

# COLORADO

BASIN STATES PARALLEL PROGRAM  
(BSPP)

# POLICY

## TECHNICAL ASSISTANCE, (TA):

### Definition:

Technical assistance funds are designated in the Basin States Parallel Program (BSPP) to perform technical implementation work to meet the goals of the Salinity Control Act, (PL 93-320, s202). These funds reside with the Bureau of Reclamation (**BOR**) and are requested on a **reimbursement basis** by the State of Colorado for disbursement to the Conservation Districts in accordance with a federal contract agreement.

### Purpose:

The purpose of this funding is to provide technical assistance to landowners to accelerate the implementation of existing EQIP and BSPP contracts, with the following outcomes:

- Increase the tons of salt prevented from entering waters of the state of Colorado
- Increase the acres of improved irrigation systems installed on irrigated lands meeting NRCS Standards and Specifications
- Increase the effectiveness of operation and maintenance of existing improved irrigation systems
- Increase the acres of Irrigation Water management meeting **Natural Resources Conservation Service (NRCS)** standards and specifications reported.

TA funding must be used to achieve the above outcomes. Currently, Civil Engineering Technicians and Irrigation Water Management Specialists are employed using TA funding. These positions provide the greatest resource to address the backlog of cost share projects in EQIP and BSPP.

It is important to note that TA funding is made available to partner with NRCS technical assistance to landowners and participants. The over-arching support of the TA funding opportunity is found in the answer to the following: *“What increase in program implementation was accomplished over and above the progress that would have been performed by NRCS without TA involvement?”*

**Note that the following policy governs only what may be done with employees paid with TA funding. Districts may have other funding sources for employees to achieve the goals of local district programs.**

These funds may be made available to Bookcliff, Mesa, Delta, Shavano, Mancos, and Dolores Conservation Districts. Funding may be made available in the future for the DeBeque-Plateau Valley Conservation District.

**Advantages to the district:**

The district benefits from receipt of TA funds in the following ways:

- Recognition of the district and the assistance the district provides is expanded to more district cooperators
- Increase in the number of district cooperators that may support present and future district programs
- Increased funding to the district from Administration funds from the BSPP, since implementation of salinity control contracts results in an administrative payment to the district
- Tangible and measureable assistance to the NRCS as a conservation partner

**Funding Location:**

Funding for TA positions resides with, and is **solely** held by the Bureau of Reclamation.

**Funding Source:**

Funding for the TA positions is made available by agreement between the NRCS and the **Colorado State Conservation Board (CSCB)**.

**Funding Flow to the State of Colorado BSPP Program:**

- The NRCS receives technical assistance funding for BSPP activities through agreement with Reclamation. This NRCS funding depends on the amount of salinity program EQIP dollars obligated during the previous Fiscal Year. "Obligated" refers to the aggregate total of all EQIP salinity fund contracts entered into, funded, and signed by eligible participants in NRCS Colorado salinity field offices. NRCS reserves a portion, **typically** up to fifty percent, of the NRCS technical assistance funding to the CSCB. Reclamation reserves the funding amount recommended by the NRCS in an account to be made available to the State of Colorado on a reimbursement basis.
- The State of Colorado pays for TA funding to the districts out of state treasury funds, and then requests a reimbursement from Reclamation.

The funding available, in part, depends on:

- The amount of overall funding for the Basin States Parallel Program made available by Reclamation and the Colorado River Basin States
- The amount of EQIP salinity cost share contract funding obligated by NRCS salinity field offices in Colorado
- The amount of funding the NRCS State Conservationist reserves to the CSCB each year for TA positions in CO
- Progress made by TA employees toward NRCS salinity project goals
- Employment costs

These funds are not automatically available and may be increased, reduced or even eliminated in subsequent funding cycles depending on EQIP funding, NRCS budget constraints, or changes in federal programs and/or project goals. If EQIP salinity cost share obligations increase, more TA funds may become available, and conversely, reduced EQIP obligations will almost certainly result in less funding. NRCS may utilize all available TA funds available to them for NRCS use at some point in the future, if required. Therefore, activities and outreach by the Conservation Districts to promote participation in EQIP could result in increased TA funding in future funding cycles.

Since costs to NRCS are generally lower for TA positions, if TA employment costs increase to that approaching NRCS direct employment costs, it may become more advantageous in the future for NRCS to add employees directly instead of providing TA funding to districts.

For the above reasons, it is best to consider TA funds as being available only on a year to year basis.

**Availability considerations:**

- **No promise, contract, oral, or written agreement of continued employment can be made to any District or individual employee for a period longer than one current funding cycle based upon TA funding from BSPP.**
- **There is no guarantee of funding available for bonuses, cost of living or merit pay increases, or travel and training expenses.**

### **Funding flow to Districts:**

- The BSPP salinity coordinator will request a TA budget from each district for each employee for the following calendar year. This request will be made in September or October.
- The BSPP coordinator will compile the request and forward to the NRCS Assistant State Conservationist for Programs
- The NRCS will calculate funds to be made available for TA funding to Districts
- The NRCS will recommend this funding to Reclamation
- Reclamation will reserve these funds for use by the State of Colorado CSCB.
- Reclamation will notify the CSCB of the funds to be made available, and will modify the contract between the State of Colorado CSCB and Reclamation to add these funds.
- Districts will be notified as to the availability of these funds.
- The BSPP coordinator will provide funds to the districts on a quarterly basis upon written request.
- The State of Colorado will provide TA funds out of the state treasury.
- The State will request reimbursement from Reclamation.

### **Funding Cycle:**

The funding cycle for receipt of these funds is the Federal Fiscal Year (Oct. 1-Sept.30); with funding to districts generally occurring some time after the start of the new Federal FY cycle.

The date of actual funding depends on:

- The time needed for NRCS to compile EQIP obligation reports
- The time needed to consult with districts, the BSPP coordinator and NRCS to determine Technical Assistance needs and budget for the coming year.
- The time to process the request from Reclamation.
- Time to process contract modifications with the State of Colorado.

**Note that Districts generally operate on a calendar year basis and not on the Federal Fiscal year, so some overlap in request and use of the TA funding is inevitable.**

**Funding Request procedure:**

- In September of each year, each district will present to the BSPP Salinity Coordinator a budget request for TA funding. This request will include salary and expense projections for each employee for the following calendar year, based on the most recent W-2 and employee records for each employee. If the employee is paid from two or more sources, these records must be provided only for the portion funded by TA.
- The district will request funding for the next quarter using the provided request form to the Salinity Coordinator.
- The Salinity Coordinator will review the request to ensure that it is for only the amount necessary to fund TA employee salary and expenses.
- The Salinity Coordinator will ensure that funding is available by reservation of TA funds from the Bureau of Reclamation to CSCB.
- The Salinity Coordinator will request that the State of Colorado allocate TA funding to the district organizational unit account to increase the funding authority to the district.
- The State processes the request, and if approved, sends a funding letter to the district

The above process may take as long as one month to proceed through State of Colorado contracting and fiscal accounting sections, so requests must be made for funding at least one month before the anticipated need. For this reason, positive account balances will be maintained in the TA accounts of each district. These amounts will not be distributed to districts in advance of each quarter's need, but will be made available to avoid any lapse of funding available to districts to meet payroll obligations.

In February of each calendar year, each district will be required to provide a record of employee expenditures and W-2 forms to the Salinity Coordinator.

### **Permitted uses of TA funding:**

Conservation Districts must use TA funding for employees to provide technical assistance to both EQIP and BSPP cost share programs.

TA funding may be utilized for full-time or part-time employees. 100 percent of the technicians' time must be spent on implementation of, or activities supporting the implementation of EQIP and/or BSPP contracts, and such work must be done to NRCS standards and specifications.

Activities must fully support and complement NRCS and BSPP salinity program goals. Irrigation-related, water conservation and water use efficiency, and water quality activities may be considered as supporting the general goals of the salinity control program.

