



Rules of
Department of Natural Resources
Division 70—Soil and Water Districts Commission
Chapter 8—State Funded Special Area Land Treatment
(SALT) Program

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**Title 10—DEPARTMENT OF
NATURAL RESOURCES**

**Division 70—Soil and Water Districts
Commission**

**Chapter 8—State Funded Special Area
Land Treatment (SALT) Program**

**10 CSR 70-8.010 Commission Administration
of the SALT Program and Apportionment
of SALT Funds**

PURPOSE: This rule establishes commission guidelines for the administration of the program and the allocation of funds available for the Missouri State Soil and Water Conservation SALT Program. One of the primary goals of the plan includes the expansion of the SALT program to prevent water pollution caused by soil erosion and chemical runoff from agricultural land.

(1) General Availability of Special Area Land Treatment (SALT) Funds. State SALT funds shall be available to districts, which have received commission approval for a specific watershed project, and have agreed to locally administer the program, and have executed a Memorandum of Understanding (MOU) with the commission setting forth the terms of such assistance. SALT funds approved by the commission shall be available to the administering district to budget for management and incentives as set forth in sections (2), (3) and (4).

(2) SALT management funds shall be available to the administering district to budget expenses to administer SALT projects, which include personnel, field equipment, information/education, office/technical, administrative and demonstrations.

(3) SALT incentive funds shall be available only to those landowners of land located in the SALT project area, or the operator of such land located in the SALT project area. To be eligible a landowner or operator must have a conservation plan as approved by the district.

(4) Apportionment of SALT Funds. SALT funds shall be allocated each fiscal year based on the funds budgeted by the administering district for that given year. Total funds budgeted for management and incentives over the life of the project, shall not exceed the total funds approved for that project by the commission.

(A) Funding Limitations. Funds allocated to a SALT project but not spent or not obligated at the end of the project life shall be returned to the commission.

(B) Release of Funds for Reapportionment. A district may, at any time, provide notice to the commission that it has not spent or obligated all funds made available under section (4), and that it does not expect to do so by the end of the project life, and that it releases any portion of such funds for reapportionment by the commission.

(C) Termination of the Memorandum of Understanding. In the event that the Memorandum of Understanding required by section (1) is terminated by any district or by the commission, the district shall release all funds unspent and unobligated as of the effective date of such termination and shall further release, as they become available, obligated funds for which no claims for payment is made in a timely manner.

(D) Use of Released Funds. Funds released by the districts in accordance with subsections (4)(A), (4)(B) and (4)(C), shall be returned to the SALT program to be reallocated by the commission to other SALT projects or reserved by the commission for special allotment under subsection (4)(E).

(E) Special Allotment. The commission may allocate SALT funds for the purpose of cost-sharing or incentives on special watershed projects, which the commission considers necessary and of high priority for water quality problems resulting from production agriculture. These funds thus allocated from the general SALT fund shall be allocated by the commission for the use on certain critical-needs projects. The special critical-needs projects shall be planned and designed by the commission incorporating the cooperative assistance of the local district(s) involved and with the technical assistance available to such district(s).

(5) The commission shall review the progress made on individual SALT projects and may establish a management strategy with districts where project goals are not being met. Where possible, the commission shall assist districts whose project goals are not being met. In the event the district is not able to reach the project goals established, the district will be given the option to cancel their SALT project, to reevaluate the project goals, or other action agreed to by the commission. The commission reserves the right to terminate the SALT project providing the progress of the improvement or protection in water quality does not justify the funding allotted to the project.

*AUTHORITY: sections 278.070(4) and 278.110.8, RSMo 2000 and 278.080.5(9), RSMo Supp. 2001. * Original rule filed Nov. 13, 2002, effective June 30, 2003.*

**Original authority: 278.070, RSMo 1943, amended 1961, 1969, 1980; 278.080, RSMo 1943, amended 1961, 1980, 1986, 1995, 2000, 2001; and 278.110, RSMo 1943, amended 1961, 1980.*

**10 CSR 70-8.020 Application and
Eligibility for SALT Cost-Share Funds**

PURPOSE: This rule establishes criteria and methods of application for landowners desiring funds from the Missouri Soil and Water Conservation SALT Program. One of the primary goals of the plan includes the expansion of the SALT program to prevent water pollution caused by soil erosion and chemical runoff from agricultural land.

(1) Establishing Special Area Land Treatment (SALT) Cost-Share Practice Eligibility. The commission shall establish a list of eligible practices for which SALT cost-share funds should be utilized and shall affirm or modify the list as it considers appropriate to address agricultural nonpoint source pollution. The participating districts shall develop a list of preferred practices from the commission eligibility list upon which they will base their considerations for SALT cost-sharing. Landowners shall be eligible for SALT cost-share funds only for the types of practices designated as eligible for these purposes by the Soil and Water Districts Commission and by the participating districts. No eligible practices are available to treat flood-scouring problems or specifically flood control problems.

