

***AGRICULTURAL AFFAIRS COMMITTEE***

***ADMINISTRATIVE RULES REVIEW***

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***2011 Legislative Session***

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

**60.05.04 - RULES GOVERNING ALLOCATION OF FUNDS  
TO CONSERVATION DISTRICTS**

**DOCKET NO. 60-0504-1001 (NEW CHAPTER)**

**NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is **August 11, 2010**.

**AUTHORITY:** In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 22-2718 and 22-2727, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

**This rulemaking establishes procedures for the allocation of funds to local soil and water conservation districts. The Idaho State Soil and Water Conservation Commission (Commission) is statutorily required to determine a base of funding for each district and then distributes any additional state funds based on the local match (cash and services) provided to each district. Idaho's local conservation districts need these state general funds as early in the fiscal year as possible to continue operation and carry out their responsibilities.**

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

**The Commission is clearly directed by statute to promulgate rules for allocation of funds to districts. This temporary rule confers a benefit to the local conservation districts by providing funding early in the fiscal year thereby allowing the districts to fund their operations and carry out their responsibilities.**

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein:

There are no fees or charges being imposed through this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the temporary rule, contact Sara Schmidt, Administrator, 208-332-1790.

DATED this 13th day of August, 2010.

Sara Schmidt  
Administrator  
Idaho State Soil & Water Conservation Commission  
650 W State Street, Room 145  
Boise, Idaho 83702  
Phone: 208-332-1790  
FAX: 208-332-1799

***THE FOLLOWING IS THE TEXT OF DOCKET NO. 60-0504-1001***

**IDAPA 60, TITLE 05, CHAPTER 04**

**IDAHO STATE SOIL AND WATER CONSERVATION COMMISSION**

**60.05.04 - RULES GOVERNING ALLOCATION OF FUNDS  
TO CONSERVATION DISTRICTS**

**000. LEGAL AUTHORITY.**

This chapter is adopted by the Idaho State Soil and Water Conservation Commission under the legal authority of Sections 22-2718 and 22-2727, Idaho Code. (8-11-10)T

**001. TITLE AND SCOPE.**

**01. Title.** These rules shall be known and cited as IDAPA 60.05.04, "Rules for Allocation of Funds to Conservation Districts." (8-11-10)T

**02. Scope.** These rules establish the procedures to be followed by the Commission and the conservation districts in the implementation of Section 22-2727, Idaho Code, providing for the allocation of state funds appropriated for distribution to conservation districts. (8-11-10)T

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations of these rules. (8-11-10)T

**003. ADMINISTRATIVE APPEAL.**

There is no provision for administrative appeals before the Commission under this chapter. Persons may be entitled to appeal final agency actions authorized under this chapter pursuant to Section 67-5270, Idaho Code. (8-11-10)T

**004. INCORPORATION BY REFERENCE.**

There are no documents that have been incorporated by reference into this rule. (8-11-10)T

**005. IDAHO PUBLIC RECORDS ACT.**

These rules are public records available for inspection and copying at the department. (8-11-10)T

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

**01. Physical Address.** The central office of the Idaho State Soil and Water Conservation Commission, 650 W State Street, Room 145, Boise, Idaho, 83702. (8-11-10)T

**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. (8-11-10)T

**03. Telephone Number.** The telephone number of the Idaho State Soil and Water Conservation Commission at the central office is (208) 332-1790. (8-11-10)T

**04. Fax Number.** The fax number of the Idaho State Soil and Water Conservation Commission at the central office is (208) 332-1799. (8-11-10)T

**05. Website.** The Commission's website address is <http://www.swc.idaho.gov/>. (8-11-10)T

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

**010. DEFINITIONS.**

For the purpose of the rules contained in this chapter, the following definitions apply: (8-11-10)T

**01. Antidegradation Plan.** Five (5) year plan, with annual work plans, for resource assessment, resource prioritization, and implementation of water quality efforts as defined in IDAPA 60.05.02, "Rules of the Antidegradation Plan for Agriculture for the Idaho Soil Conservation Commission and Soil Conservation Districts." The district may supplement the antidegradation plan with additional information about local resource conditions, conservation goals and district operations. (8-11-10)T

**02. Base Funding.** Funds appropriated to the Commission to be allocated equally to the various soil conservation districts in a sum not to exceed eight thousand five hundred dollars (\$8,500) per district per year. (8-11-10)T

