs could be converted to technical positions. Ms. Murrison advised that they cannot because the funding does not exist in the general fund appropriation to support those salaries. Rick Rodgers asked if part-time personnel could continue to maintain the program. Ms. Murrison advised that part-time staffing for the loan program is not adequate to maintain the program any longer. Mr. Rodgers also asked if there were some updates that could be made to the application process that could provide some more efficient methods for district and Commission staff. Ms. Murrison advised that those updates are already under consideration by staff.

David Ascuena asked some clarifying questions about the funding available for the vacant positions and the need to convert one FTP to the loan program. There was further discussion about the value of the loan program including the low interest rate and concerns about continued support.

Dennis Tanikuni, Idaho Farm Bureau, asked if the lower-level program activities were prioritized. Ms. Murrison responded that they are not prioritized on the presentation but each is included in the strategic plan to research viability and report to the Commission at a later date.

Ms. Murrison reviewed the revised priorities including: district support and services, which has a component to develop criteria to rank districts needing support; fulfilling legislative mandates and

39 agreements; providing incentive programs; maintaining a strong organizational foundation; and building
40 relations with existing and new partners, which would prepare interested districts to coordinate. Ms.
41 Murrison pointed out that the Commission cannot coordinate on behalf of districts because the
42 coordination process is government to government only.

43 Assumptions under the revised priorities include the Commission focusing on support to districts
44 utilizing available resources by providing technical assistance to the ranked districts needing the most
45 support. One FTP would be utilized as a district support and services specialist to help relieve some of
46 the administrative and managerial duties that staff is currently performing, which will allow them to
47 provide more technical assistance hours.

48 Ms. Murrison reviewed the draft organizational chart showing the staff assigned to support and services
49 and staff that are assigned to policy and operations.

50 Vice Chair Radford commended the Commission staff and how efficient and streamlined the processes
51 are considering the small size of the office and the administrative staff.

52 Participant Roundtable

53 There was a roundtable discussion about the state of the economy and impressions of the state budget.
54 Bret Rumbeck shared some observations from discussions he has had with legislators including their
55 priorities of education, health and welfare, and corrections. There are varied levels of understanding
56 and support for agriculture depending on the background and location of the legislators. Participants
57 discussed ways to reach out to the legislators to educate and show the value of local conservation
58 districts.

59 Vice Chair Radford believes the Commission and the districts are in a good position based upon the
60 voluntary, non-regulatory message and encouraged discussions with local county commissioners as well.
61 There was agreement by all parties present that a unified approach is the most successful method to
62 move forward.

63 Mr. Purser suggested creating a plan for getting feedback on the strategic plan that is adopted as well as
64 for making updates to next year's plan. The Commissioners and Ms. Murrison committed to attending
65 all of the fall and spring division meetings. IASCD representatives committed to encouraging support
66 from the districts and proposing a resolution to that effect at the annual conference.

67 A break was called for at 11:24 am.

68 Break ended at 11:43 am.

69 **ITEM #3: PARTICIPANT COMMENTS**

70 Participants reviewed the draft plan and changes were incorporated with track changes within the
71 document.

72 Participants concluded at Goal #3, Objective 3.2 and will provide any comments on the remainder of the
73 plan at the August 30-31, 2011 meeting.

74 **At 1:57 p.m., Vice Chair Radford adjourned the meeting.**

75 Respectfully submitted,
76
77 Roger Stutzman
78 Commissioner and Secretary,
79 Idaho Soil & Water Conservation Commission

DRAFT



Idaho Soil & Water Conservation Commission

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ITEM #3d

IDAHO SOIL & WATER CONSERVATION COMMISSION PUBLIC COMMISSION MEETING

Date and Time:

Tuesday, August 30, 2011

From 11 am to 5 pm MDT

Location:

Capitol Building

700 W Jefferson St, Boise Idaho

House Agricultural Affairs Room EW20

DRAFT MINUTES

COMMISSION MEMBERS PRESENT:

Dick Bronson

Roger Stutzman (via teleconference)

Dave Radford

Bill Flory

ADVISORS PRESENT:

Randy Purser, President, IASCD

COMMISSION STAFF PRESENT:

Teri Murrison

Kristin Magruder

Terry Hoebelheinrich

Erin Seaman

PARTNERS AND GUESTS PRESENT:

Harriet Hensley, Deputy Attorney General

Terry Halbert, North Side SWCD

Bret Rumbeck, IASCD

Dave Ascuena, Division 3 Director, IASCD

1
2 **ITEM #1: WELCOME AND INTRODUCTIONS**

3
4 The meeting was called to order by Chairman Dick Bronson, Idaho Soil & Water Conservation
5 Commission (SWC) member at 11:01 a.m.
6

7 **ITEM #2: ROLL CALL**

8
9 Roll call: Commissioners Dave Radford, Bill Flory and Dick Bronson present. A quorum being reached,
10 the meeting began.
11

12 **ITEM #3: REVIEW AGENDA**

13
14 Chairman Bronson reviewed the agenda and asked if there were any items to add. Vice Chair Radford
15 advised that Randy Purser has a report on behalf of the IASCD. Chairman Bronson added the partner
16 report to the Administrator's Report.
17

18 Chairman Bronson added that the board intends to conclude business today due to the harvest season
19 and the necessity to finalize reports for submission by September 1, 2011.
20

21 **ITEM #4: ADMINISTRATORS REPORT**

22
23 Teri Murrison, Administrator, reported that the Commission now has a Facebook page featuring pictures
24 and videos of projects and personnel around the state. The Commission also has a Twitter account in
25 order to reach a broad range of partners and interested parties.
26

27 FY 2011 Closeout

28 Ms. Murrison advised that the Commission successfully closed out FY 2011 and encumbered \$82,400 in
29 WQPA funds. Total expenses were \$2,255,835.
30

31 Commissioner Stutzman joined the call at 11:07 am.
32

33 FY 2012 Financial Report

34 Ms. Murrison presented the FY 2012 financial update as of July 31, 2011. The Commission is 8% through
35 the fiscal year and has expended 24% of general funds.
36

37 Discussion on SWCAP expenses, Fund 0450, and Administrator travel expenses. Ms. Murrison estimated
38 that she has visited with more than one-third of the districts. Operating expenses are trending high due
39 to field season, staff meeting, travel and SWCAP. SWCAP is the annual overhead for state controller,
40 treasury, and attorney general costs.
41

42 NRCS has advised that the Commission can expect increased cost for field offices beginning FY13. Costs
43 will increase from \$11,000 to \$48,000. Staff is examining options including: cost savings in current
44 budget, delaying payment until FY13, and cost-benefit analysis to relocate staff out of the NRCS field
45 offices.
46

47 FY 2013 Budget Request

48 Ms. Murrison presented a highlight of the FY13 budget request. The base will be the same as FY12
49 including an increase to benefit costs of \$32,200. The Division of Financial Management is currently
50 recommending a 1% increase of \$9,400 for merit increases.

51

52 Line Item Enhancement Requests include:

- 53 1. RCRDP Request.
- 54 2. NRCS CTA Grant.
- 55 3. NRCS Office Space.
- 56 4. District Match Request. Additional \$227,022 will bring districts to full 2:1 match.
- 57 5. TA Cost Recovery.

58

59 Discussion on NRCS office space. Vice Chair Radford concerned IT costs were included twice.
60 Commissioner Flory asked about feasibility of sharing space in other locations or if there was any
61 analysis done. Ms. Murrison responded that staff has looked at the possibility of OnePlan replacing
62 Toolkit; looking at IT needs of field staff. Commissioner Flory asked if any of the current offices are
63 scheduled to be closed. Ms. Murrison is not aware of any closures that would affect our staff.

64

65 Randy Purser asked that Ms. Murrison's travel budget be maintained to continue to connect to the
66 districts.

67

68 FY 2012 Meeting Schedule

69 There is a request to move the September 21st teleconference to September 14th and to move the
70 November 9th teleconference to coincide with the IASCD annual conference to November 14th.

71

72 Commissioner Flory and Vice Chair Radford supportive of meeting schedule. Chairman Bronson
73 commented that meeting either in person or teleconference every month is good and with the
74 exception of September's meeting, scheduling teleconferences to review loan business on a regular
75 schedule will be helpful in applicant expectations.

76

77 **Vice Chair Radford moved to approve FY 2011 Financial Report and FY 2012 Financial Report.**
78 **Commissioner Flory seconded. No further discussion. Motion carried.**

79

80 **Commissioner Flory moved to approve FY 2013 Budget Request. Vice Chair Radford seconded. No**
81 **further discussion. Motion carried.**

82

83 Discussion on direction to take with regards to NRCS office space. Commissioner Flory spoke in favor of
84 the efficiencies of having staff co-located with NRCS and districts. Vice Chair Radford is cognizant of
85 impact of increased expenses and sees the value of having staff with NRCS. If it appears that costs will
86 continue to increase, then the Commission should look at the available options. Commissioner Flory
87 agreed with Vice Chair Radford and wanted to know what the impact of the Meridian office closing will
88 have on IASCD. Mr. Purser advised the Commission that NRCS has assured them that they will be able
89 to stay until the first of the year. They will be taking further action after November's conference and
90 have identified suitable office space. Ms. Murrison pointed out that the NRCS grant will help the
91 Commission pay for those increased costs. Chairman Bronson advised that one consideration had been
92 to pay for the increased costs from the funds that had been set aside to pay for the district's ICRMP
93 insurance. The board was not in favor of this option for FY 2012.

94

95 **Vice Chair Radford moved to approve the FY 2012 Meeting Schedule with noted changes.**
96 **Commissioner Stutzman seconded. No further discussion. Motion carried.**

97
98 Chairman Bronson invited IASCD to present his report. Vice Chair Radford thought that it might coincide
99 with the strategic plan discussion and Mr. Purser opted to wait.

100
101 **ITEM #5: RULEMAKING FOR DISTRICT ALLOCATIONS**
102
103 Kristin Magruder, Commission staff, reviewed the current rulemaking process. The Rule Governing
104 Allocation of Funds to Conservation Districts was published in the Rules Bulletin during August and there
105 were no comments received during this period. Staff recommends adoption of the pending rule for
106 legislative review during the 2012 session.

107
108 **Vice Chair Radford moved to adopt the Pending Rule Governing Allocation of Funds to Conservation**
109 **Districts, IDAPA 60.05.04. Commissioner Flory seconded. No further discussion. Motion carried.**

110
111 **ITEM #6: FY 2011 PERFORMANCE MEASUREMENT REPORT (PMR)**
112
113 Ms. Murrison advised that administrative staff resources have been dedicated to the strategic planning
114 process and therefore, the performance measurement report is only partially complete. Ms. Magruder
115 reviewed the highlights for FY 2011 and changes made to the PMR.