These activities must ultimately result in the following short-term (within one to two years) outcomes:

- Increase in the number of participants for salinity cost share programs
- Decrease in the tons of salt entering the Colorado River.
- Increased implementation of measureable salinity control practices. Examples of such activity include:
  - Education activities concerning NRCS and CD salinity program goals.
  - Outreach activities and personal contacts with landowners to increase participation in BSPP and EQIP cost share programs.
  - Representing the district at **local** irrigation-related meetings and workshops. Employees will not conduct activities in other districts without prior approval from the salinity coordinator.
  - Assisting with development of special projects and studies that support the salinity program.
  - Ad-Hoc organization groups such as Selenium Taskforce and Wise Water Use Council. (Outside meetings and activities must be coordinated with the salinity coordinator so that only one employee attends.)
  - Basic training and orientation for newer district employees

**Prohibited uses of TA funding:**

- NRCS and District administration work
- Program management
- District manager duties
- Designated front-desk/phone person
- Other district business
- Supervision or workload direction of other district or NRCS employees
- Utilizing TA funds to support only EQIP or BSPP projects to the exclusion of the other, that is, using TA funds to implement only BSPP projects to the exclusion of EQIP contracts
- Travel or expenditures that do not directly support or result in implementation of salinity program goals.

**TA Expenditures:**

TA funds are provided for the following employee expenditures:

- Salary - Districts may pay their technician a salary according to the expertise being provided and based on what the local job market dictates in order to attract and retain the level position needed.
- Direct employment costs such as:
  - FICA
  - Social Security
  - Workmen's compensation
  - Medicare
- Benefit allowance for health insurance
- Insurance for use of NRCS vehicles
- Sick leave and Annual leave
- Training and travel
- "Traditional and customary" bonuses and/or awards Overtime and Compensatory time as stated in the guidance below.

### Tour of Duty

Full time employment is 2080 hours per year, or 40 hours per work week. If TA funds are provided for a full-time employee, all activities of that employee must be for the permitted uses listed above.

Part time employment is any tour of duty less than 2080 hours per year. TA funding may be used for part-time positions of 0.25 staff-years and above. 100 percent of the tour of duty for a part time employee must be for the permitted uses above.

### Overtime

Overtime and bonuses may be paid in accordance with Fair Labor Standards Act (FLSA) rules, good managerial practice, and a guideline in the federal OMB circulars under which funding is received for this program. Payment for overtime is permissible in this program provided that it is not on a regular basis and is in response to a critical and unusual workload demand that cannot be met within a 40-hour week – or because it is actually cost efficient (e.g. by saving travel expenses/time), providing TA funding is available. Note that TA funds may not be available to cover overtime as these funds are requested in advance on an annual basis.

The payment of overtime is subject to FLSA rules which basically say that overtime must be paid for more than 40 hours worked in a week for non-exempt employees at a rate no less than 1.5 usual salaries. The “Employment handbook” on the CSCB web site provides more information about FLSA.

### Bonuses

Bonuses are permissible in this program provided they are used to recognize outstanding performance. They should be tied to a tangible achievement such as exceeding an expectation rather than simply meeting an expectation. **Bonus requests must be submitted and approved by the Salinity Coordinator prior to the award.**

### Accountability of TA funding:

Conservation Districts receiving TA funds must keep accurate records of the activity of these funds. Records should be detailed enough that they can explain and prove in the future any transaction that took place in the event of an audit or other accounting action.

Districts must:

- Account for the TA funds
- Keep accurate, up-to-date records of account activity
- Keep sufficient detail of transactions to explain them
- Keep supporting documentation for account activity
- Submit to an audit, if required by statute or regulation, or if requested by a funding organization

**TA funds must be treated as restricted use funds. 100 percent of TA funds must be spent on BSPP employees and employee support. TA funds may not be requested, held, or diverted for any other use. Any unused TA funds must be held in reserve for the subsequent year or funding cycle. An employee receiving *full time* funding from the BSPP shall not also provide work for, or be assigned to other programs or grant deliverables. Improper use of TA funds will result in loss of this funding opportunity for the district and will require restitution of funds.**

It is strongly recommended that districts use an electronic accounting tool, such as QuickBooks, to manage TA accounts and payroll processing. Many of the payroll transactions will then be recorded.

Records that must be kept for each employee include:

- Salary
- Federal taxes withheld
- State taxes withheld
- FICA withheld
- Other benefits paid such as health care allowance, etc.
- Annual and Sick leave balances
- Workmen's Compensation
- Any other employee deductions or benefits, such as liability insurance
- Bonuses or cash awards
- Training expenses
- Travel expenses, including lodging and food.

- Overtime and compensatory time

**A category of “other or miscellaneous expense” is not allowed.**

Keep copies of checks written and/or record in the appropriate accounting tool each transaction. For **all** transactions or expenses, districts must make available sufficient and detailed information to explain and document them.

Annual and Sick Leave:

Districts may provide annual and sick leave benefits to employees. If districts do so, a LOCAL employee policy and agreement must be developed and strictly adhered to. If the local policy allows for employees to be paid for all or a portion of leave accrued upon termination or discontinued employment, the district must hold funds in reserve to cover the payment for the leave balances. In no case will the BSPP reimburse the district for more than 80 hours of accrued and unused leave upon termination or discontinued employment.

Travel:

Travel may be allowed with TA funds for salaries and expenses for the following purposes:

- To attend approved training
- To assist other district or NRCS field offices (**as approved**)
- Attending or assisting with outreach activities if such activities support the overall salinity program mission

TA funds may not be used to attend meetings of organizations, societies, or other groups such as CACD, NACD that do not directly result in salinity program implementation goals.

Travel approval process:

Travel must be requested in advance in writing and approved by the CD. The CD will then request approval from the BSPP salinity coordinator.

Request should state:

- Purpose
- How proposed travel will benefit the implementation of the salinity program
- Destination
- Estimated cost
- Means of travel (by NRCS vehicle, POV, etc.)

The request for travel will be reviewed by the Salinity Coordinator. If travel is approved, a written notification will be provided to the CD and employee requesting the travel. Travel may not commence until written approval is received.

Travel for TA employees should be kept to a minimum, as the main purpose for these employees is implementation of on the ground salinity control projects in the CD local project area. The actual time spent on those duties is important. Therefore, it is important to limit travel by TA employees even when not utilizing TA funds for salary and expenses. Employees may be allowed to attend up to two conventions or annual meetings each year at the discretion of the Salinity Coordinator.

### **Employee Policy:**

#### **Supervision:**

District employees paid from TA funds are governed by guidelines and regulations from three governmental agencies: NRCS, the local Conservation District, and the Colorado State Conservation Board. Therefore, it is essential to base TA employee supervision and management on a District Local Operating Agreement. This agreement must outline the agencies' responsibilities and duties for employee supervision and management. The NRCS may not supervise District employees, so it is important that regular employee oversight be conducted by the District. The following general guidelines and responsibilities apply:

- NRCS:
  - The NRCS District Conservationist or his designee will provide day-to-day job and workload direction, including work assignments, priorities, and workload goals.
  - The NRCS will provide training and periodic guidance on work performed to ensure it meets NRCS standards and specifications.
  - The NRCS will conduct periodic spot checks of all work performed.
  - The NRCS District Conservationist will participate in the employee performance review as it pertains to:
    - Compliance with NRCS technical standards
    - Employee support of NRCS programs.

- The BSPP coordinator:
  - Will consult with the district to approve all forms used for employee documentation, including job description, time sheet, performance evaluation, reporting forms, and Local Operating Agreement
  - Will assist NRCS and the District with preparation of employee progress goals
  - Will assist the District in initiating and conducting annual performance evaluations
  - Will update and consult with the district concerning new and applicable programs and opportunities that may require employee participation.
  - Will assist and consult with the District and NRCS in general workload activities
  
- The District will, either by the board members themselves or through the District Manager
  - Provide over-arching supervision of the employee
  - Develop a local district employee policy that includes:
    - leave policies
    - attendance
    - tour of duty
    - employee performance goals and objectives
    - performance evaluations
  - Receive timesheets from employees and verify time spent on duties
  - Keep leave records, and approve annual and sick leave requests
  - Perform payroll and payroll support services
  - Collect and maintain records such as W-2's, etc.
  - Receive and collect employee reports of progress
  - consult with NRCS and salinity coordinator on goals and progress made by employees
  - Prepare job descriptions, with the assistance of the salinity coordinator
  - Initiate and conduct annual performance employee reviews

Regular and open communication is established between the District and NRCS as a result of the local working agreement to discuss and implement TA employee goals and solve employee performance and direction issues as they arise. Issues or problems with, or failure of TA employees to carry out the provisions of the NRCS and salinity program goals will be referred to and discussed with the salinity coordinator.