**03. Board of Supervisors.** Governing body of a district as provided in Section 22-2717(25), Idaho Code. (8-11-10)T

**04. Certify.** To confirm formally as true, accurate, or genuine. (8-11-10)T

**05. Commission.** The Idaho State Soil and Water Conservation Commission as defined in Section 22-2718, Idaho Code. (8-11-10)T

**06. Conservation District or District.** A soil (and water) conservation district as defined in Section 22-2717, Idaho Code. (8-11-10)T

**07. Financial Reports.** Documentation certified by the Board of Supervisors summarizing how base funding and match funding was allocated by the conservation district during the previous fiscal year. (8-11-10)T

**08. Fiscal Year.** As set forth in Section 67-2201, Idaho Code, the fiscal year will begin on July 1 and close on June 30 of the following year. (8-11-10)T

**09. Funding Criteria.** Criteria considered by the Commission to determine the amount of base and match funding to be allocated to the conservation districts. Criteria include district budgets, district budget requests, district programs and work plans, and district work load analysis. The following documents may be required on an annual basis in order to consistently apply the criteria to all districts: antidegradation plans, financial reports, match reports and performance reports. (8-11-10)T

**10. Local Funds.** Monies received in the previous fiscal year from local units of government for the general purposes of a conservation district. Not designated for specific projects. (8-11-10)T

**11. Local Services.** Non-cash contributions received in the previous fiscal year from local units of government for the general purposes of a conservation district. Not designated for specific projects. (8-11-10)T

**12. Local Units of Government.** Any general or special purpose political subdivision of the state which has the power to levy taxes and/or appropriate and spend funds. (8-11-10)T

**13. Match Funding.** Funds appropriated to the Commission for distribution to conservation districts in excess of base funding not to exceed twice the amount of local funds and services received by each district in the previous fiscal year. (8-11-10)T

**14. Match Reports.** Documentation certified by the Board of Supervisors of local funds and services actually received by the conservation district during the previous fiscal year. (8-11-10)T

**15. Maximum Allocation.** The total of base funding and match funding allocated to any one (1) conservation district shall not exceed fifty eight thousand and five hundred dollars (\$58,500) in a fiscal year. (8-11-10)T

**16. Performance Reports.** Documentation summarizing conservation activities, projects and programs implemented by the conservation district during the previous fiscal year. (8-11-10)T

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

**01. Base Funding.** The Commission shall determine the dollar amount to allocate equally to conservation districts on an annual basis. Once the required documents are submitted and determined to be complete, the Commission shall immediately distribute base funding. (8-11-10)T

**a.** Required Documents. The Commission may require submission of certain documents prior to allocation of base funding to districts: antidegradation plans, financial reports, and performance reports. (8-11-10)T

**b.** The Board of Supervisors shall certify in writing that the district has examined all documentation submitted and that the statements and representations in the documents are true and accurate. (8-11-10)T

**c.** The district shall submit any required documents by a date established by the Commission. (8-11-10)T

**02. Match Funding.** Following determination of base funding, the Commission shall review and approve the additional amount of state appropriations available for proportional allocation to each district in match funding. Match funding will be based upon local funds and services received in the previous fiscal year by each conservation district. As it applies to state match funding, it is intended that donated funds and services be for the general purposes of the conservation district. Expenditure of any such donated funds and services is at the discretion of the conservation district. Funds and services received and designated for specific projects will not be considered when calculating match funding. Once the required documents are submitted and determined to be complete, the Commission shall distribute match funding to each district no later than January 1, 2011. (8-11-10)T

**a.** Required Documents. Each conservation district must submit match reports prior to the Commission's allocation of match funding. The Commission may also require certain documents prior to allocation of match funding to districts including: antidegradation plans, financial reports, and performance reports. (8-11-10)T

**b.** The Board of Supervisors shall certify in writing that the district has examined all documentation submitted and that the statements and representations in the documents are true and accurate. (8-11-10)T

**c.** The district shall submit any required documents by a date established by the Commission. (8-11-10)T

**03. State Budget Requests.** The Commission shall conduct a public hearing to consider the needs of the conservation districts on or before June 15th of each year, giving twenty (20) days' written notice of the hearing to each conservation district and to all other persons requesting notice of the hearing. The Commission shall hear and consider testimony at the hearing and all information submitted by the districts prior to submission of the annual budget request to the legislature and governor based upon the criteria of Subsection 010.09 of this rule. (8-11-10)T

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