116
117 **Vice Chair Radford moved to approve the FY 2011 Performance Measurements Report and to**
118 **authorize Administrator to make the necessary updates for submission by September 1st.**
119 **Commissioner Flory seconded. Commissioner Flory commented on the value of visualizing the trends**
120 **in programs and services. There will be a final report for the Commission's review at the next**
121 **meeting. Motion carried.**

122
123 **ITEM #7: STRATEGIC PLAN**
124
125 Ms. Murrison briefly reviewed the overall strategic planning process, which began back in February
126 2011. Discussion on feedback received from districts and importance of moving forward with districts as
127 partners. Prepared alternatives for Commissioner's consideration based on the feedback and comments
128 received. Draft three was distributed and discussions with partners incorporated additional changes to
129 the draft plan.

130
131 Three core functions were identified: District Support Services, Programs, Administration and the
132 priorities as established by the Commission. There was a review of Commission responsibilities under
133 the core functions and the number of FTPs currently allocated to each. Ms. Murrison reviewed
134 Administration functions the agency is responsible for including strategic planning, reporting,
135 rulemaking, budgeting, HR, legal, IT, and fleet management.

136
137 Ms. Murrison discussed the FTPs assigned to each core function and the need to assess the current
138 workload to ensure that staff is properly distributed across the state and among mandated programs.

139
140 Vice Chair Radford commented about the value of this visual to understand the agency responsibilities
141 and commended the attendance of Terry Halbert at all of the meetings, the partners that have
142 contributed to the process, and heard from the districts that they want everyone to be successful.

143 Ms. Murrison discussed staffing. One of the district concerns was the lack of technical assistance. She
144 has identified a solution to relieve three current supervisors of some administrative duties to allow them
145 to provide more technical services, which would shift supervisory duties to an Ag Program Specialist that
146 would also be responsible for the statewide district support services.

147
148 Ms. Murrison reviewed the proposed organizational chart. One FTP is to be converted to the loan
149 program and cannot be paid out of the general fund because there are insufficient funds to pay for the
150 position.

151
152 Ms. Murrison reviewed the tracked changes in the Strategic Plan as proposed from the August 24th
153 meeting. The prior meeting did not have sufficient time to review all of the objectives contained within
154 Goal #3: Administration. Ms. Murrison felt that it was important to highlight all of the agency functions
155 that the Commission is responsible for. All state agencies are responsible for the same components and
156 most operate with much larger staff. Further review of administration duties as covered within the
157 proposed strategic plan under Goal #3.

158
159 Ms. Murrison highlighted the loss of two highly-qualified field staff to other agencies that were able to
160 provide additional pay and better opportunities. Staff will be evaluating comparable positions in other
161 agencies and providing a report and recommendation to the Commission.

162
163 Harriet Hensley, Deputy Attorney General, provided some suggested edits that were incorporated into
164 the plan, including replace 'TA' with 'technical assistance' within the entire document.

165
166 Randy Purser reported on behalf of IASCD. He thanked the Commission for their time and patience to
167 involve the districts and partners in the process. Mr. Purser pledged support to participate in the
168 various workgroups cited in the proposed plan. The IASCD board met via teleconference on August 29,
169 2011.

170
171 There was a resolution passed last night that supports draft three with the following caveats:
172 - That the Commission not fill any vacancies until working group can evaluate needs
173 - That the Commission conduct a workload analysis
174 - IASCD does not support any plan that removes any technical assistance from districts as passed
175 by resolution at the 2010 Annual Conference

176
177 Mr. Purser stood for questions from the Commission. Vice Chair Radford asked if the staffing as
178 presented today represents their support. Mr. Purser confirmed that it does.

179
180 Commissioner Stutzman provided some additional comments. Believes this plan is fluid and that the
181 Commission has been very transparent throughout the entire process. Requested that there be a
182 resolution of support at the 2011 conference. Mr. Purser advised that the resolution will need to come
183 from one of the districts.

184
185 Chairman Bronson commented on the district, IASCD, and partners' involvement in the process. There
186 has been significant input into the hiring of the Administrator, the strategic plan, and staffing. There
187 were several drafts for the Commission to consider and there were perceptions that the Commission
188 was trying to hire another administrative staff position. Chairman Bronson assured all partners that was
189 never the case.

190

191 Ms. Murrison brought up that if IASCD will not support hiring any positions that it will leave the
192 Commission in a bind because there is one offer ready to be made for the Arco position, one position
193 closes today, one position will be transferred to the loan program, and the statewide support position
194 will be the one to conduct the workgroups, the analysis, and other components as identified in the
195 strategic plan.

196
197 Mr. Purser and Dave Ascuena both commented. The resolution as passed was not delineated in their
198 meeting and the concern is that Commission has carte blanche on how they staff these positions.

199
200 Chairman Bronson commented that the Administrator does need to be granted the ability to staff
201 appropriately. Vice Chair Radford doesn't believe that it is appropriate for the districts to have veto
202 power on the staffing issues. Mr. Purser responded that it is not the intent of districts to attempt to do
203 so.

204
205 **Commissioner Flory moved to approve the FY 2012-2015 Strategic Plan as amended and discussed.**
206 **Vice Chair Radford seconded. No further discussion. Motion carried.**

207
208 The Chair called for a five-minute break at 1:23 pm.
209 The meeting reconvened at 1:35 pm.

210
211 Chairman Bronson apologized for having members, staff, and partners meet through lunch. Would like
212 to conclude business today and will not be meeting on Wednesday, August 31, 2011.

213
214 **ITEM #8: OTHER BUSINESS**

215
216 Bret Rumbeck reported on the 2011 Envirothon. A team from Rigby won the Idaho competition and
217 participated in the national competition in Canada. The level of competition was extremely high but the
218 Idaho team enjoyed the experience. He is planning to bring the team to report on their experience to a
219 business meeting.

220
221 Mr. Rumbeck thanked the Commission for incorporating the district's feedback during the strategic
222 planning process.

223
224 Vice Chair Radford suggested that Mr. Rumbeck work with Commission staff to share the Envirothon
225 experience with legislature or other interested partners. Mr. Rumbeck advised that he is pursuing
226 options to create a video project to tell the entire conservation story.

227
228 **RESOURCE CONSERVATION AND RANGELAND DEVELOPMENT PROGRAM**

229
230 **ITEM #9: RCRDP LOAN INTEREST RATES**

231
232 Ms. Murrison reviewed the rules and policy that allow the Commission to set the interest rates each
233 year. In order to support the additional work as proposed in the strategic plan, staff is recommending a
234 revision to the loan terms on the current interest rates.

235
236 Current loan rates and terms:
237 2% APR 1-7 years
238 3% APR 8-12 years

239 4% APR 13-15 years

240

241 Proposed loan rates and terms:

242 2% APR 1-4 years

243 3% APR 5-10 years

244 4% APR 11-15 years

245

246 Vice Chair Radford spoke in support of the adjustment to support loan activity. He was hopeful that
247 there would be a proposal to reimburse districts for their work on the loan program to encourage
248 additional loans. Ms. Murrison responded that this is a process that needs to be thoroughly examined
249 and researched before presenting a recommendation to the Commission for consideration.

250

251 **Vice Chair Radford moved to approve the interest rates and terms for FY 2012 at 2% APR for 1-4 years,**
252 **3% APR for 5-10 year, and 4% APR for 11-15 years. Commissioner Flory seconded. No further**
253 **discussion. Motion carried.**

254

255 **ITEM #10: RCRDP FINANCIAL REPORTS**

256

257 Ms. Magruder presented the RCRDP Financial Report for June and July 2011. Closed out the fiscal year
258 with an ending cash balance of \$2,984,699.

259 • Total principal received: \$1,721,844

260 • Total interest received: \$400,119

261 • Total personnel costs: \$11,161

262 • Total operating costs: \$94,362

263 • Total loan disbursements: \$724,664

264

265 RCRDP Financial Report for July 2011:

266 • Beginning cash balance: \$2,984,688

267 • Interest received: \$8,169

268 • Principal received: \$62,296

269 • Personnel costs: \$2,288

270 • Operating costs: \$4,287

271 • Loan disbursements: \$7,571

272 • Ending cash balance: \$3,041,007

273

274 **Commissioner Flory moved to accept the RCRDP Financial Reports for June 2011 and July 2011. Vice**
275 **Chair Radford seconded. No further discussion. Motion carried.**

276

277 Chairman Bronson advised the meeting is going to move to the Attorney General's office on the 2nd floor
278 of the JRW building 700 W. State St, Boise in order to review pending loan business in executive session.
279 The Commission will conduct open session after only for the purposes of disposing of pending loan
280 business.

281

282 **Commissioner Flory moved to enter into executive session pursuant to Idaho Code § 67-2345(d) for**
283 **the purpose of considering pending RCRDP loan applications only. Radford seconded. No discussion.**
284 **Roll call vote was taken with all voting in the affirmative. Motion passed unanimously.**

285

286 The Commission moved into executive session at 2:12 pm. Terry Hoebelheinrich, Teri Murrison, Kristin
287 Magruder, Harriet Hensley, and Erin Seaman were invited to stay.

288

289 **Executive session ended at 2:47 pm.**

290

291 **ITEM #11: RCRDP PENDING LOAN BUSINESS**

292

293 Commissioners discussed the disposition of pending RCRDP loan business.

294

295 Loan No. 652 Reconsideration

296 Amount: \$78,200 (\$30,000 approved)

297 Term: 7 years

298 Rate: 2%

299

300 This loan is a reconsideration request from a previously approved action at the June 7, 2011. At that
301 time, the Commission approved a portion of the request and denied the portion that had been financed
302 by a third party prior to approval.

303

304 **Commissioner Flory moved to deny the reconsideration of Loan A-652 based on IDAPA 60.05.01**
305 **Section 56.02.c.ii. Commissioner Radford seconded. No further discussion. Motion carried.**

306

307 Loan No. A-657

308 Amount: \$35,000

309 Term: 10 years

310 Rate: 3%

311

312 **Vice Chair Radford moved to deny the applicant's request. The application meets the criteria for**
313 **conservation benefit but does not meet the loan criteria as established in IDAPA 60.05.01 and RCRDP**
314 **loan policy. Commissioner Flory seconded. No further discussion. Motion carried.**

315

316 **At 2:49 pm, Chairman Bronson adjourned the meeting.**

317

318 Respectfully submitted,

319

320

321 Roger Stutzman

322 Commissioner and Secretary,

323 Idaho Soil & Water Conservation Commission



Idaho Soil & Water Conservation Commission

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ITEM #3e

IDAHO SOIL & WATER CONSERVATION COMMISSION PUBLIC TELECONFERENCE MEETING

Date and Time:

Thursday, September 15, 2011

From 7 am to 10 am MDT

Location:

Soil & Water Conservation Commission

650 West State St, Rm 145, Boise Idaho

DRAFT MINUTES

COMMISSION MEMBERS PRESENT:

Dick Bronson
Roger Stutzman

Dave Radford
Bill Flory

ADVISORS PRESENT:

Randy Purser, President, IASCD

COMMISSION STAFF PRESENT:

Teri Murrison
Kristin Magruder

Terry Hoebelheinrich
Erin Seaman

PARTNERS AND GUESTS PRESENT:

Harriet Hensley, Deputy Attorney General
Art Beal, IASCD

1
2 **ITEM #1: WELCOME AND INTRODUCTIONS**

3
4 The meeting was called to order by Chairman Dick Bronson, Idaho Soil & Water Conservation
5 Commission (SWC) member at 7:03 a.m.
6

7 **ITEM #2: ROLL CALL**

8
9 Roll call: Dick Bronson, Roger Stutzman, Bill Flory and Dave Radford present. A quorum being reached,
10 the meeting began.
11

12 **ITEM #3: REVIEW AGENDA**

13
14 Chairman Bronson dispensed with the review of the agenda.
15

16 **ITEM #4: ADMINISTRATORS REPORT**

17
18 Teri Murrison, Administrator, provided a report on activities over the past few weeks. She is currently
19 in Eastern Idaho attending meetings and tours and plans on attending all of the upcoming division
20 meetings. The annual ICRMP insurance payment has been made on behalf of the districts and noted
21 that the Commission will be unable to pay this in future years due to increased costs in other areas that
22 they have to cover. Mason LeFevre is the newest member of the Commission and starts in Arco on
23 September 19th. He will be in Boise next Tuesday for orientation. There was an excellent response to
24 the positing of the Emmett position. There were 47 applications received and they are currently being
25 reviewed and staff is working to get an interview panel set up. Discussion followed.
26

27 **ITEM #5: FY 2011 PERFORMANCE MEASUREMENT REPORT**

28
29 Kristin Magruder, Commission Program Specialist, reviewed the FY 2011 Performance Measurement
30 Report as submitted to the Division of Financial Management on September 1, 2011. Vice Chair Radford
31 had questions regarding the district survey results, the Excel training, and how it helped or related to the
32 district reporting requirements. Ms. Magruder advised that there were several districts that had
33 difficulty with the FY 2011 Excel reports, so the webinar training was scheduled to help the districts
34 needing this skill set. The districts will now be able to utilize those skills to complete the forms required
35 for FY 2012 reports.
36

37 **ITEM #6: IDAHO DEPARTMENT OF AGRICULTURE PROPOSED POULTRY RULE**

38
39 Ms. Murrison provided an overview regarding the proposed poultry rule. Other states that are heavily
40 regulated are losing producers to ag-friendly states like Idaho. ISDA is proposing this rule in order to
41 deal with licensing issues related to new and expanding poultry farms. Staff is providing this information
42 to Commissioners for consideration and guidance on drafting a comment letter. The last updates
43 included addressing some waste management issues. Discussion followed.
44

45 Commissioner Flory asked what the importance of this rule is to ISDA and other partners. Ms. Murrison
46 advised that this isn't a high profile public issue, but ISDA and other partners are being proactive. Ms.
47 Murrison advised that staff is reviewing the pending rule now and will prepare a draft comment letter
48 for Commission review at the October meeting. Randy Purser advised that this is Senator Corder's bill

49 and he has been invited to speak at conference. He believes this is more of a local issue for Southern
50 Idaho districts. Currently, the rule does not address confinement. Producers believe that those types of
51 regulations would come next, following the lead of other states. Ms. Murrison proposed working with
52 IASCD to identify potential issues to comment on and will have a draft comment letter for
53 Commissioners' consideration at the next meeting. Mr. Purser agreed to work with Commission staff to
54 identify potential concerns with the pending rule. Discussion followed regarding history of rule.

55

56 **ITEM #7: OTHER BUSINESS**

57

58 There were no other business items for discussion.

59

60 **RESOURCE CONSERVATION AND RANGELAND DEVELOPMENT PROGRAM**

61

62 **ITEM #8: PENDING LOAN BUSINESS**

63

64 **Vice Chair Radford moved to enter into executive session pursuant to Idaho Code § 67-2345(d) for the**
65 **purpose of considering pending RCRDP loan applications only. Commissioner Stutzman seconded. No**
66 **discussion. Roll call vote was taken with all voting in the affirmative. Motion passed unanimously.**

67

68 The Commission moved into executive session at 7:47 am. Teri Murrison, Terry Hoebelheinrich, Kristin
69 Magruder, Harriet Hensley, and Erin Seaman were invited to stay.

70

71 **Executive session ended at 7:58 am.**

72

73 Commissioners discussed the disposition of pending RCRDP loan business.

74

75 Loan No. 655

76 Amount: \$79,240

77 Term: 7 years

78 Rate: 2%

79 Conservation Benefit: Water savings, reduced nutrient and sediment flowing into creek

80

81 **Vice Chair Radford moved to deny Loan A-655 as the application meets criteria for conservation**
82 **benefit but does not meet the loan criteria as established in IDAPA 60.05.01 and RCRDP loan policy.**
83 **Commissioner Flory seconded. No further discussion. Motion carried.**

84

85 **At 8:00 am, Chairman Bronson adjourned the meeting.**

86

87 Respectfully submitted,

88

89

90 Roger Stutzman

91 Commissioner and Secretary,

92 Idaho Soil & Water Conservation Commission



Idaho Soil & Water Conservation Commission

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ITEM #4

TO: Chairman Bronson, Commissioners Stutzman, and Radford
FROM: Teri Murrison, Administrator 
DATE: October 5, 2011
RE: Administrator's Report

As you know, Commissioner Flory resigned effective October 1, 2011, leaving the Commission with two unfilled seats (see attached letter of resignation). Staff appreciates the dedication and diligence with which Commissioner Flory approached his duties. We'll miss his input and his humor. We are hopeful that two new Commissioners will be appointed soon.

a. SWC August 2011 Financial Report (attached) As of August 31, 2011:

- SWC began the fiscal year with a cash balance of \$2,249,791. 27.32% of SWC's annual budget has been expended through FY 2012. Staff met with Admin about this trend and was assured that due to the sporadic nature of some disbursements, we are on track with previous years' performance. Please note the following variables that impact expenditures.
 - Trending low on Personnel at 13.07% due to unfilled vacancies.
 - Trending high on Operating at 30.47% due to:
 - SWCAP (indirect charges) agency expenses of \$38,000.
 - Higher fuel costs due to field season.
 - Increased travel costs for new administrator to meet with districts.
 - All staff meeting in July.
- Trustee & Benefits account is unchanged from last month at 39.32% due to base allocation of \$433,500. There will be another large disbursement of these funds in November.
- The RCRDP fund (7351) began the year with \$2,984,699 cash. Since that time, the fund has:
 - Received \$81,423 in principal payments, \$10,617 in loan interest, \$4,251 cash interest, has made a total of \$11,120 in disbursements, and has expended \$15,992. The cash balance in the RCRDP account is now slightly over \$3 million.
- The current RCRDP loan balance at the end of August was \$6,925,848.
- There has been no activity in the DEQ revolving loan fund. Actual loan balance remains at \$803,146.

Activities Update

Since your last meeting, your administrator has attended the following meetings and events:

- Butte SWCD Education Day and Board meeting in Mackay;
- Orientation and Initial session of the Idaho Certified Public Managers Program;
- Division I, II, & III Fall meetings in Lewiston, Plummer, and Boise; and
- Partnership for Rural Idaho meeting.



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Administrator district visits will slow significantly until after the Legislative session. Over the next few months among other things, we'll be working on drafting an Overall Work Program, attending and speaking at the IASCD annual meeting, and preparing for the Legislative budget review process after the first of the year.

If Commissioners wish to attend the Fall Division meetings, please let us know and we will forward further details. The remaining schedule is as follows:

Fall 2011 IASCD Division Meetings					
Division	Hosting District	Meeting Date	Time	Meeting Location	Agenda/Contact
IV	West Cassia SWCD	Wednesday November 2, 2011	TBA	TBA (Burley)	Agenda - Chris @ 733-5380
Director:	Rick Rodgers				Facilities - Doreen @
V		TBA	TBA	TBA	Agenda - Krystal @ 237-4628
Director:	Kit Tillotson				Facilities - TBA
VI	Butte SWCD	Friday	9:30 AM	Community Building	Agenda - Frances @ 527-8557
Director:	Randy Purser	October 28, 2011		Howe, Idaho	Facilities - Frances @ 527-8557

Personnel Update WQRC, Emmett: Interviews for this position are scheduled to take place on Friday, Oct. 7th. Staff hopes to have a new WQRC employee on board for this position in early October.

Agricultural Program Specialist position, statewide: Attached is a copy of the position announcement for the Ag Program Specialist. As you will see, the position retained the requirement for strong technical qualifications and the successful candidate may be located anywhere in the state, however must be available to work in Boise a minimum of 1 week per month. The position recruitment closes Friday, Oct. 7th. Tony Bennett, formerly of this agency, will rank the applications and we will convene a panel of interviewers from our conservation partners (similar to the panel for Administrator). The panel will recommend the top three candidates to me for final selection. We hope to have made a selection and have someone on board by the end of October.

Office Space We were recently notified that the office space next door will be vacated by the beginning of November. As you know, the Boise office is quite crowded and we have agreed to expand into that space. It's not a large space, but will allow us to modify our current arrangement so that the RCRDP program (and files) has adequate secure space, as well as provide an office for the Ag Program Specialist and other staff when they are in town.

Coordination Training in November Please hold open the 13-16th of November to attend all or a portion of the IASCD conference, including a training sponsored by the Commission on coordination. We are planning to bring in Commission staff to attend, as well. Commissioners are strongly encouraged to

v:\commission meeting folder\agenda staff memos and attachments holding file\october 12 attachments\ar oct 12 2011.doc



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attend to learn how coordination can be effectively used to increase conservation partnerships and resources.

The Commission will have a regular meeting on the afternoon of Monday, November 14. That evening I will host an All Staff/Commissioner Thanksgiving celebration at my house in Eagle. Yes, I finally found a place. By that time, furniture and animals will be Idaho residents. Husband to follow soon... I hope. Please plan to join us for the conference and for an early Thanksgiving.

Calendar of Upcoming Events

November 2011

- November 13-16: IASCD Conference in Boise
- November 14: Commission meeting & SWC Thanksgiving Celebration
- November 16: Coordination training

December 2011

- December 21, 22: Commission meeting (possibly by teleconference)

RECOMMENDED ACTION: For information only.

Attachment: Letter of Resignation, Commissioner Flory
SWC August 2011 Financial Report
Agriculture Program Specialist Job Announcement

Bill Flory
1965 Winchester Road
Culdesac, Idaho 83524

The Honorable Butch Otter
Statehouse
Boise, Idaho 83701

Dear Governor Otter:

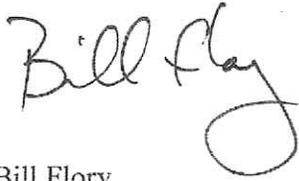
Public service is an honor and duty I am glad to be a part of. When you reappointed me in the spring of 2010 to a second one-year term on the Idaho Soil and Water Conservation Commission, I was honored by your confidence in me. I was also pleased to continue to work with a talented group of commissioners, staff, and district employees that lived and breathed locally led, non-regulatory conservation. Like you, we all appreciate an Idaho with clean air and water.

When you appointed me to the Idaho Wheat Commission in September, 2010, your staff made it clear that I would serve out my one-year term on the Idaho Soil and Water Conservation Commission which would end July 1, 2011.