The salinity coordinator will address these issues in consultation with the District and NRCS. TA funding will be reduced or removed for that employee if, depending on the severity, the issue is not resolved in favor of the goals of the Basin States Parallel Program.

### Timekeeping

Districts must fully account for the labor hours for which TA funds pay. This is of particular importance where the employee has a split position and has other duties that are paid for from two or more different funding sources – such as WAE or a county grant, etc.

The Fair Labor Standards Act (FLSA) requires employers to keep a record of hours worked for non-exempt employees. There is further information on the FLSA in the District Employment Handbook.

Each employee funded from TA will use and complete a timesheet to document hours worked. The timesheet used must be approved by the Salinity Coordinator.

*Since funds are appropriated annually for this program, there is a continual need to demonstrate that the employee and the district are delivering the technical services that were agreed to be provided.*

Each employee must document time spent on the following activities on the time sheet:

- Technical assistance time to landowners for EQIP Cost Share programs
- Technical assistance time to landowners for BSPP Cost Share programs
- Non cost share technical assistance to landowners
- Outreach and education activities
- Meetings
- Annual leave or vacation
- Sick leave
- Compensatory time

- Overtime

Time sheets will be turned in to the District Manager at the end of the month or the end of each pay period used by the District, if employees are paid other than on a monthly basis. The employee and the District Manager should sign the timesheet.

TA funded employees are required to submit a monthly report of activities to the salinity coordinator. The report must include:

- Names of landowners worked with
- Hours spent with each landowner
- Outreach or education activities

The report should briefly describe each activity in narrative form.

#### Job Authority:

Job authority is given to the technicians through the NRCS. All technical work performed utilizing TA funding shall meet NRCS standards and specifications.

While working on NRCS projects, the District TA employee works under the job approval authority of the NRCS state engineer and falls within the local government exemption for registration with the Colorado Board of Registration for Professional Engineers and Land Surveyors under the exemption clause in the Colorado Revised Statutes 12-25-103 (1) (g).

The exemption means that district conservation technicians may be delegated job approval authority by the NRCS Area Engineer at a level appropriate for their demonstrated knowledge, skills, and abilities. Having this delegated authority will allow district technicians to approve the design and construction of conservation engineering practices in the same manner as NRCS technicians.

Operating within the NRCS policy for such work will assure the level of oversight expected by the State Board of Registration for Professional Engineers and Land Surveyors.

Therefore, each District employee performing technical work with TA funding will be required to receive written job authority documentation from the NRCS area engineer.

Within this authority, technicians may carry out NRCS approved practices.

### Employee responsibilities:

- TA employees must support the mission and the technical planning and implementation standards of NRCS, since TA funding is used to accelerate the implementation of the salinity control and NRCS programs. If the employee works on a non-NRCS project, or works on a project that does not result in meeting NRCS standards and specifications, or encourages a landowner or participant to perform a project at a level not meeting standards and specifications, the district shoulders the liability risk.
- Note that if a technician is undertaking duties outside of NRCS projects, the NRCS job authority does not apply and the district is responsible for any liability issues and job authority requirements.
- TA employees must perform all technical work according to NRCS Standards and Specifications
- TA employees must refer all landowner complaints concerning NRCS standards and specifications or policy to the NRCS District Conservationist
- The technician must act as a direct ambassador for the District. In order to do this the technician must understand and support the goals and activities of the District.

### Employee ethics:

TA employees are bound by the ethical conduct expectations of the NRCS for implementing Farm Bill or other NRCS programs, including Civil Rights issues.

Some ethics issues are general and obvious – such as proper use of time and resources, honesty, and gift exchanges. But others, such as conflict of interest, are complex, and the NRCS provides specific guidelines on the interpretation in regard to implementing programs.

The conflict of interest and impartiality requirements are particularly important when a technician is working in a District where (s) he, or a close relative, has an agricultural or other commercial interest.

- The technician is responsible for recognizing and reporting any ethical conflicts to their supervisor and co-workers working on the same matter. The District (as

employer) must ensure the technician is aware of this responsibility and support them in adhering to it.

- The technician must “disqualify” him/herself from any activity in a matter in which (s) he could have a conflict of interest or the actual or appearance of loss of impartiality. Examples include the following:
  - A technician who is applying for NRCS program assistance
  - A technician who owns or manages land within the same NRCS service area they are working in
  - A technician working on NRCS programs for their:
    - Family or household members
    - Relatives with a close relationship
    - Business or financial interest partners
    - Employer or prospective employer
    - Employer of family member
    - Organizations for which they hold, or have recently held, office or of which they are a committee or board member
- The employee must not take official action in a matter that involves the interests of someone with whom the technician has a “covered relationship”. A covered relationship is:
  - Current or sought after business, contractual or other financial relationship
  - Household member or close relative
  - Current or prospective employer of spouse, parent or dependent child
  - Recent non-federal employer
  - Non-federal organization in which the technician is involved
  - Organizations in which household or close family members are involved
- The technician may not represent another party to the government (NRCS) or give “behind-the-scenes” assistance to someone.
- The technician must not misuse their position by using it to imply endorsement of anyone’s personal activities, a product, service or business, or by sharing or using non-public information for financial gain for themselves or others.

- Outside employment by the technician must not create conflict or impartiality issues or prevent primary attention being focused on the requirements of the technician position. The District should be aware of any outside employment by the technician. The technician is responsible for reporting any possible ethical conflicts to his/her supervisor. This is mainly to prevent an ex-technician representing in a capacity during later employment in a way that might be construed as an attempt to influence federal (NRCS) parties. Note that the District should make the employee aware of the responsibilities they have for disqualification. The interpretation of conflict of interest or impartiality can be very complex depending on the relationships and the matter in-hand, so technicians should be encouraged to declare any situation in which they think it may apply. These situations should be brought to the attention of the Salinity Coordinator by the individual and/or the District. The technician can also contact the state ethics advisor for advice on how to proceed with any specific situation.

### Hiring

Districts must use an open-competitive hiring process for positions and notify the salinity coordinator within three business days or sooner of new hires or terminations.

### Termination

Districts may terminate an employee receiving TA funding for cause as they may determine. A reason for the termination must be provided to the Salinity Coordinator.

### Training

Training can be provided to TA employees through:

- On the Job (OJT) training
- On-line courses
- Workshops conducted by NRCS
- Formal training.

The following training is required for TA employees:

- Safety Training - Ensure that safety training needs are identified, prioritized, carried out and documented. This should be part of the employee training plan.

Safety training is necessary both for the safety of individuals and to help protect the District against liability claims.

- Ethics and Civil Rights Training -The technician is required to follow NRCS rules regarding ethical conduct when working on Farm Bill and other NRCS programs. Serious consequences can result if the technician fails to be aware of and act according to these rules. Training is available through the NRCS.
- Technical training - including all aspects of the duties required to implement practices to meet NRCS standards and specifications
- Computer training (on-Line) – if TA employees utilize NRCS computer hardware and software

Recommended training:

- Cultural Resource Management Training (on-line)
- NRCS Conservation Planning (on-Line)

TA funding will be made available to provide training. It is expected that the vast majority of all training will consist of OJT, on-line, or NRCS workshops, rather than formal courses. Only very limited funding can be made available for TA employees to attend formal courses. Prior training courses received by an employee, taken prior to employment by the District, should be reviewed by the salinity coordinator for appropriateness and applicability. This may include course originally taught by NRCS or other appropriate agencies.

