

SWCD Training Program | *January 2011*

# Module 13: References



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## **Definitions & Acronyms**

*AAC* means Alaska Administrative Code. This Code governs SWCD operations such as procurement.

*AACD* see Alaska Association of Conservation Districts.

*Alaska Association of Conservation Districts* means the non-profit corporation filed under IRS Section 501(c)3. AACD's functions are employees and payroll; Administration of grants and funding at the will of each SWCD separately. AACD is not a controlling entity on the Districts, while the AACD Board may vote for or against something, that vote does not obligate the individual SWCDs.

*Alaska District* means the area of the state that is not located within any other district organized under AS 41.10.130(a).

*Annual Financial Report* refers to a report, included within the Annual Report and approved by the individual SWCD Board of Supervisors, detailing all revenue and expenditures of the SWCD for the prior fiscal year.

***Annual Report*** refers to an annual report, produced at the end of each fiscal year, approved by each SWCD BOS and provided to the NRCDB/DNR, that reports the SWCDs accomplishments of the year ended, including financial reports. Due by September 15<sup>th</sup> of each year.

***Annual Work Plan*** refers to an annual plan, approved by each SWCD BOS and provided to the NRCDB for approval by the Commissioner, outlining all expected revenue and expenditure of the SWCD for the upcoming fiscal year. Due by May 15<sup>th</sup> of each year.

***AS*** means Alaska Statute, Alaska's record of codified laws.

***Attorney General*** refers to Alaska Department of Law and/or an Assistant Attorney General. There is a representative from this office assigned to Alaska's SWCDs and the NRCDB.

***Board of Supervisors*** refers to the Board of each SWCD. SWCD Boards are comprised of duly-elected Supervisors.

***BOS*** see Board of Supervisors.

*Circular* refers to publications distributed by the Office of Management and Budget that are followed in standard accounting protocols.

*Codified* means laws adopted by the Alaska State Legislature and implemented into Alaska Statute.

*Commissioner or DNR Commissioner* refers to the Commissioner of the Alaska Department of Natural Resources.

*Conservation Plan* see Farm Conservation Plan.

*Cooperator* refers to a landowner, manager, or otherwise has legal authority over a property that has signed a Cooperator Agreement with their local SWCD. To be a certified Cooperator with the State of Alaska and eligible to sit on the Board of a SWCD, per AS 41.10.140(2) the Cooperator must be: (2) "land user" or "user of land" means a person who (A) is a producer of renewable resources, including farming and forestry; and (B) has a current cooperative agreement with a soil and water conservation district.

***Cooperator Agreement or Cooperative Agreement*** means a signed agreement between a landowner and a SWCD. DNR and the Attorney General's Office have authority over the minimum contents of this Agreement template.

***DNR*** see Department of Natural Resources.

***DNR Procurement Office*** refers to the Office within the Department of Natural Resources responsible for oversight and responsible implementation of State procurement procedures.

***DOA*** see Department of Administration.

***Department of Administration*** means the Department of Administration within the State of Alaska.

***Department of Natural Resources*** means the Department of Natural Resources within the State of Alaska. DNR is the primary agency for the SWCDs.

***District*** refers to a Soil and Water Conservation District.

*Employee Manual* refers to the AACD Employee Manual. All employees under AACD's employ must adhere to the provisions within this manual, and all SWCDs utilizing AACD as employer of record must use the hiring practices and other requirements contained in this manual.

*EQIP* see Environmental Quality Incentives Program.

*Environmental Quality Incentives Program* refers to a federal program through the NRCS to address environmental issues on the property of producers.

*Executive Director* refers to the Executive Director of the Natural Resources Conservation and Development Board. This position works with Alaska's SWCDs and supports the NRCDB, and acts as a liaison between Districts and the Department of Natural Resources and the Attorney General's Office.

*Expense or Expenditure* refers to a cost incurred by a District.



***Farm Conservation Plan*** refers to a plan created with the property owner or person with legal authority over the property and their local SWCD, planning for the orderly development of the property. It is common for some SWCDs to rely on NRCS to produce these plans and provide assistance. Conservation Plans are also mandated under the Alaska Homestead Act and Division of Agriculture parcel disposals. Per Alaska Administrative Code (11 AAC 67.180), Farm Conservation Plans must have the following elements:

- (1) A map of the farm showing
  - (A) the planned location of any clearing and breaking of ground;
  - (B) location and size of the farm's real property improvements (if authorized);
  - (C) location of windbreaks, farm ponds, and similar conservation measures and improvements; and
- (2) Planned soil conservation measures

***Fiduciary Duty*** refers to a duty to act for someone else's benefit, while subordinating one's personal interests to that of the other person. It is the highest standard of duty implied by law (e.g. trustee, guardian). [Black's Law Dictionary, Sixth Edition, p. 625]. SWCD's have a fiduciary duty to those they represent that should be given the highest regard and respect.



***Financial Statement*** refers to the monthly financial report provided to the Boards of the SWCDs. Financial statements show all revenue and expenditures of the SWCD, including an accounting of all fund balances.

***Fiscal Year*** refers to the accounting period of the State and SWCDs. The fiscal year runs from July 1 through June 30 of each year. i.e. July 1, 2009 is actually the beginning of fiscal year 2010.

***GAO*** see Government Accountability Office.

***Government Accountability Office*** means the federal-level, but independent nonpartisan agency, audit, evaluation, and investigative arm of Congress charged with examining matters relating to the receipt and expenditure of federal funds. The GAO publishes all standards audits are performed under and seeks to improve government spending, accountability, reportability, and transparency through solid policy-making and enforcement.