Please accept my resignation from the completed one year term on the Idaho Soil and Water Commission effective October 1, 2011.

Again, thank you for your consideration and confidence!

Respectfully submitted,

A handwritten signature in black ink that reads "Bill Flory". The signature is written in a cursive style with a large, looped "y" at the end.

Bill Flory

Cc: Honorable Brad Little
Chairman Dick Bronson
Idaho Soil and Water Conservation Commission
Idaho Association of Soil Conservation Districts

SWC REPORT SUMMARY for AUG 2011 (17%)

GENERAL FUND	PERSONNEL			OPERATING			TRUSTEE & BENEFITS			CASH			
FY11	BUDGET	EXPENSE thru End of Current Month	BALANCE	BUDGET	EXPENSE Thru End of Current Month	BALANCE	BUDGET	EXPENSE Thru End of Current Month	BALANCE	BEG CASH AT 7/1/11	PLUS TOTAL REC TO DATE	LESS TOTAL EXP TO DATE	CASH BALANCE End of Current
INDEX													
7111 MANAGEMENT BOARD	1,693	505	1,188	3,957	126	3,831	0	0	0	5,650	0	631	5,019
7201 ADMIN & FIELD STAFF	877,599	117,084	760,515	155,056	52,845	102,211	0	0	0	1,032,655	1,830	169,928	864,557
7202 TEMPS	0	0	0	0	0	0	0	0	0	0	0	0	0
7310 DISTRICT ALLOCATIONS	0	0	0	0	0	0	1,053,200	433,500	619,700	1,053,200	0	433,500	619,700
7315 GRANTS/AGREEMENTS/CONTRACTS	0	0	0	0	0	0	0	0	0	0	0	0	0
7320 WQPA WATER QUALITY	0	0	0	0	0	0	0	0	0	50,000	0	240	49,760
7350 CREP	89,308	9,055	80,253	18,987	1,263	17,724	0	240	49,760	0	0	0	97,977
TOTAL GENERAL FUND 0001	968,600	126,644	841,956	178,000	54,234	123,766	1,103,200	433,740	669,460	2,249,800	1,830	614,618	1,637,013
			13.07%			30.47%			39.32%				27.32%
7325 SWC PROFESSIONAL SERVICES	0	0	0	40,000	0	40,000	0	0	0	1,450	2,832	0	4,282
TOTAL FUND 0450	0	0	0	40,000	0	40,000	0	0	0	1,450	2,832	0	4,282

DEDICATED FUND	PERSONNEL			OPERATING			CASH						
FY11	BUDGET	EXPENSE thru End of Current Month	BALANCE	BUDGET	EXPENSE Thru End of Current Month	BALANCE	BEG CASH AT 7/1/11	PLUS TOTAL REC TO DATE	PLUS TOTAL LOAN INTEREST TO DATE	PLUS TOTAL CASH INTEREST TO DATE	LESS LOAN DISBURSE- MENTS	LESS TOTAL EXP TO DATE	CASH BALANCE End of Current
7351 RCRDP LOAN ADMINISTRATION	83,600	4,658	78,942	101,600	11,334	90,266	2,984,699	81,423	10,617	4,251	11,120	15,992	3,053,877
TOTAL RCRDP ADMIN 0522-01	83,600	4,658	78,942	101,600	11,334	90,266	2,984,699	81,423	10,617	4,251	11,120	15,992	3,053,877
			5.57%			11.16%							
7361 REVOLVING LOAN - DEQ	0	0	0	30,000	0	30,000	13,208	0	0	34	0	0	13,242
TOTAL DEQ LOAN 0529-16	0	0	0	30,000	0	30,000	13,208	0	0	34	0	0	13,242
			0.00%			0.00%							

LOAN PROGRAMS	CASH BALANCE			
FY11	BEG LOAN BALANCE AT 7/1/10	LESS TOTAL PRINCIPAL REC'D TO DATE	PLUS TOTAL LOANS DISBURSED / PYMNTS MADE TO DATE	ACTUAL LOAN BALANCE End of Current Month
7351 RCRDP LOAN ADMINISTRATION	6,995,621	80,892	11,120	6,925,848
TOTAL RCRDP ADMIN 0522-01	6,995,621	80,892	11,120	6,925,848
7361 REVOLVING LOAN - DEQ	803,146	-	0	803,146
TOTAL DEQ LOAN 0529-16	803,146	0	0	803,146



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**If you have questions,
please contact us at:**

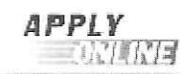
(208) 332-1819

FAX:

(208) 334-2307

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hr@admin.idaho.gov



[Click Here!](#)

Agriculture Program Specialist

Soil and Water Conservation Commission

Open for Recruitment: September 23, 2011 - October 7, 2011

Announcement # 00412094174

Salary Range: \$21.17 to \$25.00 an hour -Plus Competitive Benefits!

Location(s): Statewide

The Idaho Soil and Water Conservation Commission was established by the Legislature in 1939 to address soil erosion concerns associated with the Dust Bowl Catastrophe of the 1930's. Since then, the Commission has evolved into a leader for voluntary natural resource conservation in Idaho with the responsibility to support and serve Idaho's 50 soil and water conservation districts by providing technical assistance and facilitating coordinated science-based, locally-led, voluntary, and non-regulatory conservation planning and implementation activities statewide.

The Commission has an opportunity for an Agriculture Program/District Support Services Specialist to join our team.

**The position may be located anywhere in the State
however the incumbent will be expected to work a
minimum of one week per month in Boise.**

**The successful candidate must pass a fingerprint-based
background and driving record check.**

NATURE AND SCOPE

Incumbents provide leadership and coordination for the Idaho Soil and Water Conservation Commissions (SWC) support to local conservation districts, technical assistance efforts and implementation programs.

Typical Duties:

- District and other Commission Programs Technical Support
 - As outlined in the Commission strategic plan, lead process for coordinating statewide technical assistance by conducting annual district needs assessment, collaborate with conservation partners, lead stakeholder workgroup(s) to rank requests for technical assistance, and strategize provision of coordinated technical

- assistance in accordance with the Commission, district, and partner strategic and conservation plans.
- Lead process to prioritize and allocate available Commission technical assistance staff time consistent with Commission goals and objectives.
- Assist interested local conservation districts to adopt resolutions, update existing policies, and adopt new policies to be utilized in intergovernmental coordination processes.
- Supervision, in conjunction with regional team leaders.
 - Supervise regional team leaders and field staff in performance of technical assistance duties and other tasks as assigned.
 - Set priorities and employee objectives; create work plans and oversee activities to ensure all necessary work is completed.
 - Evaluate technical field staff employee performance and provide feedback and coaching.
 - Create employee development plans to accomplish department and employee goals.
 - Oversee field staff and regional team leader selection process.
- Program Management and Planning in conjunction with regional team leaders.
 - Inspect fieldwork and review documents for technical requirements, compliance with state and federal laws, and fairness in lease/contract administration.
 - Participate in natural resource groups and processes to focus attention on the roles, policies, and plans of the Commission and districts to attract partners and resources.
 - Review and approve expenditures within authority and monitor district support and other program budgets throughout the year.
 - Assist in the response to public, legislative and industry requests for information.
 - Assist with coordination of intergovernmental planning and implementation of locally led voluntary conservation efforts.

MINIMUM QUALIFICATIONS

Experience: independently reviewing laws, regulations, policies and/or procedures for compliance or explaining to others how they apply to specific situations; developing written technical reports or correspondence evaluating agricultural, scientific or business related issues; and preparing and delivering oral presentations.

Good knowledge of resource management systems that include soil conservation practices and water quality best management practices planning, implementation, and evaluation.

Some knowledge of liaison activity with multiple individuals and agencies; supervisory practices.

Travel as required.

Valid driver's license.

SPECIALITY QUALIFICATIONS

Experience developing, monitoring and evaluating grants, activities and expenditures; interpreting public land survey legal descriptions, aerial photos, topographic and property ownership maps; using geographic information systems principles and data models; independently solving problems and conducting liaison activities with multiple individuals/agencies including landowners and conservation districts; and working with federal and state resource regulatory agencies.

Good knowledge of financial analysis.

Some knowledge of intergovernmental coordination process.

EXAMINATION:

Training and Experience. Respond to the examination questions based on your training and experience directly related to this position. Scoring will be based on your responses. **It is necessary that you respond to each question and provide sufficient information to demonstrate you meet the qualifications of the position. Applicants must receive a minimum rating of 70 to pass this examination.** Exam results will be available online when the review process is complete. If you did not **Apply Online**, you will receive written notification of your exam results.

HOW TO APPLY:

Click on the **Apply Online** button to the left and follow the instructions provided to complete the Application Checklist and Exam for this position. If you are unable to use the **Apply Online** process, you must respond to the exam questions on this announcement and complete a State of Idaho Application. For a paper application, click on Forms at the top of the screen.

When completing your online application information, please select

Soil and Water Conservation Commission under "Agencies,"

Full-time employment under "Job Type/Shift"

Statewide under "Cities"

Without this information, your name cannot be referred to the hiring agency.

When updating your online application information, you must complete all items in the Application Checklist. (This includes: Personal Information, Education, Work History, Cities, Agencies and Job type.) Without this information your name cannot be referred to the hiring agency.

To preview the minimum qualifications for this position, click on the Preview Exam button below. (You will not be able to apply from this screen. Please follow the directions under How to Apply.)

Preview Exam

OVERTIME NOTICE:

At the discretion of the appointing authority, compensatory time off may be provided in lieu of overtime cash compensation.

Hiring is done without regard to race, color, religion, national origin, sex, age or disability. In addition, preference may be given to veterans who qualify under state and federal laws and regulations. If you need special accommodations to satisfy testing requirements, please contact the Division of Human Resources.



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ITEM 5

TO: Chairman Bronson, Commissioners Stutzman and Radford
FROM: Kristin Magruder, Program Specialist (Policy and Operations)
DATE: October 5, 2011
RE: District Allocation Working Group

At the August 17, 2011 Commission meeting, the board directed staff to reconvene the working group that reviewed the district financial and match reports from last fiscal year. Last year, the working group was established to analyze the process, deadlines, and in-kind match as established by the new rule and the Commission adopted the recommendations of the working group for distribution of match funds. Since then, many of the issues that the working group identified have been clarified in policy and the process of peer review was invaluable.

This year's working group consists of: Terry Halbert, North Side SWCD; Kent Foster, Ada SWCD; Kit Tillotson, Portneuf SWCD; Lori Ringel, Teton SCD; Steve Becker, Nez Perce SWCD; Terry Kramer, Balanced Rock SCD; and Dick Bronson, SWC Chairman, Payette. Since these parties had the benefit of previous experience, it was very helpful to have that institutional knowledge for this year's working group.

At the Chairman's direction, staff did a first-level review of the district reports, requested additional information as needed, and compiled the information for the working group's review. A teleconference was held on Tuesday, September 27, 2011 to review each submitted report and make recommendations for the Commission's consideration.