Employee duties:

The following information must be made a part of the TA employees' job description and/or performance standard, depending on the position and specialty:

The employee agrees to:

- Perform all technical work according to NRCS Standards and Specifications
- Refer all landowner complaints concerning NRCS standards and specifications, or policy to the NRCS District Conservationist

- Act as an ambassador for the District.
- Become familiar with and understand the goals and activities of the District.
- Support the mission and the technical planning and implementation standards of NRCS and NRCS programs
- Support the goals of the Basin States Parallel Program
- Support and implement the NRCS ethics and Civil Rights guidelines contained elsewhere in this policy
- Submit a monthly report of activities to the salinity coordinator and the district. The report must include:
  - Names of landowners worked with
  - Hours spent with each landowner
  - Outreach or education activities
- Prepare and submit a time sheet. Document time spent on the following activities on the time sheet:
  - Technical assistance time to landowners for EQIP Cost Share programs
  - Technical assistance time to landowners for BSPP Cost Share programs
  - Non cost share technical assistance to landowners
  - Outreach and education activities
  - Meetings
  - Annual leave or vacation
  - Sick leave
  - Compensatory time
  - Overtime
- Obtain prior approval for training and travel requests from the District and salinity coordinator
- Properly operate and maintain NRCS equipment
- Properly operate NRCS vehicle if one is made available
- Report and defer technical problems and complex situations involving NRCS standards and specifications and program regulations and guidelines to the NRCS District Conservationist
- Accept and abide by physical unit implementation standards, such as:

- A Goal of Number of completed designs
- A Goal of Number of projects implemented
- Number and Acres of irrigation water management implemented.

Complaints and disagreements:

The local working agreement should form the basis for addressing and resolving any complaints.

The following may be used as a general guide:

*1) Landowner, participant, employee or district complaints concerning NRCS programs, standards and specifications or policies:*

Refer to NRCS District Conservationist. DC will notify the BSPP salinity coordinator.

*2) NRCS complaints concerning district employee failure to carry out NRCS program guidelines, standards and specifications:*

Notify the District and the salinity BSPP coordinator.

*3) Employee complaints concerning employment:*

Notify the District

*4) Concerns and issues with TA funding and policy:*

Notify the BSPP salinity coordinator.

**These complaints or issues must be in writing, and the response must be in writing.**

The salinity coordinator will assist the parties involved in arriving at a local decision. If the issues are not resolved, then a mediation process may be made available with Colorado State Conservation Board staff. **Failure to properly resolve issues in item 2, above to the satisfaction of NRCS and the CSCB may result in loss of TA funds for that District.**

Other information sources for district employees:

Districts are strongly encouraged to refer to and implement the guidelines contained in the *CSCB Employee Handbook* for guidance on hiring procedures, job performance, position descriptions and other employee issues.

NRCS has detailed job descriptions available for guidance for engineering technicians and Irrigation Water Management Specialists.

## **FARM ASSISTANCE POLICY, (FA):**

### **Definitions:**

Farm Assistance funds are funds made available to participating individuals and entities owning and/or operating irrigated land or providing irrigation water to land, as a direct payment to implement the Basin States Salinity Control Program. Farm Assistance is also known as “financial assistance”, or “cost share” funds.

### **Overview:**

Participants enter into contract agreements with a local conservation district to implement irrigation improvement and wildlife practices. Participants that install improvements as specified in the contract receive a payment from FA funds.

Participation in the BSPP program, and applying for and receiving FA funds is voluntary. Irrigation and wildlife improvements are based upon NRCS Standards and policies for Conservation Planning and the standards and specifications contained in the Colorado NRCS Field Office Technical Guide. Installed improvements must be properly operated and maintained for the life of the practices as specified by the NRCS. Program procedures are parallel to EQIP rules and standards as utilized in the NRCS salinity control areas, with the following exceptions:

- No Adjusted Gross Income limitation
- Definition of an agriculture producer

### **Purpose:**

- The Colorado State Conservation Board (CSCB) has entered into a contract with the Bureau of Reclamation to accelerate the implementation of the salinity control program in the Colorado River Basin.

### **Funding Source:**

FA funding is made available from monies administered by the Bureau of Reclamation. The amount of FA funding depends on the monies obligated by the NRCS Environmental Quality Incentive Program (EQIP) salinity project during the previous Fiscal Year. “Obligated” refers to the aggregate total of all EQIP salinity fund contracts entered into, funded, and signed by eligible participants in NRCS Colorado salinity field offices.

Reclamation reserves the funding amount recommended by the NRCS in an account to be made available to the Colorado State Conservation Board. FA funds reside with the Bureau of Reclamation and are requested on a reimbursement basis in accordance with a federal contract agreement with the Colorado State Conservation Board, and individual contracts between the Colorado State Conservation Board and local conservation districts implementing the provisions of the Basin States Salinity Control Program.

The funding available depends on:

- The amount of overall funding for the Basin States Parallel Program made available by Reclamation and the Colorado River Basin States
- The amount of EQIP salinity cost share contract funding obligated by NRCS salinity field offices in Colorado
- Progress made toward NRCS salinity project goals

The funding for the BSPP comes from what is known as “Proportional funds”. Funds are also available for “Special projects”, which must be applied for in a separate process. A summary of the overall funding mechanism is below:

***Proportional funds:***

NRCS EQIP Financial Assistance (FA) obligated in participant contracts  $\times 0.43 =$  amount of Basin States contribution (contributed 85% from Lower Basin States and 15% from Upper Basin States)

- 40% of this contribution goes to NRCS
- 60 % of this contribution goes to BSPP for FA

Of the 60%; at least 90% must be used for BSPP for FA; up to 10% may be used for administration

Of the 40% received by NRCS:

- A portion is provided to CO for BSPP TA salinity District employees
- A portion is retained by NRCS to carry out BSPP activities

**Funding Cycle:**

The funding cycle for receipt of these funds is the Federal Fiscal Year (Oct. 1-Sept.30); with funding to districts generally occurring some time after the start of the new Federal FY cycle.

The date of actual funding depends on:

- The time needed for NRCS to compile EQIP obligation reports
- The time for Reclamation to calculate and obligate the allocations.
- Time to process contract modifications with the State of Colorado.

Note that Districts generally operate on a calendar year basis and not on the Federal Fiscal year, so some overlap in request and use of FA funding is inevitable.

### **Funding Flow to the State of Colorado BSPP Program:**

These funds are not automatically available and may be increased, reduced or even eliminated in subsequent funding cycles depending on EQIP funding, NRCS budget constraints, or changes in federal programs and/or project goals. If EQIP salinity cost share obligations increase, more FA funds may become available, and conversely, reduced EQIP obligations may result in less funding. Therefore, activities and outreach by the Conservation Districts to promote participation in EQIP could result in increased FA funding in future funding cycles.

For the above reasons, it is best to consider new FA funds as being available only on a year to year basis. Funds already obligated in existing agreements with participants will remain in place until implemented as long as the individual participant complies with the terms of the individual participant's contract cost share agreement.

### **Funding flow to Districts:**

- At the end of the Fiscal Year, NRCS will notify the Bureau of Reclamation of EQIP obligations for that year.
- Usually in February to April of each year, The Bureau will calculate the amount of BSPP FA funding to be made available.
- Reclamation will notify the CSCB of the funds to be made available, and will modify the contract between the State of Colorado CSCB and Reclamation to add these funds.

- Reclamation will reserve these funds for use by the State of Colorado CSCB.
- Districts will be notified as to the availability of these funds.
- The State of Colorado will request reimbursement from the Bureau as necessary.

**Funding Request procedure:**

- The Salinity Coordinator will ensure that funding is available by reservation of FA funds from the Bureau of Reclamation to CSCB.
- The Salinity Coordinator will request that the State of Colorado Fiscal division allocate FA funding to the district organizational unit account to increase the funding authority to the district.
- The State processes the request, and if approved, sends a funding letter to the district.

The above process may take as long as one month to proceed through State of Colorado contracting and fiscal accounting sections. For this reason, positive account balances will be maintained in the FA accounts of each district.