(2) Application for Assistance. To be eligible for assistance from the SALT Cost-Share Program, a landowner must make application on forms provided by the commission and available at district offices. The district's board will act upon only those applications for SALT cost-sharing from landowners who have a conservation plan as approved by the district, except as provided in section (5), and for eligible practices on which construction or implementation has not yet begun. The district board of supervisors may approve SALT cost-share applications at the date of the conservation plan approval or at the approval date of the SALT project, whichever is later. However, governmental agencies, political subdivisions and public institutions are excluded from participation in the SALT Cost-Share Program. As a further stipulation for receiving SALT cost-sharing assistance, the land upon which the practice is to be implemented or constructed must improve, maintain, or protect water quality due to agricultural nonpoint source pollution concerns.



(3) Funding Determination and Limits. It shall be the responsibility and duty of the board of supervisors to determine the actual dollar amount of SALT cost-sharing on individual applications. State SALT cost-share rates shall not exceed the limits established in 10 CSR 70-8.040(1). In the event that the landowner wishes to construct or implement practices over and above the size or scope determined by a qualified technician to be minimum and necessary for water quality benefits, the board shall provide SALT cost-share assistance on only that part of the practice necessary to improve, protect or maintain water quality.

(4) Compliance with Applicable Law. In the installation of any eligible practices, the landowner shall be solely responsible for assuring compliance with any applicable federal, state or local laws, ordinances and regulations. The landowner also is solely responsible for obtaining all permits, licenses or other instruments of permission required before the installation of the proposed practice.

(5) Group Projects. Landowners may cooperate with other landowners in the event that the most appropriate solution to the needs addressed in the conservation plan requires eligible practices to be located on or across property lines of different landowners. In these cases, an agreement between or among cooperating landowners must be prepared by or on behalf of the group stipulating and providing for, but not limited to, the divisions of unshared costs, maintenance, and easements as necessary to accomplish the installation, operation and maintenance of the practice and the sharing of rights and benefits over and above the public benefits which might accrue from the installation of the practice. This agreement and a group conservation plan shall be submitted to the district(s) within which the land included in the plan lies. Upon approval of the group conservation plan by the district, the individual landowners are eligible to apply for SALT cost-sharing assistance under this rule. The group conservation plan may serve in lieu of the individual landowner conservation plan as stipulated in section (2). All other requirements for application and SALT cost-sharing assistance remain in effect.

(6) Termination Date. All applications shall specify a termination date, which shall be set no later than June 30 of the fiscal year following the fiscal year in which the application is approved, with the provision that no termination date shall be set later than the last

day of the project life. Claims for payment received by the district board from the landowner, after the termination date shall not be honored unless the board approves an amendment for an extension. Amendments for extensions can be authorized for an adequate period of time determined by the board to be reasonable and fair to the landowner. An amendment for an extension must be approved prior to the termination date of the original application and only when the implementation or construction has begun on the practice.

(7) SALT Application Amendments. A copy of any amendment will be furnished to each party receiving a copy of the original application and the board shall approve each amendment before it shall become effective. An amendment to a SALT cost-share application shall not be appropriate in the event that the construction or implementation of a practice has begun, except as provided in subsections (7)(A), (C), (D), and (F). An amendment to an application for SALT cost-sharing assistance shall be appropriate for any of the following reasons:

- (A) To increase the quantities of eligible components needed on the practice;
- (B) To comply with an amended conservation plan;
- (C) To extend the termination date indicated on the original application consistent with section (6);
- (D) To cancel the application or agreement by mutual consent;
- (E) To increase the obligation to the landowner for the proposed practice; or
- (F) To reflect the added costs to the landowner when physical conditions at the practice site which require design changes are encountered.

*AUTHORITY: sections 278.070(4) and 278.110.8, RSMo 2000 and 278.080.5(9), RSMo Supp. 2001. * Original rule filed Nov. 13, 2002, effective June 30, 2003.*

**Original authority: 278.070, RSMo 1943, amended 1961, 1969, 1980; 278.080, RSMo 1943, amended 1961, 1980, 1986, 1995, 2000, 2001; and 278.110, RSMo 1943, amended 1961, 1980.*

10 CSR 70-8.030 Design, Layout and Construction of SALT Proposed Practices; Operation and Maintenance

PURPOSE: This rule specifies technical aspects and certification, establishes responsibility of operation and maintenance and provides a method of modifying projects and practices. One of the primary goals of the

plan includes the expansion of the SALT program to prevent water pollution caused by soil erosion and chemical runoff from agricultural land.

(1) Technical Specifications. Technical specifications for agricultural nonpoint source pollution practices shall be developed by the appropriate state or federal agency and be included in the project watershed plans approved by the commission. Specifications for practices set forth in the Natural Resource Conservation Service (NRCS), Field Office Technical Guide (FOTG) is to be used as the basis for determining need and practicability of the proposed practice, for preparing plans and specifications, for designing and laying out the practices and for certifying the proper installation of the practices. Specifications for additional water quality practices not set forth in the NRCS Field Office Technical Guide and modifications to those included in the FOTG may be considered and authorized by the commission at the request of the district. Special Area Land Treatment (SALT) Practice description and specification information will be on file in the district office.