The recommendations are included in the attached spreadsheet. In addition to the recommendations, the working group requested some additional information from districts to be submitted no later than Tuesday, October 11, 2011 by noon. Those responses will be compiled and an update will be presented for consideration at the meeting.

Additionally, there were issues that the working group needed some clarification on and a report will be provided at the Chairman's request by the Attorney General's office during the meeting.

RECOMMENDED ACTION: Review recommendations as provided by the working group and approve or amend as necessary.

Attachments:

FY12 District Allocation Report

FY 2012 DISTRICT ALLOCATION REPORT

District	Total Match Submitted	Cash	Services	Local Unit of Govt	Notes	Working Group Recommendation
Ada	\$ 45,000.00	45,000.00	-	Ada Co	Ok	\$ 45,000.00
Adams	\$ 3,980.00	2,000.00	1,980.00	Adams Co	Ok	\$ 3,980.00
Balanced Rock	\$ 7,850.00	7,350.00 500.00	- -	Twin Falls Co Owyhee Co	WG: Request auditable document SWC: Rcvd 9/30/11	\$ 7,850.00
Bear Lake	\$ 18,908.00	9,450.00	2,324.00	Bear Lake Co	Requested addtl info 9/15/11	\$ 10,584.00
		100.00	-	Preston/Mont Irr Co	Requested addtl info 9/21/11	
		-	840.00	KVSI Radio	WG: Recommend to not allow CWMA unless district can provide addtl information in support of their request; disallow Bear Lake Co election services	
		-	194.00	News Examiner		
Benewah	\$ 4,500.00	3,500.00	-	Benewah Co	WG: Request auditable document	\$ 4,500.00
		1,000.00	-	Shoshone Co	SWC: Rcvd letter on 9/30/11	
Blaine	\$ 13,800.00	13,600.00	200.00	Blaine Co	Requested addtl info 9/16/11 9/27 - Rcvd info - \$13,600 from county was rcvd FY10; this year's funds was received FY12; WG: refer to AG office for further consideration; disallow election in-kind	Pending AG opinion
Bonner	\$ 6,750.00	6,750.00	-	Bonner Co	WG: Request auditable document	\$ 6,750.00
Boundary	\$ 8,500.00	8,500.00	-	Boundary Co	WG: Request auditable document SWC: Rcvd letter on 9/30/11	\$ 8,500.00
Bruneau River	\$ -	-	-	Owyhee Co	No report recvd a/o 9/30/11 WG: Recommend not to approve match funding until a report is provided.	\$ -
Butte	\$ 8,817.00	5,000.00	-	Butte Co	Ok	\$ 8,817.00
		2,575.00		Custer Co		
		1,242.00		See list		
Camas	\$ 4,400.00	4,400.00	-	Camas Co	WG: Request auditable document	\$ 4,400.00
Canyon	\$ 7,500.00	7,500.00	-	Canyon Co	WG: Request auditable document	\$ 7,500.00
Caribou	\$ 10,000.00	9,000.00	-	Caribou Co	WG: Recommend do not allow city of Soda Spring unless addtl information is rcvd. Letter states that funds are to be used to purchase trees related to a program.	\$ 9,000.00
		1,000.00	-	City of Soda Spgs		

FY 2012 DISTRICT ALLOCATION REPORT

District	Total Match Submitted	Cash	Services	Local Unit of Govt	Notes	Working Group Recommendation
Central Bingham	\$ 3,000.00	3,000.00	-	Bingham Co	WG: Request auditable document	\$ 3,000.00
Clark	\$ 7,500.00	7,500.00	-	Clark Co	WG: Request auditable document SWC: Rcvd 9/28/11	\$ 7,500.00
Clearwater	\$ 10,100.00	8,500.00	-	Clearwater Co	Ok	\$ 10,100.00
		100.00		Avista		
		1,500.00		Verle Kaiser Fndn		
Custer	\$ 4,100.00	3,000.00	-	Custer Co		\$ 4,100.00
		1,000.00		Lemhi Co	Ok	
		50.00		Tri-County Supply		
		50.00		Thompson Ck Mine		
East Cassia	\$ 2,500.00	2,500.00	-	Cassia Co	Ok	\$ 2,500.00
East Side	\$ 6,000.00	6,000.00	-	Bonneville Co	Ok	\$ 6,000.00
Elmore	\$ 6,700.00	6,500.00	-	Elmore Co	Ok	\$ 6,700.00
		200.00		Flying H Farms		
Franklin	\$ 25,037.04	9,178.50	7,250.00	Franklin Co		\$ 13,847.07
		1,601.72	-	Preston City		
		551.82	-	Pacific State Marine Fish Commission	Requested addtl info 9/19/11	
		229.43	-	West Cache Irr	WG: Recommend disallow Pacific State Marine; West Cache Irrigation; Water District 13-A; Franklin Maple Ck; Farview Lateral; Franklin Co for legal (\$500), gravel (\$75), storage (\$1,000), willows (\$2,500), Water jet (\$2,500); Pheasants Forever; Franklin City storage (\$720); City of Preston (check made out to other entity)	
		252.00	-	Water Dist 13-A		
		100.00	-	Franklin Maple Ck Pioneer Co		
		3,943.57	-	Miller Family	WG Allowed: Franklin Co cash (9178.50) and in-kind (meeting space \$500; License plate \$100; Fair Booth \$75); Miller Family RE (\$3943.57); and Anker Ditch \$50	
		50.00	-	Anker Ditch		
		360.00	-	Farview Lat Assoc		
		-	720.00	Franklin City		
-	800.00	Pheasants Forever				
Gem	\$ 5,000.00	5,000.00	-	Gem Co	Ok	\$ 5,000.00
Gooding	\$ 4,500.00	4,500.00	-	Gooding Co	Ok	\$ 4,500.00

FY 2012 DISTRICT ALLOCATION REPORT

District	Total Match Submitted	Cash	Services	Local Unit of Govt	Notes	Working Group Recommendation
Idaho	\$ 7,000.00	7,000.00	-	Idaho Co	Ok	\$ 7,000.00
Jefferson	\$ 9,500.00	9,500.00	-	Jefferson Co	WG: Request auditable document SWC: Rcvd deposit info on 9/30/11	\$ 9,500.00
Kootenai - Shoshone	\$ -	-	-	Kootenai Co	Ok - no local funds/services recvd	\$ -
Latah	\$ 21,000.00	15,500.00 2,500.00	3,000.00	Latah Co City of Moscow	Ok	\$ 21,000.00
Lemhi	\$ 5,000.00	5,000.00	-	Lemhi Co	WG: Request auditable document SWC: Rcvd letter on 9/30/11	\$ 5,000.00
Lewis	\$ 8,500.00	8,500.00	-	Lewis Co	WG: Request auditable document	\$ 8,500.00
Madison	\$ 5,000.00	5,000.00	-	Madison Co	Ok	\$ 5,000.00
Minidoka	\$ 3,000.00	3,000.00	-	Minidoka Co	WG: Request auditable document	\$ 3,000.00
Nez Perce	\$ 51,640.50	36,875.00 - - - -	12,675.00 402.50 400.00 322.00 966.00	Nez Perce Co Nez Perce Tribe City of Lewiston Culdesac Sch LCSC Service Learning Corp	Waiting on in-kind letters Emailed 9/21 9/22 - Brenda advised will send corrected info WG: Request auditable document for county, city; Tribe not eligible; LCS not eligible; request addtl info on Culdesac School donation	\$ 49,950.00
North Bingham	\$ 2,200.00	2,200.00	-	Bingham Co	Per Kathy, using Quicken and does not have the same reports as QuickBooks. WG: Request auditable document	\$ 2,200.00
North Side	\$ 45,700.00	19,700.00 26,000.00	- -	Jerome Co City of Jerome	Ok	\$ 45,700.00
Oneida	\$ 13,000.00	10,000.00 1,500.00	1,000.00 500.00	Oneida Co City of Malad	Requested addtl info 9/19/11 WG: Recommend to disallow in-kind from Malad City (\$500) and Oneida Co (\$1,000) unless auditable document provided in support of services	\$ 11,500.00
Owyhee	\$ 2,500.00	2,500.00	-	Owyhee Co	Ok	\$ 2,500.00
Payette	\$ 3,500.00	2,500.00 1,000.00	-	Payette Co City of Payette	Ok	\$ 3,500.00

FY 2012 DISTRICT ALLOCATION REPORT

District	Total Match Submitted	Cash	Services	Local Unit of Govt	Notes	Working Group Recommendation
Portneuf	\$ 16,457.00	200.00 6,500.00 9,757.00	-	City of Inkom City of Pocatello Bannock Co	Ok	\$ 16,457.00
Power	\$ 6,250.00	6,250.00	-	Power Co	Ok	\$ 6,250.00
Snake River	\$ 8,750.00	7,350.00 1,400.00	-	Twin Falls Co City of Twin Falls	WG: Request auditable document	\$ 8,750.00
South Bingham	\$ 2,000.00	2,000.00	-	Bingham Co	Ok	\$ 2,000.00
Squaw Creek	\$ 5,995.21	2,700.00 2,600.00 695.21	-	Gem Co Boise Co Valley Co	WG: Valley Co was deposited on 8/25/11 - AG opinion needed	Pending AG opinion
Teton	\$ 5,737.00	5,737.00	-	Teton Co	Ok	\$ 5,737.00
Twin Falls	\$ 7,350.00	7,350.00	-	Twin Falls Co	WG: Request auditable document SWC: Letter rcvd on 9/30/11	\$ 7,350.00
Valley	\$ 26,419.00	6,500.00	19,919.00	Valley Co	ok	\$ 26,419.00
Weiser River	\$ 10,000.00	10,000.00	-	Washington Co	WG: Request auditable document SWC: Letter rcvd on 9/30/11	\$ 10,000.00
West Cassia	\$ 2,500.00	2,500.00	-	Cassia Co	Ok	\$ 2,500.00
West Side	\$ 4,750.00	4,000.00 750.00	-	Bonneville Co Jefferson Co	ok	\$ 4,750.00
Wood River	\$ 4,500.00	4,500.00	-	Lincoln Co	Ok	\$ 4,500.00
Yellowstone	\$ 7,880.00	7,400.00	480.00	Fremont Co	Ok	\$ 7,880.00
Total	\$ 500,570.75	\$ 440,598.25	\$ 59,972.50			\$ 457,071.07



Idaho Soil & Water Conservation Commission

650 W. State St., Room 145 • Boise Idaho 83702

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

www.swc.idaho.gov

ITEM #6

TO: Chairman Bronson, Commissioners Stutzman, Flory, and Radford
FROM: Teri Murrison, Administrator *tm*
DATE: October 5, 2011
RE: Draft Comment Letter re Idaho Department of Agriculture Proposed Poultry Rule

At your last meeting, Commissioners discussed the proposed Rule that the Idaho State Department of Agriculture (ISDA) has been drafting to “govern the design, function, and management practices of waste systems on poultry concentrated animal feeding operations”. The proposed Rule is attached for your information.