**FA Availability and Restrictions:**

- Projects must directly result in reduction in salt loading to the Colorado River, or replace wildlife habitat acres lost due to other salinity control improvements to be eligible for FA funds.
- FA funding is available ONLY for projects that do not meet the eligibility requirements for EQIP, or for projects determined to be too complex to be implemented through EQIP. This determination will be made by the NRCS District Conservationist.
- FA funding must result in implementation of projects that meet NRCS standards and specifications.

## **APPLICATIONS:**

### **Eligibility:**

Participants applying for FA funds must meet the definition criteria for participant, and must meet the eligibility requirements below:

#### **Participant Definition:**

Participants applying for FA funds must meet the following participant criteria:

A participant is defined as follows:

- An individual
- A joint operation, or group of individuals
- An entity:
  - Company
  - Corporation
  - Partnership, trust, estate, etc.
  - Other legal organization
  - Unit of State or Local Government

#### **Participant Eligibility:**

- Individual:
  - Must own the land receiving FA funds, or
  - If the land is not owned, must provide evidence that they have control of the land for the time period required for the proposed contract period for receipt of FA funds.
  - Must be a cooperator of the conservation district in which the land is owned and in which the proposed project is to be implemented.
- A group or joint operation:
  - Must jointly or severally own the land receiving FA funds or,
  - If the land is not owned, must control the land for the time period required for the proposed contract period for receipt of FA funds.
- An entity receiving FA funding must be organized for the following purposes:
  - Provide irrigation water to irrigated lands
  - Manage or operate wildlife areas

### **Project Eligibility:**

- FA funds are available only for projects that cannot be implemented by EQIP.
- FA funds must be used to achieve one or more of the following goals that result in salinity reduction or wildlife habitat replacement/development:
  - To improve existing irrigation systems
  - To improve irrigation water conveyance systems that deliver water for irrigation.
  - To provide an incentive payment for salt reduction implemented by the EQIP program.
  - To provide an incentive payment for improved irrigation water management through BSPP or EQIP.
  - To develop and improve wildlife habitat to replace wildlife values foregone due to implementation of improved irrigation systems.

FA funds are provided to achieve the above goals by installing certain conservation practices contained in the NRCS Field Office Technical Guide for Colorado.

### **Conservation Practice**

A Conservation practice is one or more conservation improvements and activities, including structural, land management, vegetative or other improvement providing salinity control reduction or improving or replacing wildlife habitat lost due to salinity reduction activities.

Eligible practices for FA projects include:

- Improved irrigation systems, irrigation conveyance systems and components of irrigation systems, such as:
  - Underground pipeline
  - Gated Pipeline
  - Sprinkler systems
  - Micro-irrigation systems
  - Land leveling
  - Other practices as determined by NRCS staff that results in the purposes of the program as stated above.
  - Management practices, such as Irrigation Water Management

- Wildlife Habitat development and improvement, such as:
  - Ponds
  - Wetland development
  - Tree and shrub planting
  - Grass seeding
  - Fencing
  - Riparian development
  - Other practices as determined by NRCS staff that results in the purposes of the program as stated above.
  - Management practices, such as:
    - Wildlife habitat management
    - Wetland habitat management

**All practices for which FA funding is received must meet NRCS Standards and Specifications.**

Two years of irrigation water management must be scheduled in the plan of operations for on-farm irrigation improvements. Two years of wildlife management must be included in the plan of operations for wildlife improvement practices.

**Land Eligibility:**

FA funds may be used to implement irrigation or wildlife improvements on:

- Privately owned or operated irrigated land
- Land owned or operated by entities
- Existing irrigation infrastructure, such as irrigation conveyance systems (sometimes referred to as laterals)

In some cases, salinity reduction projects may involve installation of irrigation conveyance systems that pass through other land belonging to individual landowner or entities.

In such cases:

- **Written permission must be obtained from that individual or entity for the proposed improvements, or,**
- **Right of Way or Easement documentation must be in place and provided upon request.**

FA funding is available to improve irrigated land on farm enterprises. FA funding may be provided for a single irrigated field, an entire farm, or any portion of a farm. Projects that improve irrigated land such as irrigated cropland, irrigated hay and pasture, and other land uses are referred to as an **“on-farm”** application. An NRCS – approved Conservation Plan and an NRCS-approved Contract Plan of Operations must be prepared for irrigated land receiving FA funding.

Funding may also be provided for projects that improve irrigation conveyance systems from major irrigation canals and laterals to the irrigated land. Projects that improve irrigation water conveyance from a canal or other water source to irrigated land are referred to as **“off-farm”** applications. An NRCS-approved Contract Plan of Operations must be prepared for irrigated conveyance systems.

#### Conservation Plan

A Conservation Plan identifies conservation practices necessary, including management practices, to provide the optimum salt load reduction for the field or farm, based upon the improved irrigation system and criteria agreed to by NRCS staff and the participant.

#### Contract Plan of Operations

A Contract Plan of Operations is the document that identifies:

- The location and timing of salinity reduction, wildlife habitat improvement and management practices that the participant agrees to implement to address BSPP program purposes. Each practice is also referred to as a contract item, and will have an associated contract item number (CIN).
- The scope and extent of the individual practices selected
- The payment to be received by the applicant upon completion of each practice component.

Private lands receiving FA funding must meet the following criteria:

- The land must be used for agricultural production or for wildlife habitat
- The land must be currently irrigated to receive FA funding for irrigation system improvements
- The land must have been irrigated two out the previous five years

- An NRCS-approved Conservation Plan must be completed for each field or farm unit for which FA funding is to be received, and a Plan of Operations will be prepared consistent with NRCS guidelines.

For entities that apply for FA funding to improve irrigation infrastructure for water conveyance, an NRCS –approved Plan of Operations will be prepared consistent with NRCS guidelines.

### **Application Scope:**

The application for proposed improvements may be a single conveyance improvement, treatment for a single field, or an entire farm or other enterprise.

The smallest unit of land that may be treated on private land is one field unit, in order to be considered for FA funding. Funding is not provided to partially treat a field.

The project **must** be completed in a maximum of five years, or completed sooner than that period, depending upon the extent of improvements needed. Projects not completed in a maximum of five years are subject to termination.

### **Application Process:**

Potential participants may apply for FA funds at any time during the year; applications are accepted year round. Applications are taken concurrently with the EQIP sign-up period. Applicants will be encouraged to also apply through EQIP. Applicants will apply on a form approved for use by the BSPP Salinity Coordinator and the local Conservation District. The applicant may apply by FAX, electronically, or in person. An original signature must be obtained if the applicant is selected for funding. The applicant must also sign a conservation district cooperative agreement, using a form approved by the district. The following information must be provided at the time of application:

- Name, address, contact information
- Project location
- A preliminary aerial photo or map showing location and extent of proposed improvements
- Whether the applicant is an individual, joint operation, or an entity
- The project type:

- An improved irrigation system or wildlife establishment or improvement on private irrigated land and/or an irrigation water conveyance system improvement to irrigated land
- A joint operation or entity to improve irrigation water conveyance to irrigated land
- A joint operation or entity to establish or improve wildlife habitat
- A preliminary estimate or explanation of the scope of the proposed project, such as acres to be treated, feet of improvement, etc.

If the application proposes irrigation improvements on the land, the applicant must certify the following:

- The land is currently irrigated
- The land has been irrigated two out of the last five years

If the applicant proposes to improve irrigation water conveyance to deliver to irrigated land, the applicant must certify the following:

- The land being served by the irrigation conveyance is currently being irrigated
- The land being served by the irrigation conveyance has been irrigated two out of the last five years

If the improved conveyance system passes through land that is not owned by the participant, the applicant must

- Certify that a Right-of-Way or easement is in place to allow the improvements to be implemented

If the applicant is an entity, group, or joint operation, the applicant must certify in writing:

- Which individual has authority to act for and sign documents and receive payment on behalf of the entity or joint operation
- That the entity has control of the proposed project for the duration of the implementation and authority to operate and maintain the improvements for a period as specified by the NRCS.
- If the applicant is an individual, the applicant must certify:
  - That the applicant owns the land, or,
  - That the applicant has control of the land on which the proposed project is installed for the duration of the implementation, and for a period of time

necessary to properly operate and maintain the improvements as specified by the NRCS.