(2) Inspections and Certifications. A responsible technician shall inspect the work in progress to determine that specifications are met. Following the installations, it will be the responsibility of the technician to certify to the district that the practice was or was not properly installed. If the district does not receive a technician's certification that the practice was properly installed, it shall not approve any claim to the commission for payment regarding the practice. In the event that any technician responsible for complying with any portion of the rule is different from the technician who originally certified the feasibility of the practices in the original conservation plan, and if the technician is other than an individual employed for those proposed by the district or the NRCS, the qualifications of this technician shall be established to the satisfaction of the board before proceeding any further with the processing of any claim for payment.

(3) Operation and Maintenance by Landowner. Except as provided in section (4), the landowner shall be responsible for the operation and maintenance of all practices constructed with assistance from the SALT Cost-Share Program and the landowner will be expected to maintain the same in good operating condition to assure their continued effectiveness for the purpose(s) for which they were installed through the specified life of the practice.



(4) Operation and Maintenance by the District. If, within the specified life span of the practice, the district determines that landowner operation and maintenance responsibilities would constitute an undue burden upon the landowner, the district may assume responsibility for all or a part of the operation and maintenance and, prior to and as a condition for approval of a claim for payment for SALT cost-share funds, as a condition of the SALT cost-share assistance agreement under section (5), shall require the landowner to provide the district with the necessary easement or other land rights necessary to perform the operation or maintenance.

(5) SALT Cost-Share Assistance Agreement. As a condition for receiving any cost-share funds for eligible practices, the landowner, before submission of a claim for reimbursement, shall enter into an agreement of maintenance on forms supplied by the commission. The provisions of the agreement shall state: "if the practice is removed, altered or modified so as to lessen its effectiveness, without prior approval of the district, for a period of ten (10) years or the expected life span of the practice, whichever is the lesser, after the date of receiving payment, the landowner or his/her heirs, assignees or other transferees, shall refund to the SALT Cost-Share Program the prorated amount of the state cost-share payment previously received for the practice or portion of the practice which has been removed, altered or modified; and that if the district assumes maintenance responsibilities, right of access will be granted by the landowner." A copy of the agreement shall be recorded by the district board in the county where the land upon which the practices are constructed is located if the commission concurs with a board's determination that there is a need for recording.

(6) Request for Removal, Alteration, and Modification of Practices. A landowner may request the district's approval of the removal, alteration or modification of the practice at any time during the ten (10) year or expected life span, whichever is lesser, following payment of SALT cost-share assistance. In determining whether to approve or disapprove the action, the district shall consider:

(A) The value of the practice in reducing agricultural nonpoint source water quality impairments;

(B) The extent to which the practice hinders the highest and best use of the land upon which the practice is located;

(C) Whether alternative water quality measures or best management practices have been or are to be constructed or implemented; and

(D) The time remaining in the designed life of the practice.

AUTHORITY: sections 278.070(4) and 278.110.8, RSMo 2000 and 278.080.5(9), RSMo Supp. 2001. Original rule filed Nov. 13, 2002, effective June 30, 2003.*

**Original authority: 278.070, RSMo 1943, amended 1961, 1969, 1980; 278.080, RSMo 1943, amended 1961, 1980, 1986, 1995, 2000, 2001; and 278.110, RSMo 1943, amended 1961, 1980.*

10 CSR 70-8.040 SALT Cost-Share Rates and Reimbursement Procedures

PURPOSE: This rule establishes SALT cost-share rates and reimbursement procedures. One of the primary goals of the plan includes the expansion of the SALT program to prevent water pollution caused by soil erosion and chemical runoff from agricultural land.

(1) Special Area Land Treatment (SALT) Cost-Share Rates. SALT cost-share rates shall not exceed seventy-five percent (75%) of the estimated approved costs of eligible practices or incentive rates established by the commission for certain management practices which have proven to be effective to address agricultural nonpoint source pollution.

(2) SALT Funding Limit. Landowners may obtain other sources of funding from federal, state, and/or private organizations in conjunction with receiving SALT cost-share in excess of the amount authorized by section (1). At no time shall the combination of SALT cost-share and funding from other sources exceed one hundred percent (100%) of the actual cost to the landowner.

(3) SALT Eligible Costs. Eligible costs will be determined by the district and shall include all necessary and reasonable costs incurred by the landowner in installing or applying an approved practice. The costs include machine hire or the costs of the use of his/her own equipment, needed materials delivered to and used at the site and labor required to construct the practice.

(4) Documenting SALT Costs. All authorized items or costs for which the landowner desires SALT cost-sharing assistance shall be supported by receipts of payments from the vendor(s). Receipts of payments from the vendor(s) shall show the name of the vendor(s), the materials, labor or equipment used on the practice, the component(s) cost,

the total amount paid for the component(s), the date payment was received and the vendor's verification of payment received. Should receipts include components which were not needed on the approved practice, the claim shall be adjusted to reflect the actual cost of minimum and necessary components. Costs for labor, materials or equipment incurred by the landowner or by the current farm operator when no vendor receipts for payment are obtainable must be listed on a certification worksheet showing the component(s) cost, amount or number of each component and the total amount for which payment is claimed.