At your meeting, staff was directed to prepare a draft comment letter in conjunction with input from IASCD and others. Your staff (Bill Lillibridge, Chuck Pentzer, and I) reviewed the Pending Rule as did IASCD staff.

Attached are two draft comment letters for your consideration: Draft #1 would be submitted by the Commission and in the alternative, Draft #2 by the Commission and IASCD. Both are essentially the same letters. IASCD Directors will consider commenting jointly or individually on the Monday before your meeting and Commissioners will be updated on their preference.

The proposed Rule will be published in the October issue of the Idaho Administrative Bulletin. There is a 21 day comment period. Any comments must be received by October 26th.

RECOMMENDED ACTION: Approve a draft comment letter with modifications, as desired.

Attachments:

DRAFT JOINT and SWC-only Comment Letters on Proposed ISDA Poultry Rule
ISDA Proposed Poultry Rule

DRAFT #1: SWC COMMENT LETTER ON PENDING POULTRY RULE

October 12, 2011

Ms. Celia Gould, Director
Idaho Department of Agriculture
P. O. Box 790
Boise, Idaho 83701-0790

Re: COMMENT LETTER re Proposed Rules Governing Poultry Operations

Dear Mr. Bilderback:

Thank you for the opportunity to comment on the proposed Rule 02.04.32 – Rules Governing Poultry Operations. The Idaho Soil and Water Conservation Commission and the Board of Directors of the Idaho Association of Soil Conservation Districts commend your Department for its inclusive rulemaking process and for drafting a Rule that seeks to protect the environment while limiting unnecessary regulatory restrictions on production agriculture. In general, the Rules as presented appear consistent with similar Rules governing beef and dairy.

Title 22, Chapter 27 of the Idaho Code identifies Soil and Water Conservation Districts (SWCD) and the Idaho Soil and Water Conservation Commission (ISWCC) as local and state government agencies respectively that are the “...primary entities to provide assistance to private landowners and land users in the conservation, sustainment, improvement and enhancement of Idaho’s natural resources...” These two levels of government are by statutory definition:

“(2) ... a means by which funds, including federal, state, private and other moneys, can be obtained and utilized for the accelerated development of water quality programs, multiple use forest land, rangeland, and agricultural land conservation improvements in the state, and to provide that these improvements, projects and programs be locally planned, coordinated and implemented through statutory provisions pertaining to soil conservation districts, the state soil and water conservation commission, appropriate state and federal agencies and the owners and operators of privately owned lands.”

We submit that in conjunction with the proposed Rules, locally-led, incentive-focused SWCDs can provide leadership and assistance with nutrient management plans, best management practices, and groundwater improvement strategies. Districts play a vital role in leveraging federal, state and local funds to improve water and soil in impacted areas of the state. For maximum environmental benefit, we encourage and invite ISDA to work with SWCDs as poultry operations and processing plants expand in the state of Idaho.

Again, thank you for this opportunity to comment.

Sincerely,

RICHARD BRONSON, CHAIR

DRAFT #2: SWC IASCD JOINT COMMENT LETTER ON PENDING POULTRY RULE

October 12, 2011

Ms. Celia Gould, Director
Idaho Department of Agriculture
P. O. Box 790
Boise, Idaho 83701-0790

Re: JOINT COMMENT LETTER re Proposed Rules Governing Poultry Operations

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Again, thank you for this opportunity to comment.

Sincerely,

RICHARD BRONSON, CHAIR

Add IASCD Board of Directors signature lines

IDAPA 02
TITLE 04
CHAPTER 32

02.04.32 – RULES GOVERNING POULTRY OPERATIONS

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Title 25, Chapter 40, Idaho Code. ()

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.04.32, "Rules Governing Poultry Operations." ()

02. Scope. These rules govern the design, function and management practices of waste systems on poultry concentrated animal feeding operations. These rules also establish the procedures and requirements for issuance of a permit to construct, operate, or expand poultry concentrated animal feeding operations. The official citation of this Chapter is IDAPA 02.04.32.000 et seq. For example, this section's citation is IDAPA 02.04.32.001.

()

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. ()

003. ADMINISTRATIVE APPEAL.

Hearing and appeal rights are set forth in title 67, chapter 52, Idaho Code. There is no provision for administrative appeal before the department of Agriculture under these rules. ()

004. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference and copies of these documents may be obtained from the Idaho State Department of Agriculture central office. ()

01. The 2004 Code of Federal Regulations (CFR) Title 40 Part 122 Section 122.23 (b). This document can be viewed online. ()

02. Natural Resources Conservation Service Agricultural Waste Management Field Handbook Appendix 10D (Appendix 10D) (March 2008 Edition) (USDA, NRCS). This document can be viewed online. ()

03. Nutrient Management Standard (NMS). The June 2007 publication by the United States department of Agriculture (USDA) Idaho Natural Resources Conservation Service (NRCS) Idaho Conservation Practice Standard, Nutrient Management Code 590. This document can be viewed online. ()

04. Natural Resources Conservation Service (NRCS) Idaho Conservation Practice Standard Waste Storage Facility Code 313 December 2004. This document can be viewed online. ()

05. American Society of Agricultural and Biological Engineers Specification ASAE EP393.3 Manure Storages February 2004. This document can be viewed online. ()

005. ADDRESS, OFFICE HOURS, TELEPHONE, AND FAX NUMBERS.

01. Physical Address. The central office of the Idaho State Department of Agriculture is located at 2270 Old Penitentiary Road, Boise, Idaho 83712-0790. ()

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

03. **Mailing Address.** The mailing address for the central office is Idaho State Department of Agriculture, P.O. Box 790, Boise, Idaho 83701. ()

04. **Telephone Number.** The telephone number of the central office is (208) 332-8500. ()

05. **Fax Number.** The fax number of the central office is (208) 334-2170. ()

006. IDAHO PUBLIC RECORDS ACT.

These rules are public records and are available for inspection and copying at the Idaho State Department of Agriculture central office. ()

007. – 009. (RESERVED)

010. DEFINITIONS.

The definitions set forth in Idaho Code Section 25-4002 must apply in the interpretation and the enforcement of this chapter. ()

01. **Administrator.** The administrator, or his designee, for the animal industries division of the Idaho Department of Agriculture. ()

02. **Animal Feeding Operation.** A lot or facility where the following conditions are met: ()

a. Poultry have been, are, or will be confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period; and, ()

b. Crops, vegetation, forage growth or postharvest residues are not sustained in the normal growing season over any portion of the lot or facility. ()

03. **Best Management Practices.** Practices, techniques or measures which are determined to be reasonable precautions, are a cost-effective and practicable means of preventing or reducing pollutants from point sources or nonpoint sources to a level compatible with environmental goals, including water quality goals and standards for waters of the state. ()

04. **Concentrated Animal Feeding Operation.** An AFO that is defined as a large poultry CAFO under Subsection 010.10 or as a medium poultry CAFO under Subsection 010.12, or that is designated as a CAFO in accordance with Section 25-4011, Idaho Code. Two or more AFOs under common ownership are considered to be a single AFO for the purposes of determining the number of animals at an operation, if they adjoin each other or if they use a common area or system for the disposal of wastes. ()

05. **Department.** The Idaho State Department of Agriculture. ()

06. **Director.** The Director of the Idaho State Department of Agriculture. ()

07. **Discharge.** Release of process wastewater or manure from a poultry animal feeding operation, including its land application area, to waters of the state or beyond the poultry facility's property boundaries or beyond the property boundary of any facility. Contract manure haulers, producers and other persons who haul manure beyond the operator's property boundaries are responsible for releases of manure between the property boundaries of the operator and the property boundaries at the point of application. A discharge does not include aerosolized matter, or manure that has been reasonably incorporated on the land application area. ()

08. **Land Application.** The spreading on, or incorporation of, animal waste into the soil mantle primarily for beneficial purposes. ()

09. **Land Application Area.** Land under the control of an AFO owner or operator, whether it is owned, rented or leased, to which manure, litter or process wastewater from the production area is or may be applied. ()

10. **Large Poultry CAFO.** A poultry AFO that confines as many or more than the number of poultry specified in the following categories: ()

a. Fifty-five thousand (55,000) turkeys; ()

b. Thirty thousand (30,000) laying hens or broilers, if the AFO uses a liquid manure handling system; ()

c. One hundred twenty-five thousand (125,000) chickens, other than laying hens, if the AFO uses other than a liquid manure handling system; ()

d. Eighty-two thousand (82,000) laying hens, if the AFO uses other than a liquid manure handling system; ()

e. Thirty thousand (30,000) ducks, if the AFO uses other than a liquid manure handling system; or ()

f. Five thousand (5,000) ducks, if the AFO uses a liquid manure handling system. ()

11. **Manure.** Animal excrement generated on a poultry animal feeding operation that may also contain bedding, spilled feed, water, or soil. ()

12. **Medium Poultry CAFO.** A poultry AFO that confines as many or more than the number of poultry specified in the following categories: ()

a. Sixteen thousand five hundred (16,500) to fifty-four thousand nine hundred ninety-nine (54,999) turkeys; ()

b. Nine thousand (9,000) to twenty-nine thousand nine hundred ninety-nine (29,999) laying hens or broilers, if the AFO uses a liquid manure handling system; ()

c. Thirty-seven thousand five hundred (37,500) to one hundred twenty-four thousand nine hundred ninety-nine (124,999) chickens, other than laying hens, if the AFO uses other than a liquid manure handling system. ()

d. Twenty-five thousand (25,000) to eighty-one thousand nine hundred ninety-nine (81,999) laying hens, if the AFO uses other than a liquid manure handling system; ()

e. Ten thousand (10,000) to twenty-nine thousand nine hundred ninety-nine (29,999) ducks, if the AFO uses other than a liquid manure handling system; ()

f. One thousand five hundred (1,500) to four thousand nine hundred ninety-nine (4,999) ducks, if the AFO uses a liquid manure handling system; ()

13. **Modification or Modified.** Structural changes and alterations to the wastewater storage containment facility, which would require increased storage or containment capacity or such changes which would alter the function of the wastewater storage containment facility. ()

14. **Noncompliance.** A practice or condition that causes an unauthorized discharge, or a practice or condition, that if left uncorrected will cause an unauthorized discharge, or a condition on the poultry CAFO that does not meet the requirements of the nutrient management standard, nutrient management plan, and 2004 American

Society of Agricultural and Biological Engineers (ASABE) construction standard for waste containment systems. ()

15. **Nutrient Management Plan.** A plan prepared in conformance with the nutrient management standard, provisions required by 40 CFR 122.42(e)(1), or other equally protective standard for managing the amount, source, placement, form and timing of the land application of nutrients and soil amendments. ()

16. **Operator.** The person who has power or authority to manage, or direct, or has financial control of a poultry animal feeding operation. ()

17. **Person.** Any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, state, or federal governmental department, agency or instrumentality, or any legal entity, which is recognized by law as the subject of rights and duties. ()

18. **Poultry.** Chickens, turkeys, ducks, geese and any other bird raised in captivity. ()