**Applicant selection process:**

Applications will be compiled by the Conservation District Manager and the NRCS field office. A cut-off date will be established by the Salinity Coordinator to review the applications received up to the point in time of the cut off date.

This cut off date will normally be established at approximately the same time period as the EQIP applications cut off date. This date is usually in March-April.

The time period for BSPP applications may be extended beyond the NRCS schedule depending upon when funding is available, etc.

The NRCS will review the BSPP FA applications to ensure that they do **not** meet the eligibility requirements for EQIP, or are too complex to be feasible for EQIP funding.

Any BSPP FA application that is NOT eligible for funding through EQIP or too complex will be selected for further consideration for BSPP FA.

**Application Ranking**

Applications selected for further consideration will be referred to NRCS and/or District staff to develop a conservation plan for the proposed project. The conservation plan will be prepared according to current NRCS guidelines and policy and will be approved by the NRCS District Conservationist and a certified planner. The plan will address and document the type and extent of conservation practices needed in order to calculate cost effectiveness and suitability for the BSPP FA funding. A previously developed conservation plan for the land may be utilized if it is less than five years old.

For joint operations and entities applying for FA funding to improve irrigation conveyance systems, sufficient conservation planning activities must be conducted to determine feasibility and cost effectiveness of the proposed project.

**Cost effectiveness**

Cost effectiveness means the least costly option for achieving salinity reduction or wildlife improvement objectives as determined by the participant and the NRCS. Cost effectiveness for salinity reduction is calculated as the cost of salinity reduction practices to the BSPP multiplied by an amortization factor representing the total number of years the

project improvements will remain in place, divided by the tons of salt prevented from entering the Colorado River system, and is designated as \$/Ton (dollars per ton) . The amortization factor is provided by the Bureau of Reclamation. The cost of improvements is calculated using the most current NRCS payment schedule.

BSPP applications will be ranked using:

- A screening tool (provided by NRCS)
- An assessment to determine the cost effectiveness of the proposed project for salinity control reduction or for wildlife improvement projects. For salinity reduction, an NRCS approved ranking tool is required to be used.

#### Screening tool:

A screening tool is used to insure that the most feasible and most cost effective projects are funded first. This is important for funding cycles with less FA funding available. The screening tool allows for the prioritization of all applications: High priority means that the application will proceed to funding; a low priority means the application will be held until all high priority applications are funded.

The screening tool consists of the following initial questions:

- Does the applicant own or have control of the parcel(s) of land for which improvements will be implemented for a period of time necessary to complete the contract and complete the O and M requirements? If the applicant is a group or entity, does the group or entity have the right to operate and maintain the system for which improvements are being requested, and do they have right of ingress/egress to perform the above operations?
- Will the applicant and/or entity certify in writing that all Easements and/or Rights of way are in place to install the proposed improvements?

If the answer to either or both of the above questions is **NO**, then the application will not be processed. If the answer to the both of the above questions is **YES**, then the applicant will progress to the questions below:

- Does the applicant have a current (less than five years old) conservation plan in place for the requested project proposal that complies with current NRCS conservation planning policy? **Yes = HIGH PRIORITY**
- Are the required practices needed and feasible to achieve salinity reduction and/or wildlife habitat replacement goals? **YES = HIGH PRIORITY**
- In the last three years, has the applicant had a previous BSPP FA or EQIP contract agreement cancelled, terminated due to lack of progress, or presently has a current BSPP FA or EQIP contract agreement for which no progress has been made? **No = HIGH PRIORITY**

The final priority ranking for the proposal is HIGH if **all** questions above are answered **HIGH**. Low priority applications will be considered when all high priority applications are funded.

**Selection of Applicants for Funding:**

- High priority applications will be compiled by each NRCS field office and/or the District Manager of each district.
- The highest priority applications from each conservation district will be sent to the BSPP salinity coordinator. The salinity coordinator will determine the date that this action is to occur. The applications submitted to the salinity coordinator must contain the following information:
  - A copy of the application form
  - Estimated cost based upon the latest NRCS payment schedule.
  - A copy of the NRCS salinity ranking tool used to calculate salt reduction and cost effectiveness
  - A color copy of the Conservation plan map prepared by NRCS, showing all features and locations according to NRCS planning policy and guidelines.
  - Other conservation planning information necessary to ascertain the scope and extent of salinity reduction or wildlife improvement practices.
  - An application information form.

- A statement from the District Conservationist explaining why the application does not meet EQIP eligibility criteria, or why it is too complex to be considered for EQIP
- The salinity coordinator will certify that funds are available to fund the applications.
- The salinity coordinator will notify each conservation district in writing of the applications that may continue in the funding process. These applications are referred to as “selected for funding.”
- The salinity coordinator will reserve funds for applications that have a stated cost effectiveness of \$60/Ton or better (“better” is lower \$/ton numerically).
- Funding authority for these funds will be created at the State of Colorado.

**Applications with a stated cost effectiveness that exceeds \$60/ton will be submitted to the Salinity Forum Workgroup for review by the BSPP coordinator.** Information required as outlined above must be provided to the salinity coordinator for submittal to the Bureau of Reclamation. If the workgroup approves the application, then the salinity coordinator will reserve funds as outlined above.

***It is important that the information required above be completed neatly and accurately. Applications have been disapproved due to lack of information, lack of good maps, and neatness issues.***

Districts that have no high priority applications may compile low priority applications according to the steps outlined above.

Note that these applications will not be selected for funding until all high priority applications are selected and receive funding.

Districts/NRCS field offices that receive written notification of applications selected to continue the funding process will prepare the following for each applicant:

- A contract agreement, using a BSPP form approved by the salinity coordinator and the CSCB.
- An Contract Plan of Operations, on an NRCS –approved form, including
  - The location and timing of salinity reduction, wildlife habitat improvement and management practices that the participant agrees to implement to address BSPP program purposes.

- The scope and extent of the individual practices selected
- The payment to be received by the applicant upon completion of each practice component, based upon:
  - The amount of each unit of an item that is estimated to be needed
  - The payment rate of each item as identified and mandated in the NCRS payment schedule
- An Operation and Maintenance agreement according to NRCS guidelines
- A conservation plan prepared according to current NRCS guidelines
- A conservation plan folder containing all applicable forms and information as required by current NRCS planning policy and guidelines. The conservation plan folder will for all practical purposes appear nearly identical to a plan folder prepared for EQIP applicants. The conservation plan folder is also referred to as a **case file**.

The Conservation Plan and the Contract Plan of Operations will be prepared using **NRCS Toolkit**.

#### **Application approval and funding:**

When the contract agreement form, conservation plan documents, and the conservation plan folder are completed, the NRCS will review the final documents with the applicant, including the scope and extent of the proposed improvements, the estimated total cost of the proposed project, the payment amount to the participant based upon the current NRCS payment schedule, and the estimated cost of the proposed project to the applicant. It is imperative that the above documents are carefully and completely reviewed with the applicant. The documents referred to above constitute a contractual agreement, hereinafter referred to as a **contract**, when the documents are signed by the Conservation District, the applicant, and the NRCS.

#### **Contracts:**

The contract document is an agreement between the local Conservation District and the participant.