(5) SALT Claim for Payment. After the practice has been completed and certified by the responsible technician, the landowner shall complete a claim for payment on forms provided by the commission and available at the location where the application form was obtained. A copy of the certification worksheet of costs incurred by the landowner or the current farm operator and the vendor(s) receipts, both required by section (4), shall be attached to the claim for payment before submission to the district. The landowner at the same time shall complete and sign the agreement form required by 10 CSR 70-8.030(5), a copy of which shall be submitted to the district for processing along with the claim for payment.

AUTHORITY: section 278.080, RSMo Supp. 2007. Original rule filed Nov. 13, 2002, effective June 30, 2003. Amended: Filed June 3, 2008, effective Jan. 30, 2009.*

**Original authority: 278.080, RSMo 1943, amended 1961, 1980, 1986, 1995, 2000, 2001.*

10 CSR 70-8.050 District Administration of the SALT Cost-Share Program

PURPOSE: This rule establishes guidelines for the administration of the SALT Cost-Share Program by the participating districts. One of the primary goals of the plan includes the expansion of the SALT program to prevent water pollution caused by soil erosion and chemical runoff from agricultural land.

(1) Special Area Land Treatment (SALT) Application. This rule shall apply only to districts which have entered into a Memorandum of Understanding with the commission agreeing to assist the commission in the



administration of the SALT Cost-Share Program and to applicants having active conservation plans as required by 10 CSR 70-8.010(3) as approved by the district and to eligible practices covered by the conservation plan.

(2) Board Action on SALT Applications. The board of supervisors shall review the SALT cost-share assistance application and any amendments and shall approve or disapprove each application or amendment. The action shall be recorded in the official minutes of the district meeting and the landowners shall be notified of the action within ten (10) days. The board at this time also shall determine the amount of funding under 10 CSR 70-8.020(3). Special circumstances may arise where board approval for SALT cost-share assistance is needed before the next monthly board meeting. In those cases, the board shall establish specific criteria by which any board member may approve that action. All those approvals shall be reviewed at the next board meeting and be recorded in the official minutes of the district meeting. Applications for SALT cost-share assistance may be approved by the board only when there is sufficient commission approved budgeted funds to provide the estimated SALT cost-share based upon the actual cost information available to the district. The board shall not approve any application for cost-share assistance on which the construction or implementation of projects or practices has begun.

(3) Record Keeping. The district shall maintain a record of funds obligated as applications for SALT cost-share assistance are approved based upon estimated costs. A SALT cost-share ledger will be kept current showing the balance of unobligated funds and other information as the commission determines is necessary to provide for proper documentation of all expenditures from the SALT Cost-Share Program.

(4) District Review of SALT Claim for Payment. Upon completion of an approved practice, the district shall review the claim for payment prepared by the landowner in accordance with 10 CSR 70-8.040(4) and (5) and, if it finds that the practice was installed properly, that all other conditions have been satisfied and that the claim has been completed properly and is accompanied by all required supporting documentation, shall approve the claim for payment. If the district determines that the claim is prepared improperly, or that other deficiencies exist, it shall so notify the landowner and shall provide the landowner with a reasonable opportunity to correct the

deficiencies and to resubmit the claim for payment.

(5) District Assistance to Landowner. The district shall provide assistance as it considers appropriate to the landowner in the completion of necessary forms and any other SALT Cost-Share Program matters.

(6) Filing System. To provide for efficient processing of requests for cost-sharing assistance and for maintenance of necessary documentation of matters relating to the administration of the SALT Cost-Share Program, the district shall develop and maintain with the assistance of the commission, a filing system which includes copies of all forms completed by the landowner and all other information considered relevant to the construction of the eligible practices and to the cost-sharing assistance provided. The files shall be available for inspection by the personnel of the commission and by representatives of the state auditor's office during normal business hours of the district.

(7) Delegation of Responsibilities by the Board. The commission shall be notified in writing of any delegation of responsibilities. The board of supervisors may delegate any of the authorities and responsibilities assigned to it by these rules to a member or subcommittee of the board, except:

(A) Establishing SALT Cost-Share Practice Eligibility, 10 CSR 70-8.020(1);

(B) Funding Determination and Limits, 10 CSR 70-8.020(3);

(C) Request for Removal, Alteration and Modification of Practice, 10 CSR 70-8.030(6).

(8) Regardless of the source of funding, each district board of supervisors is authorized to deny any application for participation in the SALT program generally available through the district, which is administered by the State Soil and Water Districts Commission. The district board of supervisors shall notify the applicant of the denial by certified mail, return receipt requested. The applicant may request the Soil and Water Districts Commission to conduct a review of his/her application. The request must be in writing and be directed to the Soil and Water Districts Commission, PO Box 176, Jefferson City, MO 65102-0176. The request must be received by the commission no later than thirty (30) days from the date the applicant received the denial letter from the district board. The applicant, upon request, may appear before the commission in person, by a representative or in writing. The commission shall schedule the review of the application at a regularly

scheduled meeting of the commission within one hundred twenty (120) days of the district board's denial. The commission shall give the applicant at least twenty (20) days' notice by letter of the regularly scheduled meeting when the commission will review the application.