***Governor*** refers to the Governor of the State of Alaska.

***Inventory*** refers to the State inventory each SWCD must complete each year. The Executive Director of the NRCDB assists SWCDs in complying with this provision. All equipment, electronics, vehicles, and property must be included as they are State property.

***Land User or User of Land*** is defined by AS 41.10 as a producer of renewable resources including farming and forestry, and has a current Cooperative Agreement with their SWCD.

***Legislature*** refers to the Alaska State Legislature.

***Lobbying or Lobbyist*** means a person who is employed and receives payments, or who contracts for economic consideration, including reimbursement for reasonable travel and living expenses, to communicate directly or through the person's agents with any public official for the purpose of influencing legislation or administrative action for more than 10 hours in any 30-day period in one calendar year; or represents oneself as engaging in the influencing of legislative or administrative action as a business, occupation, or profession.

***Malfeasance in Office or Official Misconduct*** means Malfeasance has been defined by courts as a wrongful act which the actor has no legal right to do; as any wrongful conduct which affects, interrupts or interferes with the performance of official duty; as an act for which there is no authority or warrant of law; as an act which a person ought not to do; as an act which is wholly wrongful and unlawful; as that which an officer has no authority to do and is positively wrong or unlawful; and as the unjust performance of some act which the party performing it has no right, or has contracted not, to do. In addition, jurisdictions differ greatly over whether intent or knowledge is necessary, courts have found malfeasance in office where there is "ignorance, inattention, or malice", which implies no intent or knowledge is required.

***NACD*** see National Association of Conservation Districts.

***NASCA*** see National Association of State Conservation Agencies.

***National Association of Conservation Districts*** refers to a national association that most SWCDs nation-wide belong to. The NACD primarily focuses on policy matters, NRCS assistance and relationships, and other natural resource issues of their interest.

***National Association of State Conservation Agencies*** is a national association that exists only to serve and represent its members, fifty-five state and territory conservation agencies of the United States. Members vary as to their place and function in state/territory government, but the agencies administer soil, water, and related natural resource conservation programs. The Executive Director of the NRCDB serves as the SWCD's primary representative to this association.

***Natural Resources Conservation and Development Board*** means the Governor-appointed Board above the SWCDs, that acts as a liaison and advocate for/with the Districts, and works with the Commissioner. The NRCDB is facilitated by an Executive Director housed in the DNR Commissioner's Office.

***Natural Resources Conservation Service*** means the federal agency under the US Department of Agriculture with primary responsibility to implement the Farm Bill and associated funding. The NRCS also provides agricultural and timber producers with federal specifications and often-times funding to address environmental or wildlife concerns and crop-related concerns.

***NRCDB*** see Natural Resources Conservation and Development Board.

**NRCS** see Natural Resources Conservation Service, USDA.

***Oath of Office*** refers to the Oath that newly-elected Supervisors undergo prior to taking their Board seat.

***Office of Management and Budget*** refers to the federal agency responsible for oversight of federal funds and sets financial and audit standards for State entities with Circulars A-87 and A-133. There is also a state Office of Management and Budget organized within the Governor's office.

***Official Misconduct*** see Malfeasance.

**OMB** see Office of Management and Budget.

***Open Meetings Act*** refers to the Alaska Open Meetings Act, within Statute at AS 44.62.310.

***Operations Manual*** refers to the District Operations Manual. This manual governs the operations of Alaska's SWCDs.

***Producer*** refers, by State definition, to a property owner utilizing the natural resources in their control. By federal definition and to qualify as a producer under NRCS, the landowner must produce a minimum of \$1,000 worth of product per year.

***Resource Conservation and Development Council*** refers to RC&Ds formed and operated under NRCS.

***Revenue*** refers to any income to a District.

***Right to Farm Bill*** refers to a Statute enacted by the Alaska Legislature as AS 09.45.235, Agricultural operations as private nuisances, that, in brief, protects an existing agricultural facility from being declared a nuisance from new neighbors/development in the area -- as long that that agricultural operation has a Cooperator Agreement with their local SWCD and that SWCD certifies to the Commissioner in writing that the facility or operation is consistent with a soil conservation plan developed and implemented with the district.

***SCS*** see Soil Conservation Service.

***SOA*** see State of Alaska.



*Soil and Water Conservation Districts* refers collectively to the Soil and Water Conservation Districts within Alaska.

*Soil Conservation Plan* see Farm Conservation Plan.

*Soil Conservation Service* refers to what is now called the NRCS.

*State of Alaska* refers to the government of the State of Alaska. The State is divided into Departments (Natural Resources, Administration, etc.), Departments are then divided into Divisions, i.e. within DNR are Divisions for Oil and Gas, Forestry, Agriculture, etc.

*Supervisor* refers to the duly elected representatives to each SWCD Board. Supervisors are certified land users in the State, Cooperators with their local SWCD, and are duly elected through a State-run election process.

*SWCD* see Soil and Water Conservation Districts.



***United States Department of Agriculture*** refers to the federal agency responsible for agriculture related issues.

***United States Fish and Wildlife Service*** refers to the federal agency responsible for fish and wildlife related issues.

***United States Forest Service*** refers to the federal agency responsible for forestry related issues.

***User of Land*** see Land User.

***USFS*** see United States Forest Service.

***USDA*** see United States Department of Agriculture.

***USFWS*** see United States Fish and Wildlife Service.

***WHIP*** see Wildlife Habitat Incentive Program.

***Wildlife Habitat Incentive Program*** refers to a NRCS cost-share program available for producers who wish to address wildlife habitat issues on their property.