19. **Process Wastewater.** Water directly or indirectly used in the operation of the AFO for any or all of the following: spillage or overflow from animal or poultry watering systems; washing, cleaning or flushing pens, barns, manure pits or other AFO facilities; direct contact swimming, washing or spray cooling of animals; or dust control. Process wastewater also includes any water which comes into contact with any raw materials, products or byproducts including manure, litter, feed, milk, eggs or bedding. ()

20. **Production Area.** The part of an AFO that includes the animal confinement area, the manure storage area, the raw materials storage area and the waste containment area. The animal confinement area includes, but is not limited to, open lots, housed lots, feedlots, confinement houses, barnyards and animal walkways. The manure storage area includes, but is not limited to, lagoons, runoff pond, storage sheds, stockpiles, under house or pit storages, liquid impoundments, static piles and composting piles. The raw materials storage area includes, but is not limited to, feed silos, silage bunkers and bedding materials. The waste containment area includes, but is not limited to, settling basins and areas within berms and diversions which separate uncontaminated storm water. Also included in the definition of production area is any egg washing or egg processing facility, and any area used in the storage, handling, treatment or disposal of mortalities. ()

21. **Runoff.** Any precipitation that comes into contact with manure, compost, bedding, or feed on a poultry feeding operation and flows off the production area or flows off land application areas where the manure, compost, bedding, or feed has not been reasonably incorporated into the soil. ()

22. **Unauthorized Discharge.** A discharge of process wastewater or manure to state surface waters that is not authorized by an NPDES permit, or the release of process wastewater or manure to waters of the state that does not meet the requirements of the Title 25, Chapter 40, Idaho Code, or these rules. ()

23. **Wastewater Storage and Containment Facility.** That portion of an AFO where manure or process wastewater is stored or collected. This may include corrals, feeding areas, waste collection systems, waste conveyance systems, waste storage ponds, waste treatment lagoons and evaporative ponds. ()

24. **Waters of the State.** All accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof which are wholly or partially within, which flow through or border upon the state. ()

011. ABBREVIATIONS.

01. **AFO.** Animal Feeding Operation. ()

02. **ASABE.** American Society of Agricultural and Biological Engineers. ()

03. **CAFO.** Concentrated Animal Feeding Operation. ()

- 04. DEQ. Department of Environmental Quality. ()
- 05. FEMA. Federal Emergency Management Agency. ()
- 06. NMP. Nutrient Management Plan. ()
- 07. NMS. Nutrient Management Standard. ()
- 08. NPDES. National Pollutant Discharge Elimination System. ()
- 09. NRCS. United States Department of Agriculture, Natural Resources Conservation Service. ()
- 10. USGS. United States Geological Survey. ()

012 – 099. (RESERVED).

100. PERMIT REQUIRED.

No person may construct, operate or expand a poultry CAFO after April 6, 2011, without first obtaining a permit issued by the director as provided in these rules. ()

01. **Common Control.** Two (2) or more poultry CAFOs under common control of the same person may be considered, for purposes of permitting, to be a single facility, even though separately their capacity is less than a large or medium poultry CAFO, if they use a common animal waste system or land application site. ()

02. **Existing Poultry Facilities.** Poultry operations that existed on or before April 6, 2011, are not required to obtain a permit unless the facility is expanding to the extent that it will meet the definition of a poultry CAFO. Existing poultry facilities must register and submit an NMP in accordance with Section 170 of these Rules, and must otherwise comply with these Rules. ()

110. PERMIT APPLICATION.

01. **Permit Application.** Every person required by these rules to obtain a permit must submit a permit application to the department. The permit application will be used to determine if the construction and operation of the poultry CAFO will be in conformance with these rules. ()

02. **Contents of Application.** Each application must include, in the format set forth by the director and when determined applicable by the director, the information set forth in Section 110 in sufficient detail to allow the director to make necessary application review decisions concerning design and environmental protection. ()

- 03. **Relevant Information.** ()
 - a. Name, mailing address and phone number of the facility owner. ()
 - b. Name, mailing address and phone number of the facility operator. ()
 - c. Name and mailing address of the facility. ()
 - d. Legal description of the facility location. ()
 - e. The one-time animal capacity, by head, of the facility. ()
 - f. The type of animals to be confined at the facility. ()
 - g. The facility's biosecurity and sanitary standards. ()

- 04. Construction Plans.** Plans and specifications for the facility's animal waste management system that include the following information: ()
- a. Vicinity map(s) prepared on one (1) or more seven and one-half minute (7.5') USGS topographic quadrangle maps or a high quality reproduction(s) that includes the following: ()
 - i. Layout of the facility, including buildings and animal waste management system; ()
 - ii. The one hundred (100) year FEMA flood zones or other appropriate flood data for the facility site and land application sites owned or leased by the applicant; and ()
 - iii. Private and community domestic water wells, irrigation wells, monitoring wells, and injection wells, irrigation conveyance and drainage structures, wetlands, streams, springs and reservoirs that are within a one (1) mile radius of the facility. ()
 - b. A site plan showing: ()
 - i. Building locations; ()
 - ii. Waste facilities; ()
 - iii. All waste conveyance systems; and ()
 - iv. All irrigation systems used for land application, including details of approved water supply protection devices. ()
 - c. Building plans showing: ()
 - i. All wastewater collection systems in housed units; ()
 - ii. All freshwater supply systems, including details of approved water supply protection devices; ()
 - iii. Detailed drawings of wastewater collection and conveyance systems and containment construction. ()
 - d. If a CAFO Site Advisory Team suitability determination was not conducted for the facility, the following additional information must be provided: ()
 - i. Idaho DEQ delineated source water assessment areas within a one (1) mile radius of the facility and land application area; ()
 - ii. Idaho DEQ delineated nitrate priority areas that intersect the facility or land application area; ()
 - iii. Soil characteristics from NRCS; and ()
 - iv. Well logs associated with wells listed in Section 110.04.a.iii. ()
 - e. All construction plans will specify how the facility will meet the engineering standards outlined in the Natural Resources Conservation Service Agricultural Waste Management Field Handbook Appendix 10D (Appendix 10D) (March 2008 Edition) (USDA, NRCS), Natural Resources Conservation Service (NRCS) Idaho Conservation Practice Standard Waste Storage Facility Code 313 December 2004, or American Society of Agricultural and Biological Engineers Specification ASAE EP393.3 Manure Storages February 2004. ()

05. **Nutrient Management Plan.** NMPs must be prepared in conformance with the Nutrient Management Standard or other equally protective standard for managing the amount, source, placement, form and timing of the land application of nutrients or soil amendments. ()

06. **Other Information.** An applicant must provide any other information required by section 110 as deemed necessary by the director to assess whether the facility poses or will pose a threat to the state's water resources. ()

120. APPLICATION PROCESSING PROCEDURE.

01. **Application Completeness.** Within thirty (30) days of receipt of an application, the department will provide written notice to the applicant as to whether the application contains all of the information required in Section 110. If the application is incomplete, the department will provide a specific list of the missing information. The application will not be processed until it is deemed complete by the department. ()

02. **Application Processing.** Within sixty (60) days of receiving a complete application, the department will review the application materials and determine whether the design of the facility is in accordance with the engineering standards and specifications provided by the NRCS or ASABE. The department will notify the applicant of the results of that review. ()

130. PERMIT CONDITIONS.

The following conditions will apply to all permittees: ()

01. **Compliance Required.** The permittee must comply with all conditions of the permit. The permit must not relieve the permittee of the responsibility of complying with all applicable local, state and federal laws. ()

02. **Construction, Operation, and Maintenance of the Facility.** The permittee must ensure that construction, operation and maintenance of the facility proceed according to the construction plans and specifications and the approved nutrient management plans, and comply with the following: ()

a. Within thirty (30) days of construction completion, submit as-built construction plans. ()

b. Apply best management practices as approved by the director. ()

c. The facility or operations associated with the facility must not adversely affect waters of the state or create nuisance conditions including odor. ()

d. The removal of animal waste from an impoundment or storage structure must be performed in a manner not to damage the integrity of the liner. ()

e. Dead animals must be handled in accordance with IDAPA 02.04.17, "Rules Governing Dead Animal Movement and Disposal." ()

f. Nutrient management plans must be amended in accordance with IDAPA 02.04.30.000 et seq. Rules Governing Nutrient Management. ()

g. Soil tests must be conducted annually on all land application sites owned or leased by the permittee to determine compliance with the NMP and NMS. The director may require more frequent soil tests if he deems it necessary. ()

03. **Information to be Provided.** The permittee must furnish to the director, within a reasonable time, any information which the director may reasonably require to determine whether causes exists to modify or revoke the permit, or to determine compliance with the permit or applicable rules. ()

04. **Entry and Access.** The permittee must allow the director entry and access in accordance with Idaho Code Section 25-4008. ()

05. **Reporting.** Permittees must report discharges or noncompliance issues within the following time frames: ()

a. Within twenty-four (24) hours of the time the permittee knows or should have known of a discharge or unauthorized discharge, the permittee must verbally report the discharge. ()

b. Within five (5) working days from the time a permittee knows or reasonably should have known of any event which has resulted or which may result in noncompliance with these rules, the permittee must file a written report with the director. The report must contain: ()

i. A description of the event and its cause or if the cause is not known, steps taken to investigate and determine the cause; ()

ii. The period of the event including, to the extent possible, times and dates; ()

iii. Measures taken to mitigate or eliminate the event; and ()

iv. Steps taken to prevent recurrence of the event. ()

c. Immediately, whenever the permittee knows or learns or should reasonably know of material relevant acts not submitted or incorrect information submitted in a permit application or any report or notice to the director. ()

06. **Construction Commencement.** If a permittee fails to begin construction or expansion of a facility within five (5) years of the effective date of the permit, the director may void the permit and require a new permit application. ()

07. **Permit Renewal.** If a permittee intends to continue operation of the permitted facility after expiration of an existing permit, the permittee must apply for a new permit at least one hundred eighty (180) days prior to the expiration of the permit. ()

08. **Specific Permit Conditions.** The director may establish specific permit conditions on a case by case basis. Specific conditions will be established in consideration of facility's specific characteristics and will be designed to protect the state's water resources. ()

140. FEES AND ASSESSMENTS.

01. **Annual Fees or Assessments.** The director may establish annual fees or assessments for each permittee of no more than three cents (\$0.03) per square foot of containment area. ()

02. **Payment of Annual Fees or Assessments.** The director must notify each permittee with a fee or assessment invoice by December 20th of each calendar year. Annual fees or assessments are due annually by January 20th of the next calendar year. ()

03. **Adjustment in Fees or Assessments.** The director will provide at least thirty (30) days written notice to each permittee before fees or assessments are increased or decreased. ()

150. PERMIT MODIFICATION.

01. **Minor Modifications.** Minor permit modifications are those which do not have a potential effect on the state's water resources. Such modifications will be made by the director, and are generally limited to: ()

- a. The correction of typographical or clerical errors; ()
- b. Transfer of ownership or operational control in accordance with Section 160; or ()
- c. Certain minor changes in monitoring or operational conditions. ()