AUTHORITY: sections 278.070(4) and 278.110.8, RSMo 2000 and 278.080.5(9), RSMo Supp. 2001. Original rule filed Nov. 13, 2002, effective June 30, 2003.*

**Original authority: 278.070, RSMo 1943, amended 1961, 1969, 1980; 278.080, RSMo 1943, amended 1961, 1980, 1986, 1995, 2000, 2001; and 278.110, RSMo 1943, amended 1961, 1980.*

10 CSR 70-8.060 Commission Administration of the SALT Cost-Share Program

PURPOSE: This rule establishes guidelines for the administration of the SALT Cost Share Program by the commission. One of the primary goals of the plan includes the expansion of the SALT program to prevent water pollution caused by soil erosion and chemical runoff from agricultural land.

(1) Forms. The commission shall prepare and make available to participating districts, all forms necessary for district administration and shall further prepare and keep updated a handbook for district use in assisting in the administration of the Special Area Land Treatment (SALT) Cost-Share Program.

(2) Commission Review of SALT Claims for Payment. Upon receipt of a district-approved claim for payment, a commission representative shall review the claim and the supporting documentation, which is attached. If the claim is determined to be complete and properly documented, the commission shall prepare a voucher for transmittal to the Office of Administration for preparation of a warrant payable to the landowner.

(3) Payment to Landowner and Recording Agreement. Upon receipt of the warrant from the Office of Administration, the commission shall transmit the same by mail to the landowner. The district shall be notified monthly of any transmission at which time the commission shall complete all necessary portions of the SALT cost-sharing assistance agreement prepared by the landowner at the time the claim for payment was prepared. Costs incurred in the recording and indexing of the agreements shall be paid by the commission.



(4) Incomplete or Inaccurate SALT Claims for Payments. If, in reviewing the claim for payment, the commission or its agent determines that the information contained in the claim is incomplete or inaccurate, that an error exists in the final computations or that proper documentation has not been supplied, it shall notify the district of the deficiency. The district then shall request the landowner to complete a claim for payment and if necessary a new cost-sharing assistance agreement required by 10 CSR 70-8.030(5). No payment will be authorized until the commission has determined that the claim for payment and necessary supporting documentation is complete and accurate in all respects. SALT cost-sharing assistance agreements shall not be recorded until the payment in fact has been authorized by the commission and received by the landowner.

(5) Violations of SALT Cost-Sharing Assistance Agreement. In the event the commission is notified of an alleged violation of the SALT cost-sharing assistance agreement, a representative of the commission, or a representative of the district, or both, shall investigate the alleged violation and report the results of the investigation to the commission. If, following the investigation, it appears as though a violation has occurred, the district board of supervisors shall notify the landowner by certified mail, return receipt requested and shall make demand for repayment of the appropriate amount to the state SALT Cost-Share Program within thirty (30) days after receipt of the demand for repayment. Within the thirty (30)-day period, the landowner may request the commission review the demand for repayment. The request for a review must be in writing. The review shall be conducted at a regularly scheduled commission meeting, allowing adequate opportunity for the landowner to present arguments in support of the claim. The landowner's arguments may be presented by the landowner, by a representative or in writing. If, following the review, the commission determines that no violation has occurred or that extenuating circumstances justify the landowner's position, the demand for repayment shall be withdrawn and the commission shall so notify the landowner of its decision. If, however, following the review, the commission determines the violation did occur, it shall so notify the landowner by certified mail, return receipt requested, and shall renew the demand for repayment. If the repayment is not received within thirty (30) days of receipt of the commission's request for repayment or if all deficiencies are not corrected at the landowner's expense within the time speci-

fied, by the commission, the commission may refer the matter to the Office of the Attorney General for recovery of the state SALT cost-share funds.

(6) Report to Districts. The commission shall prepare on a monthly basis a report to each participating district indicating the payments which have been made from the SALT Cost-Share Program during the preceding month and any other information determined by the commission to be of value to the districts regarding the administration of the program.

(7) New Practices. The commission shall have authority to conduct a pilot project for the purpose of testing development and implementation of new SALT cost-share practices appropriate for future water quality resource needs. A pilot project will be conducted for a specific period of time in a limited area determined by the commission.

(8) Commission Limits on Demonstration Practices. The commission shall have the authority to establish limits for incentive payments for practices that demonstrate an environmental benefit as well as an increase in production to the landowner. These limits may provide a limit on the financial incentive and specified period of time, and on a limited number of acres.

(9) Commission Limits on Loss of Production Practices Benefiting Water Quality. The commission shall have the authority to establish limits for straight incentive payments for loss of production practices that benefit water quality. These limits may provide a limit on the financial incentive and number of acres, and for a specified time period.