The Conservation District agrees to:

- Provide a contract agreement and contract plan of operations for the participant according to NRCS policy and guidelines from the NRCS
- Obligate funding necessary to carry out the improvements as specified in the contract plan of operations
- Provide a financial payment to the participant:
  - consistent with the current NRCS payment schedule, for approved practices and improvements installed to NRCS standards and specifications
  - Consistent with the terms of the contract
  - Consistent with the NRCS payment schedule
- Provide incentive payments as may be developed for management practices and other installation criteria installed to NRCS standards and specifications
- Provide technical assistance at no cost to the participant for implementation of the project
- ***Remove funding and terminate the contract for a participant(s) failure to carry out the terms and conditions of the contract***
- Act as an agent between the participant and NRCS, as needed

**Note that a participant cannot receive payment for improvements started or completed BEFORE a contract agreement is in place.**

The participant agrees to the following:

- Comply with all the terms and definitions, and policy as stated in eligibility section of this policy, above.
- The land and/or infrastructure for which improvements are contract must be owned or under control of the applicant for the time period specified in the contract
- Obtain all authorities, permits, easements, Rights-of-way, or other approvals necessary for the proper installation of the project and to be able to document this in writing.
- **Commence a financially assisted practice within the first 12 months of the contract period.**

- The participant must request an appointment with NRCS and/or the Conservation District to request a survey and design as soon as possible after receiving approval of the project.
- Install all practices according to NRCS Standards and Specifications.
- Perform any management practices that may be required according to NRCS Standards and Specifications.
- Operate and maintain all practices and improvements for the life of those practices according to an Operation and maintenance agreement prepared by the NRCS.
- Allow NRCS/District employee access to the location of improvements
- Must sign a contract form developed for use for the BSPP by the CSCB.

**Note that a contract may be terminated and the funding removed, for failure to carry out the terms and conditions of the contract.**

NRCS assists with the process as follows:

- Establishes and implements NRCS policy and standards for conservation planning, implementation and management of practices, and operation and maintenance
- Develops a payment schedule
- Provides technical assistance to the participant and local conservation district

**Contract approval and signatures:**

All forms, including the conservation plan and supporting job sheets, etc. are made a part of the contract and must be implemented according to the guidelines contained in the plan provided by the NRCS. Original signatures must be obtained. FAX signatures are not allowed for the contract documents. The signatures of applicant on contract and all other documents should match, that is, not signing as a landowner on one document and as a family trust or representative on another document.

- **NRCS and/or the district manager ensure that a written notification has been received from the salinity coordinator that funding has been allocated to the participant requesting the funding.**
- The contract documents are reviewed with the participant.

- The participant must review the estimated total cost of the improvements, the amount of estimated payment that will be received if practices are completed according to NRCS standards and specifications, and the estimated out-of-pocket costs that will be borne by the participant.
- The participant signs the contract document, the conservation plan, the Operation and Maintenance agreement, and all applicable forms as necessary to meet NRCS planning policy and guidelines
- The NRCS District Conservationist signs all applicable forms.
- When the above steps are completed, the District manager will arrange, with the participant, a time to review the proposed contract and project with the Conservation District.
- Upon review by the District, the contract document is signed by the conservation district board president (SEE CONFLICT OF INTEREST SECTION AT THE END OF THE CONTRACTING SECTION). All other signatures must be obtained before the District president signs. The contract document and all accompanying documents are then approved. The case file for that participant is filed in the NRCS field office in a secure location.
- A copy of the signed contract form will be submitted by the District Manager to the salinity coordinator.
- The salinity coordinator will combine the contract form with other documentation sent for that participant during the application process. The salinity coordinator will apply reserved funds to the contract after receipt of the above documentation.  
**Funds will not be applied to this contract until a copy of the properly signed contract documents are provided to the salinity coordinator. If the participant starts and/or completes a practice(s) before the salinity coordinator receives this information, the participant will receive no payment for the work performed.**

## **Contract Administration:**

### **Contract Period:**

The contract period begins when the District signs the contract form. The contract period shall be for a period not less than **two** years and may not exceed **five** years from the date signed by the conservation district. ***All practices scheduled in the contract must be completed no later than one year prior to the expiration date of the contract to allow time for proper implementation of the practices. No practices will be scheduled in the last year of the contract.***

### **Implementation:**

Approved BSPP FA contracts will be referred to NRCS and/or district engineering staff to schedule a survey and design of the project. Scheduling of the projects for design depends upon field office procedures and workload, and whether the participant is ready, willing and able to proceed with the design and implementation of the project.

**Note that design personnel will also be designing projects funded through other authorities, such as EQIP.**

The participant may employ private individuals or companies to perform the design work. If this option is selected, the design must result in the project installation meeting NRCS standards and specifications. **Note that no funding is available to the landowner for this option.**

### **Typical installation steps:**

The participant shall be contacted to set up an appointment for survey and design as soon as that participant is assigned to an employee.

The participant has a responsibility to contact the Conservation District and/or NRCS to schedule a survey and design as soon as possible after receiving contract approval.

When the design for a practice(s) is completed, the design will be reviewed with the participant. The participant will sign the design and proceed to complete all necessary agreements, such as utility locates, etc. The participant receives a copy of the design.

The participant shall proceed to install all practices required for the completion of the project designed. The participant may:

- perform the construction on their own
- may hire other persons, companies, or entities to perform the installation.

The project will be subject to periodic spot checks by the NRCS/District engineering staff to ensure that the project is meeting NRCS standards and specifications.

It is the responsibility of the participant to perform all work to these standards or to assure that the work is constructed to these standards. When the participant has completed the project, NRCS and/or the District will perform a final construction check and notify the participant of any deficiencies to be corrected or performed. The participant must keep records of all bills, receipts, and expenses associated with the installation of the project. The project then can be certified as meeting NRCS standards and specifications.

#### Payment Process:

Payments are made to participants when practices have been installed to NRCS Standards and Specifications.

- The NRCS/District engineering staff person will provide written documentation to the District Manager certifying:
  - The practices completed
  - The location
  - The extent of the practice installed
- The participant will provide bills, receipts, and expenses associated with the installation of the project to the District Manager.
- The District Manager, with assistance as needed from NRCS, will calculate the payment to be made to the participant based upon the documentation provided by the NRCS, and the payment rate in the contract
- The District Manager and NRCS will document the TOTAL cost of the project installed by the landowner, and provide a record of these costs to the NRCS. This documentation assists in assessing the true cost of improvements, and enables the preparation of accurate payment schedules.
- The payment rate to the participant depends on;
  - The amount of each unit of an item that is actually installed
  - The payment rate of each item as identified and mandated in the NCRS payment schedule

- The District Manager will prepare a payment form for reimbursement, to be signed by the participant. (If the payment is for the last item(s) in the contract, then the District Manager will state “FINAL PAYMENT” on the payment form )
- The payment form is signed by the District.
- The payment form is forwarded to the salinity control coordinator
- The salinity coordinator will check the payment forms and payment calculations
- The salinity coordinator will request funding disbursement.
- The State of Colorado will process the payment and send a warrant to the District
- The District deposits the warrant in the district account
- The district pays the participant in an amount exactly equal to the warrant received for the FA request.
- The State of Colorado will request reimbursement for these funds from the Bureau of Reclamation.

Additional payment terms and conditions:

- **Excess FA funding remaining in participant contracts will be de-obligated and reserved for use for modifications, other applications, or future applications within the district where the original contract was funded.**
- Payments are based upon the payment rate established for that practice or component, and not the expenses incurred by the participant. The payment will usually result in only a partial reimbursement of expenses borne by the participant.
- The NRCS and the Conservation District are not responsible for situations where the participant has failed to pay for the expenses incurred due to the project installation.
- It could take up to thirty days to receive payment; therefore the participant should make appropriate arrangements to any contractors and/or other persons or entities the participant engaged to complete the improvements.
- **The actual payment made to the participant may be less than the estimate contained in the contract if the extent of practices applied was less than that estimated.**
- No partial payments will be made for a practice that is only partially installed.

### Contract Reviews:

A review will be conducted by October of each year for each BSPP contract to:

- Determine progress made with the implementation of practices
- Determine remaining technical assistance required
- Determine if the participant still has control of the land associated with the contract
- Determine compliance with Operation and Maintenance
- Implementation of Management practices such as irrigation water management

The review will be documented using the current NRCS form for contract status reviews. The review will be signed by the participant, the District and the NRCS. A copy of the review will be submitted to the salinity coordinator. The local District Board must rely on District employees and NRCS personnel to keep them informed as to the progress and status of each contract.