02. **Major Modifications.** All permit modifications not considered minor will be deemed major. The procedure for making major modifications is the same as that used for a new permit under these rules. ()

160. TRANSFER OF PERMITS.

01. **Transfer Application.** A new owner or operator of a facility must submit a transfer application to the director that includes at least the following: ()

- a. The relevant information required by Subsection 110.03; and ()
- b. Any change of conditions at the facility resulting from the ownership or operation transfer. ()

02. **Transfer Application Review.** The director will review the transfer application and either approve or deny the application within sixty (60) days of its receipt. ()

a. An approved transfer will be considered a minor modification pursuant to Subsection 150.01 as long as there are no major changes of conditions at the facility. Major changes of conditions at the facility are subject to Subsection 150.02. ()

b. If the director denies the transfer application, he will set forth the specific reasons for the denial, the steps necessary to meet the requirements for a permit transfer, and the opportunity to request a hearing. ()

170. REGISTRATION OF EXISTING POULTRY CAFOS.

All large and medium poultry CAFOs in existence on or before April 6, 2011, must register with the department no later than January 1, 2012, upon forms furnished by the department. ()

01. **Information Required.** The following information must be provided to the department in order to register an existing medium or large poultry CAFO. ()

- a. Name, mailing address, phone number and email address (if applicable) of the facility owner; ()
- b. Name, mailing address, phone number and email address (if applicable) of the facility operator; ()
- c. Physical address of the facility; ()
- d. Facility site map; ()
- e. Facility capacity; and ()
- f. Average poultry population over the twelve (12) months preceding the date the registration information is provided by the operator. ()

02. **Nutrient Management Plan.** No later than April 6, 2012, existing medium and large poultry CAFOs must submit an NMP, prepared in conformance with the NMS or other equally protective standard for managing the amount, source, placement, form and timing of the land application of nutrients or soil amendments. The NMP must accurately reflect the operation of the facility. ()

03. **Permit Allowed.** An existing medium or large CAFO may, in the alternative, seek a permit pursuant to Section 110. ()

04. **Permit Required.** An existing facility must obtain a permit in accordance with Section 110, prior to increasing the one-time animal capacity of the facility by ten percent (10%) or more. ()

05. **Ownership Transfer.** If an existing poultry CAFO has registered with the department and ownership is subsequently transferred to a new owner, the new owners must apply for and obtain a new permit in accordance with Section 110. ()

171. – 199. (RESERVED).

200. **WASTE STORAGE AND CONTAINMENT FACILITIES.**

01. **Wastewater Storage and Containment Facilities.** All poultry AFOs where process wastewater leaves the confinement area and has the potential to impact water of the state or be in violation of state water quality standards or ground water quality standards must have wastewater storage and containment facilities designed, constructed, operated, and maintained sufficient to contain: ()

a. All process wastewater generated on the facility during the non-land application season; ()

b. The runoff from a twenty-five (25) year, twenty-four (24) hour rainfall event; and ()

c. Either three (3) inches of runoff from the accumulation of winter precipitation or the amount of runoff from the accumulation of precipitation from a one-in-five (1 in 5) year winter. ()

02. **All Substances Entering Wastewater Storage and Containment Facilities.** All substances entering wastewater storage and containment facilities must be composed of manure and process wastewater from the operation of the poultry AFO. The disposal of any other materials into a wastewater storage and containment facility, including, but not limited to, human waste, is prohibited. ()

03. **Waste Storage.** Storage areas for poultry waste including compost and solid manure storage areas must be located on approved soils and appropriately protected to prevent run on and run off. ()

04. **Waste and Wastewater System Maintenance.** Waste and wastewater storage and containment systems must be maintained in a condition that allows the producer to regularly inspect the integrity of the systems. ()

05. **Additional Ground Water Protection Requirements.** The permittee must construct and maintain all waste containment structures within the parameters of this rule, including the Natural Resources Conservation Service Agricultural Waste Management Field Handbook Appendix 10D (Appendix 10D) (March 2008 Edition) (USDA, NRCS), Natural Resources Conservation Service (NRCS) Idaho Conservation Practice Standard Waste Storage Facility Code 313 December 2004, or American Society of Agricultural and Biological Engineers Specification ASAE EP393.3 Manure Storages February 2004. After inspection, if the Department has information that the waste containment structure(s) has been compromised severely enough to no longer meet the requirements of this rule, the Department may require an evaluation to be conducted by a licensed professional engineer. The engineer will make recommendations on steps needed to bring the facility into compliance with this rule. The permittee is responsible for engineering and reconstruction costs. If the permittee has a repeat waste containment compromise, as determined by the department, the Director may require ground water monitoring by the permittee. ()

201. – 249. (RESERVED).

250. **NUTRIENT MANAGEMENT.**

Each poultry CAFO must submit an NMP for land owned or controlled by the operator to the director for approval. The NMP must conform to the NMS and address odors generated in excess of odors normally associated with raising poultry in Idaho. ()

01. Existing Poultry CAFOs. Poultry CAFOs that are operating on or before April 6, 2011, must submit an NMP to the director for approval no later than April 6, 2012. ()

02. New Poultry CAFOs. Any poultry CAFO which commences operations after April 6, 2011, must not operate prior to the director's approval of the NMP. ()

03. Designated Poultry CAFOs. Any poultry AFO which is designated as a CAFO by the department in accordance with Section 400 must submit an NMP within forty-five (45) days of designation. ()

04. NMP Approval. The director will respond to or approve an NMP in writing within forty-five (45) days of submission. ()

05. NMP Updates or Amendments. Nutrient management plans must be updated as needed to accurately reflect the facility and its nutrient management system. ()

251. NUTRIENT MANAGEMENT PLAN RETENTION.

All NMPs which have been approved by the department and returned to the CAFO must be maintained on site at the CAFO and available to the department upon request. The department will retain a copy of the NMP. ()

252. NUTRIENT MANAGEMENT RECORDS.

01. The CAFO operator must keep complete and accurate records of: ()

a. Land application records, consisting of, at a minimum: ()

i. The dates, methods and approximate amounts of any manure or process wastewater applied on land owned or controlled by the operator. ()

ii. Weather conditions and soil moisture at the time of application. ()

iii. The lapsed time to manure incorporation, rainfall or irrigation event. ()

iv. Documentation of the actual rate at which nutrients were applied. When the actual rate used differs from the recommended and planned rates, nutrient management records must indicate the rationale for the difference. ()

b. The name and address of any third party receiving manure or process wastewater from the facility, including the dates of the transfer and the amount of manure or process wastewater transferred. ()

c. Nutrient Application. The quantities, analyses and sources of nutrients applied. ()

d. Soil Analysis. Complete soil analysis to create nutrient budget. ()

e. Crops. Crops planted, planting and harvest dates, yields and crop residues removed. ()

f. Record Review. Dates of annual review, person performing the review and recommendations determined from the review. ()

02. Records Retention. All nutrient management records must be maintained for a period of five (5) years and provided to the department upon request. ()

253. NMP VIOLATIONS.

The failure to implement an approved NMP, to retain and maintain an NMP at the CAFO, or to retain nutrient management records is a violation of these rules. ()

260. GROUND WATER QUALITY MONITORING.

At least annually, the department will sample and test the facility's production well water for nitrogen. ()

261. – 299. (RESERVED).

300. PROHIBITED DISCHARGES.

Discharges or unauthorized discharges of manure or process wastewater from poultry CAFO or land application sites owned or controlled by a poultry CAFO are prohibited. ()

310. NOTIFICATION OF DISCHARGE.

Within twenty-four (24) hours of learning of a discharge or unauthorized discharge, the operator of a poultry CAFO must verbally notify the department of the discharge or unauthorized discharge. ()

311. – 399. (RESERVED).

400. DESIGNATION OF POULTRY CONCENTRATED ANIMAL FEEDING OPERATIONS.

01. Designation of Animal Feeding Operations. The director may designate any poultry AFO as a CAFO if, after inspection, the director determines that the AFO is a significant contributor of pollution to waters of the state. The director will consider the following factors when making a designation: ()

a. The size of the AFO and the amount of manure, process wastewater and runoff reaching waters of the state; ()

b. Location of the AFO relative to waters of the state; ()

c. Means of conveyance of manure, process wastewater, and runoff into waters of the state; and ()

d. Slope, vegetation, precipitation and other factors that affect the likelihood or frequency of discharge of manure, process wastewater and runoff into waters of the state. ()

e. Unauthorized discharges into waters of the state through a man-made ditch, flushing system or other similar man-made device; ()

f. Unauthorized discharges directly into waters of the state that originate outside of and pass over, across or through the facility or otherwise come into contact with the animals confined in the AFO; and ()

g. Repeated instances of noncompliance. ()

02. Effect of Designation. Upon designation, a poultry facility will be required to follow all permit requirements for a medium poultry CAFO. ()

03. Redesignation of a Poultry CAFO. The operator may request that the director redesignate a facility previously designated under Section 400.01. The director will redesignate the CAFO only if the facility is no longer a significant contributor of pollution to waters of the state. If granted, the redesignation will be provided to the operator in writing. No fees or assessments paid by the facility after designation will be refunded. ()

401. – 499. (RESERVED).

500. INSPECTIONS.

Pursuant to Title 25, Chapter 40, Idaho Code, the director or his designee is authorized to inspect any poultry AFO, and to have access to and copy any facility records deemed necessary to ensure compliance with Title 25, Chapter 40, Idaho Code, and these rules. ()

01. **Frequency.** All poultry CAFOs will be inspected at least annually, or at intervals sufficient to determine that waste has been managed to prevent an unauthorized discharge or contamination of waters of the state. ()

02. **Inspection Methods.** Inspections may include, but are not limited to, evaluating effectiveness of best management practices, collecting samples, taking photographs, video recording or collecting other information as necessary. ()

03. **Inspection Report Forms.** An official inspection report form will be completed at the time of the inspection and provided to the operator. ()

501. – 549. (RESERVED).

550. **VIOLATIONS.**

01. **Failure to Comply.** Failure by a permittee to comply with the provisions of these rules or with any permit condition is a violation of these rules. ()

02. **Falsification of Statements and Records.** It is a violation of these rules for any person to knowingly make a false statement, representation, or certification in any application, report, document, or record developed, maintained, or submitted pursuant to these rules or the conditions of a permit. ()

03. **Discharge.** Any discharge or unauthorized discharge from a facility is a violation of these rules. ()

551. **PENALTIES.** Any person violating any provision of these rules or any permit or order issued thereunder must be liable for a civil penalty in accordance with Idaho Code Section 25-4014 or a permit revocation in accordance with Idaho Code Section 25-4013 and Section 552, below. ()

552. **PERMIT REVOCATION.** Prior to revoking a permit, the director will issue a notice of intent to revoke, which will become final unless the permittee timely requests, in writing, an administrative hearing. The administrative hearing will be conducted in accordance with Title 67, Chapter 52, Idaho Code. The director may revoke a permit: ()

a. For a material violation of any condition of a permit; or ()

b. If the permit was obtained by misrepresentation or a knowing failure to disclose all relevant facts. ()

553 – 999. **RESERVED.**