AUTHORITY: sections 278.070(4) and 278.110.8, RSMo 2000 and 278.080(9), RSMo Supp. 2001.* Original rule filed Nov. 13, 2002, effective June 30, 2003.

*Original authority: 278.070, RSMo 1943, amended 1961, 1969, 1980; 278.080, RSMo 1943, amended 1961, 1980, 1986, 1995, 2000, 2001; and 278.110, RSMo 1943, amended 1961, 1980.

10 CSR 70-8.070 Availability and Apportionment of SALT Loan Interest-Share Funds

PURPOSE: This rule establishes commission guidelines for use and allocation of funds available to the Missouri Soil and Water Conservation SALT Loan Interest-Share Program. One of the primary goals of the plan includes the expansion of the SALT program to prevent

water pollution caused by soil erosion and chemical runoff from agricultural land.

(1) General Availability of Program. The Special Area Land Treatment (SALT) loan interest-share program shall be available to landowners, land representatives, and tenants of land located within SALT watersheds, within Missouri soil and water conservation districts.

(2) District Use of Funds. The soil and water conservation districts shall budget funds to be used in SALT projects for loan interest-share. Soil and water conservation districts shall allocate funds by approving applications for loan interest-share. These allocated funds shall be deducted from the total funds approved for the project by the commission. Payment shall be made directly to the applicant, and no actual transfer of funds will be made to the district.

AUTHORITY: sections 278.070(4) and 278.110.8, RSMo 2000 and 278.080.5(9), RSMo Supp. 2001.* Original rule filed Nov. 13, 2002, effective June 30, 2003.

*Original authority: 278.070, RSMo 1943, amended 1961, 1969, 1980; 278.080, RSMo 1943, amended 1961, 1980, 1986, 1995, 2000, 2001; and 278.110, RSMo 1943, amended 1961, 1980.

10 CSR 70-8.080 Application and Eligibility for SALT Loan Interest-Share Funds

PURPOSE: This rule establishes criteria and methods of application for persons desiring assistance through the Loan Interest-Share Program. One of the primary goals of the plan includes the expansion of the SALT program to prevent water pollution caused by soil erosion and chemical runoff from agricultural land.

(1) Establishing Project Eligibility. The commission shall establish a list of eligible projects and practices for which Special Area Land Treatment (SALT) loan interest-share assistance may be available, and shall review and affirm or amend such list as necessary. Program participants shall be eligible for assistance only for the type of practices and projects so designated as eligible, providing that the projects and practices for which assistance is required are contained within the relevant conservation plan.

(2) Application for Assistance. To be eligible for assistance under the loan interest-share program, program participants must make application on forms provided by the commission. Such forms will be available at the



soil and water district office. The district board of supervisors will only recommend to the commission applications which meet the following criteria. The program participants must:

- (A) Be a landowner, land representative, or tenant of land located within SALT watersheds;
- (B) Be a district cooperater;
- (C) Have an active conservation plan as approved by the district; and
- (D) Be able to secure through a licensed lending institution a loan for at least the amount of program assistance requested.

(3) **Funding Determination and Limits.** Loan interest-share assistance shall only be considered on a minimum participation amount of twenty-five hundred dollars (\$2,500) up to a maximum twenty-five thousand dollars (\$25,000) per participant per year. The minimum participation amount is lowered to one thousand dollars (\$1,000) when used with cost-share. Assistance shall not be available for the portion of a practice receiving assistance or reimbursement from any governmental or private program. The maximum length for any loan interest-share assistance shall be ten (10) years, or less, as stated within individual practice and project specifications.

(4) **Compliance with Applicable Law.** In the installation or construction of any eligible practice or project the participant shall be solely responsible for assuring compliance with any applicable federal, state, or local laws, ordinances and rules and regulations. The participant is also responsible for obtaining all permits, license or other instruments of permission required prior to the installation or construction of the proposed projects and practices.

AUTHORITY: sections 278.070(4) and 278.110.8, RSMo 2000 and 278.080.5(9), RSMo Supp. 2001. Original rule filed Nov. 13, 2002, effective June 30, 2003.*

**Original authority: 278.070, RSMo 1943, amended 1961, 1969, 1980; 278.080, RSMo 1943, amended 1961, 1980, 1986, 1995, 2000, 2001; and 278.110, RSMo 1943, amended 1961, 1980.*

10 CSR 70-8.090 Design, Layout and Construction of Proposed Water Quality Practices and Projects; Operation and Maintenance for SALT Loan Interest-Share

PURPOSE: This rule specifies technical aspects and certification, and establishes responsibility for operation and maintenance. One of the primary goals of the plan includes

the expansion of the SALT program to prevent water pollution caused by soil erosion and chemical runoff from agricultural land.

(1) **Technical Specifications.** Specifications for soil and water conservation practices and projects set forth in the USDA—Natural Resource Conservation Service (NRCS) Field Office Technical Guide are to be used for determining need and practicability of proposed practices, for preparing plans and specifications and for certifying the proper installation of such practices. Specifications for additional projects and practices not contained within the Field Office Technical Guide and modifications to those so included may be considered and authorized by the commission.