### Contract Modifications:

Contracts may be modified for the following reasons:

- Changes based upon a final design of the project such as:
  - Change in extent of practices needed to meet the contract objective. An example would be reduction in pipe footage from 1000 LF to 500 LF
  - Change in type of practice or project scheduled for implementation, such as gated pipe to a sprinkler.
- To reschedule a practice. Note that no practice can be rescheduled into the last year of the contract.
- Deletion of a portion of the land from the contract. If so, the remaining land in the contract must be able to meet the terms and conditions of the contract, including cost-effectiveness.
- Extending or reducing the contract period
- To add or delete eligible participants
- To add *eligible* land to the contract, as long as the land to be added does not exceed 20 percent of the original acreage amount contracted.

- If a request to add eligible land to an existing contract constitutes more than 20 percent of the original contract acreage, the modification will be disapproved and a separate BSPP contract will need to be prepared.

All modifications must be prepared on the current form used by the NRCS. All modifications must be approved by the BSPP salinity coordinator prior to implementation.

Modification procedure:

- NRCS staff and the District Manager will provide a letter to the salinity coordinator. The letter must:
  - Document the reason for the modification.
  - State the *increase* or *decrease* in funding requested, if applicable
  - Provide revised cost effectiveness information, if applicable
- A revised plan map and revised plan of operations will be provided to the salinity coordinator, stating the new costs for each practice and new contract total cost of the project, if the modification involves a change in location, extent or type of practice, and/or a change in the contract period.
- A revised salinity cost-effectiveness ranking sheet must be submitted, stating the revised cost effectiveness. (Changes in the dollar amount obligated due to adding or changing the extent of a practice or practices cannot exceed a cost-effectiveness of \$60/ton.)
- Increases resulting in cost effectiveness less than \$60/ton (numerically *greater* than 60) will be referred to the Salinity forum workgroup for consideration
- The salinity coordinator will review the modification
- If the modification is approved, the salinity coordinator will send written approval to the District Manager.
- The District and NRCS will sign the modification.

**Please note that there are very limited funds available for modifications.** Most modifications involving relatively small changes may be funded from FA reserves that resulted from other contracts that were cancelled or funds de-obligated from other contracts. Modifications requiring large increases in funding will not be approved until funding is made available.

**Modifications to a contract based upon design changes must be processed and approved before construction begins for that item.**

It is important to note that all FA funding must be tracked accurately and completely.

Therefore, modifications must be prepared and receive approval by the salinity coordinator even if the modification involves a **decrease** in funding.

If a request to add eligible land to an existing contract constitutes more than 20 percent of the original contract acreage, the modification will be disapproved and a separate BSPP contract will need to be prepared.

Contract Transfers:

Contracts may be transferred to a new owner by using the current NRCS transfer agreement form. The new participant(s) must sign a contract agreement and all other required documentation and must agree to the contract terms and agreements.

Contract Cancellation:

BSPP contracts may be cancelled by mutual agreement of the District and the participant(s). The contract may be cancelled if:

- No work has been performed
- If any contract participant has lost control of the land

Cancellation procedure:

- The participant requests a cancellation in writing to the District, of his intent to cancel
- The District Manager notifies the District
- If the District approves the cancellation, the District manager prepares a letter to the salinity coordinator, stating that the contract is cancelled and the dollar amount released from the contract
- The salinity coordinator removes the funding for that contract and makes the funds available for modifications or other applications within that District.

If part of the contract has been completed:

- That portion of the contract treated must adhere to the terms and conditions for proper operation and maintenance for the life of the practice installed.

- The portion of the contract completed must “stand on its own” for cost effectiveness and practice function.

If the above conditions do not hold true, the contract will need to be terminated according to the procedure below.

#### Contract Terminations:

Contracts may be terminated by the District if the participant:

- Fails to properly operate and maintain a practice
- Fails to perform proper management
- Destroys a practice paid for with FA funding
- Fails to implement the contract after receiving design and technical assistance from NRCS or the District after repeated contacts.

The District shall request all or part of the funding received by the participant be returned to the District if the above conditions exist, or may remove funding and terminate the contract for failure to install any practice in the contract. Extenuating circumstances shall be discussed with the salinity coordinator.

This information will be based upon reports received by NRCS and District personnel as a result of regular annual status reviews. **The District shall take action on non-performing FA contracts.**

#### Contract completion:

A contract is complete when all items in the contract are complete, including structural and management items, and are paid. The participant is still bound by the terms and conditions of the contract for the operation and maintenance period for the lifespan of the practices in the contract. The District shall request a refund of payment received for any item not properly operated and maintained for the life of the practice.

#### For a completed contract:

- Document, on a final status review, that all items have been implemented and paid
- Document that all items are in good operating condition
- Calculate the actual cost effectiveness of the project based on any changes in the area treated and additional costs
- Provide the final status review and the final cost-effectiveness
- Keep a record of the completed project in the NRCS Field Office case files.

### **Contract Conflict of Interest Issues:**

- District board members should not sign any BSPP documents for projects involving their own and/or neighboring landowners land.
- District board members should not sign any BSPP documents for projects involving entities or other boards on which they serve or have any fiduciary interest.

The conflict of interest and impartiality requirements are particularly important when a District board member has a close relative, or has an agricultural or other commercial interest, with a contract participant. The board member must “disqualify” him/herself from any activity in a matter in which (s) he could have a conflict of interest or the actual or appearance of loss of impartiality. Examples include the following:

- Family or household members
  - Relatives with a close relationship
  - Business or financial interest partners
  - Employer or prospective employer
  - Employer of family member
  - Organizations for which they hold, or have recently held, office or of which they are a committee or board member
- The board member must not take official action in a matter that involves the interests of someone with whom the board member has a “covered relationship”. A covered relationship is:
    - Current or sought after business, contractual or other financial relationship
    - Household member or close relative
    - Current or prospective employer of spouse, parent or dependent child
    - Non-federal organization in which the board member is involved
    - Organizations in which household or close family members are involved
  - The board member may not represent another party to the government (NRCS) or give “behind-the-scenes” assistance to someone, in other words, acting on their own and not in an official district capacity.
  - The board member must not misuse their position by using it to imply endorsement of anyone’s personal activities, a product, service or business, or by sharing or using non-public information for financial gain for themselves or others.

- District board members must not create conflict or impartiality issues.
- District board members are responsible for reporting any possible ethical conflicts to the board. The interpretation of conflict of interest or impartiality can be very complex depending on participant and landowner relationships, so board members should be encouraged to declare any situation in which they think any appearance of impropriety may apply. These situations should be brought to the attention of the Salinity Coordinator by the individual and/or the District.

## **Administration Funding Policy**

### **Definition:**

Administration funds are funds used to administer the Basin States Parallel Program. The funds are made available to the Colorado State Conservation Board and the six salinity districts to help cover expenses associated with the implementation of the salinity control project.

### **Source:**

Administration funds are received as part of the contract between the BOR and the Colorado State Conservation Board. The contract with the BOR allows **up to** 10 percent of the contract funding to be available for administration.

### **Uses:**

Administration funding shall be used to:

- Pay salary and expenses of the BSPP salinity coordinator and staff
- Reimburse the State of Colorado for expenses incurred by the BSPP, such as:
  - Meeting expenses
  - Tours and outreach
  - Administrative expenses for contracting and other agreements
- Provide financial assistance to salinity districts for administration of the BSPP at the district level
- Provide a payment to districts for processing FA payments to landowners

- Tours, news releases and other outreach activities associated with the BSPP.
- Expenses associated with District manager activities.
- Other district activities as determined by the local district that do not conflict with the goals of the BSPP.

Administrative funds may be used by the salinity coordinator to fund meetings, tours and expenses associated with salinity program outreach as needed.

Districts receive administration funds by two methods:

- Districts are reimbursed up to \$10,000 per year for expenses associated with local administration of the BSPP. A portion of these funds may be provided up-front for any immediate expenses associated with the BSPP. Currently 25 per cent of these funds are provided on a quarterly basis.
- Districts receive a payment equal to three percent of a landowner FA payment upon completion and certification of an installation.