(2) **Inspections and Certifications.** In the event that any technician responsible for complying with any portion of this rule is different from the technician who originally planned a program participant’s conservation plan, and if the technician is other than an individual employed for such purposes by the district or the Natural Resource Conservation Service, the qualifications of this technician shall be established to the satisfaction of the board before proceeding with the program process.

(A) **Technical Certification of Proper Installation.** A responsible technician shall inspect work in progress to determine that specifications are met. Following such installation or construction, it will be the responsibility of the technician to certify to the district that each practice or project was or was not properly installed or constructed. If the district does not receive certification of proper installation, it shall not further process the participant’s request for program assistance.

(B) **Technical Certification of Proper Operation and Maintenance.** Annually, a responsible technician shall conduct an inspection of all projects and practices implemented or constructed through program assistance, and shall certify to the district that all maintenance and operation requirements of the technical guide and the conservation guide are being met. If such certification is not forthcoming, the district shall not forward to the commission the program participant’s annual claim for reimbursement of interest expenses.

(3) **Operation and Maintenance.** The program participant shall be responsible for operation and maintenance of all projects and practices installed or constructed with assistance from the loan interest-share program. The participant shall operate and maintain all such practices and projects to assure their continued

effectiveness for the purpose for which they were intended for the life of the practice.

(4) **SALT Loan Interest-Share Agreement.** As a condition of receiving loan interest-share assistance for eligible projects and practices, the program participant shall enter into an agreement of maintenance on forms supplied by the commission. The agreement shall state: If any project or practice implemented, installed or constructed through assistance of the loan interest-share program is removed, altered or modified so as to lessen its effectiveness for the life span of the loan, the participant shall forfeit their right of participation in the program, and any current or future annual interest-share benefits. If the participant has not properly followed his annual management practice set forth in the agreement and the requirements of the resource management plan, the participant shall forfeit their right of participation in the program, for the current annual interest-share benefits.

AUTHORITY: sections 278.070(4), and 278.110.8, RSMo 2000 and 278.080.5(9), RSMo Supp. 2001. Original rule filed Nov. 13, 2002, effective June 30, 2003.*

**Original authority: 278.070, RSMo 1943, amended 1961, 1969, 1980; 278.080, RSMo 1943, amended 1961, 1980, 1986, 1995, 2000, 2001; and 278.110, RSMo 1943, amended 1961, 1980.*

10 CSR 70-8.100 SALT Loan Interest-Share Application; Eligibility of Costs; and Reimbursement Procedures

PURPOSE: This rule establishes policies and procedures for the operation of the SALT Loan Interest-Share Program. One of the primary goals of the plan includes the expansion of the SALT program to prevent water pollution caused by soil erosion and chemical runoff from agricultural land.

(1) **Application for Participation.** A potential program participant may apply for assistance through the Special Area Land Treatment (SALT) Loan Interest-Share Program on forms available in the district office. The application, accompanied by associated cost information, a lender agreement-in-principle of participant eligibility for a loan, and anticipated soil conservation and water quality benefits, shall be forwarded to the commission for consideration.

(2) **Eligible Costs.** Eligible costs shall be those actually incurred by the program participant in the installation, construction or implementation of requested projects and practices. Estimates of actual costs shall be



based upon cost information available to the district in coordination with the participant and their lender.

(3) Reimbursement Procedures. Annually, upon receipt of district and technical certification of proper operation and maintenance of projects and practices, accompanied by lender verification of annual interest payment, the commission shall forward to the participant the appropriate interest-share amount as stipulated in 10 CSR 70-8.120(4).

AUTHORITY: sections 278.070(4) and 278.110.8, RSMo 2000 and 278.080.5(9), RSMo Supp. 2001. Original rule filed Nov. 13, 2002, effective June 30, 2003.*

**Original authority: 278.070, RSMo 1943, amended 1961, 1969, 1980; 278.080, RSMo 1943, amended 1961, 1980, 1986, 1995, 2000, 2001; and 278.110, RSMo 1943, amended 1961, 1980.*

10 CSR 70-8.110 District Administration of the SALT Loan Interest-Share Program

PURPOSE: This rule establishes commission guidelines for district administration and function in the SALT Loan Interest-Share Program. One of the primary goals of the plan includes the expansion of the SALT program to prevent water pollution caused by soil erosion and chemical runoff from agricultural land.

(1) Application. This rule applies to any Missouri soil and water conservation district wishing to recommend to the commission applications designated as eligible by 10 CSR 70-8.080.

(2) District Action on Applications. The district board of supervisors shall coordinate efforts among the program participant, their lender and the technical assistance available to the district to determine needs, applicability, costs and private loan eligibility as required by the commission to determine participation in the program.

(3) Annual Maintenance and Operation Review. Annually, prior to interest reimbursement to the program participant, the district shall forward to the commission verification of compliance with the technical operation and maintenance requirement of the assisted projects and practices and requirements of the conservation plan. Also, the lender certification of annual interest payment is required to be forwarded with such maintenance and operation verification. These certifications will be upon forms supplied for these purposes by the commission.

Should a participant fail to make an annual interest payment or fail to be in compliance with maintenance and operation requirements of the assisted projects and practices, the district board of supervisors shall so inform the commission.

(4) District Assistance to Program Participants. The district shall provide to the participant such assistance as it considers appropriate in the acquisition and completion of the necessary forms, and other Special Area Land Treatment (SALT) Loan Interest-Share Program matters.

(5) Regardless of the source of funding, each district board of supervisors is authorized to deny any application for participation in any program generally available through the district, which is administered by the State Soil and Water Districts Commission. The district board of supervisors shall notify the applicant of the denial by certified mail, return receipt requested. The applicant may request the Soil and Water Districts Commission to conduct a review of his/her application. The request must be in writing and be directed to the Soil and Water District Commission, PO Box 176, Jefferson City, MO 65102-0176. The request must be received by the commission no later than thirty (30) days from the date the applicant received the denial letter from the district board. Upon request, the applicant may appear before the commission in person, by a representative or in writing. Within one hundred twenty (120) days of the district board's denial, the commission shall schedule the review of the application at a regularly scheduled meeting of the commission. The commission shall give the applicant at least twenty (20) days' notice by letter of the regularly scheduled meeting when the commission will review the application.

AUTHORITY: sections 278.070(4) and 278.110.8, RSMo 2000 and 278.080.5(9), RSMo Supp. 2001. Original rule filed Nov. 13, 2002, effective June 30, 2003.*

**Original authority: 278.070, RSMo 1943, amended 1961, 1969, 1980; 278.080, RSMo 1943, amended 1961, 1980, 1986, 1995, 2000, 2001; and 278.110, RSMo 1943, amended 1961, 1980.*

10 CSR 70-8.120 Process and Commission Administration of the SALT Loan Interest-Share Program

PURPOSE: This rule establishes guidelines for the administration of the SALT Loan Interest-Share Program; and the process. One of the primary goals of the plan includes the expansion of the SALT program to prevent

water pollution caused by soil erosion and chemical runoff from agricultural land.

(1) Forms. The commission shall prepare and make available to all districts sufficient copies of all forms necessary for district administration and shall further prepare and keep updated a handbook for district use in assisting in the administration of the Special Area Land Treatment (SALT) Loan Interest-Share Program.

(2) Approving Application for Participation. Following the districts forwarding the applications to the commission, the commission shall review each application and approve for inclusion in the program those applicants qualifying as eligible according to these rules, commission policy and within the limits of funding availability to the SALT project as stipulated in 10 CSR 70-8.010(1).

(3) Notification of Application Determination. The commission shall notify the districts of their determination for each application made through the district by the applicant. The commission will request from the applicant the verification of the actual loan transaction by the suitable lending institution.

(4) Annual Reimbursement to SALT Program Participants. Annual reimbursement contingent upon annual appropriations shall be for a sum equal to the participant's annual interest payment, or the amount of interest earned by the state on funds equal to the participant's initial loan principal, whichever is the lesser. The commission shall, upon receipt of the annual district verification of compliance with maintenance and operation requirements, accompanied by the lender certification of annual interest payment, prepare a voucher for transmittal to the Office of Administration for preparation of a warrant payable to the program participant.

(A) Initial Year of Participation. Should the commission fail in the first year of participation to receive the district verification of proper implementation, installation or construction of eligible projects and practices and the lender certification of annual interest payment, no such voucher shall be prepared.

(B) Subsequent Years of Participation. Should the commission fail to receive either the annual district verification of proper operation and maintenance of installed projects and practices or the lender certification of annual interest payment, no such voucher shall be prepared.

(5) Program Participant Recourse for Non-compliance. In the event that the participant



is determined to be in noncompliance with provisions of the program, they may appeal through the district to the commission for annual interest payment. Such an appeal must be in writing and be submitted to the commission within thirty (30) days following commission notification. The following appeal shall state the participant's position, present argument in support of that position, any extenuating circumstances which they feel might lead to current and proposed efforts to conform to program requirements. The commission, in considering the appeal, may provide the annual interest payment if in the opinion of the commission all deficiencies and violations of program rules are corrected, or progress is being made toward compliance. At the discretion of the commission, any payment to the participant may be retroactive to allow reimbursement of the previous year's interest-share payment, or contingent upon corrections of deficiencies or violations, in which case, the program participant's reimbursement of the previous year's interest-share payment may be forfeited.

(6) Commission Authority on Violation of Rules. The commission has the authority on a case-by-case basis to approve applications that through no fault of the landowner, were not signed or dated at the appropriate time.

AUTHORITY: sections 278.070(4) and 278.110.8, RSMo 2000 and 278.080.5(9), RSMo Supp. 2001. Original rule filed Nov. 13, 2002, effective June 30, 2003.*

**Original authority: 278.070, RSMo 1943, amended 1961, 1969, 1980; 278.080, RSMo 1943, amended 1961, 1980, 1986, 1995, 2000, 2001; and 278.110, RSMo 1943, amended 1961, 1980.*