



Rules of
Department of Natural Resources
Division 70—Soil and Water Districts Commission
Chapter 5—State Funded Cost-Share Program

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**Title 10—DEPARTMENT OF
NATURAL RESOURCES**
**Division 70—Soil and Water Districts
Commission**
**Chapter 5—State Funded Cost-Share
Program**

10 CSR 70-5.010 Allocation of Funds

PURPOSE: This rule establishes commission guidelines for allocation of funds available for the Missouri State Soil and Water Conservation Cost-Share Program.

(1) General Availability of Funds. State cost-share funds are available only to landowners located in soil and water conservation districts which have agreed to locally administer the program and have executed a memorandum of understanding or a cooperative working agreement with the commission setting forth the terms of assistance. To be eligible, a landowner must have a conservation plan approved by the district. Acceptable formats for preparing conservation plans are determined by the commission.

(2) Annual Allocation of Funds. All funds allocated to the cost-share program for any fiscal year shall be apportioned by the commission to the participating districts by considering the character of the districts' soil and water conservation needs according to criteria developed by the commission.

(A) Special Allocations. The commission may withhold funds from the general allocation for the purpose of providing cost-share for special projects which the commission considers necessary and of high priority for the saving of soil and water on Missouri's agricultural land.

(3) Termination of the Memorandum of Understanding or Cooperative Working Agreement. In the event that the memorandum of understanding or cooperative working agreement is terminated by any district or by the commission, the commission may withdraw funds assigned to that district.

AUTHORITY: sections 278.070, 278.080, and 278.110, RSMo 2016. Original rule filed Aug. 12, 1980, effective Jan. 1, 1981. Emergency amendment filed July 29, 2009, effective Aug. 8, 2009, expired Feb. 25, 2010. Amended: Filed Sept. 26, 2007, effective May 30, 2008. Amended: Filed May 23, 2018, effective Jan. 30, 2019.*

**Original authority: 278.070, RSMo 1943, amended 1961, 1969, 1980, 2008, 2009; 278.080, RSMo 1943, amended 1961, 1980, 1986, 1995, 2000, 2001; and 278.110, RSMo 1943, amended 1961, 1980.*

**10 CSR 70-5.020 Application and Eligibility
for Funds**

PURPOSE: This rule establishes criteria and methods of application for persons desiring funds from the Missouri Soil and Water Conservation Cost-Share Program.

(1) Establishing Practice Eligibility. The commission establishes a list of eligible practices for which cost-share funds are available and affirms or modifies the list as it considers appropriate. The participating districts shall develop annual priority listings of preferred practices from the commission eligibility list upon which they will base their considerations for cost-share. Landowners are eligible for cost-share funds for only the practices designated as eligible by both the Soil and Water Districts Commission and the participating districts. No eligible practices are available to treat flood scouring problems.

(2) Application for Assistance. To be eligible for assistance from the Cost-Share Program, a landowner must apply for cost-share on forms provided by the commission. Copies of these forms are available at district offices. The district board will only act upon those applications for cost-share from landowners who have a conservation plan approved by the district for eligible practices in which implementation has not yet begun. However, governmental agencies, political subdivisions, and public institutions are excluded from participation in the Cost-Share Program.

(3) Funding Determination and Limits. It is the responsibility and duty of the district board to determine the actual dollar amount of cost-share for individual applications. 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 of minimum and necessary need for soil and water conservation, the board shall provide cost-share assistance on only that part of the practice necessary for soil and water conservation purposes.

(4) Availability of Federal Funds. State cost-share assistance is available for practice units applied for but not approved by the federal program, if those additional units constitute a complete structure, conservation measure, or operation in and of themselves. State cost-share assistance may also supplement federal cost-share on an individual practice.

(5) Compliance with Applicable Law. In the implementation of any eligible practices, the landowner is responsible for assuring compliance with any applicable federal, state or

local laws, ordinances, and regulations. The landowner is also responsible for obtaining all permits, licenses, or other instruments of permission required prior to the implementation of the proposed practice.

(6) Group Projects. Landowners may cooperate with other landowners in the event that the most appropriate solution to the soil and water conservation needs 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, such easements as necessary to accomplish the implementation, operation, and maintenance of the practice and the sharing of rights and benefits over and above the public benefits which might accrue from the implementation of the practice. This agreement and an area conservation plan may be submitted to the district(s) within which the land included in the plans lies. Upon approval of the area conservation plan by the district(s), the individual landowners are eligible to apply for cost-share assistance under this rule. The area conservation plan may serve in lieu of the individual landowner conservation plans. All other requirements for application and cost-share assistance remain in effect.

(7) Special Projects. Upon notification of available funds for special critical-needs projects designated by the commission, the district board shall make all reasonable efforts to contact landowners within the special project area to inform them of the available cost-share funds and encourage them to cooperate in the special critical-needs projects. Landowners within the project boundaries may apply for the special cost-share assistance on practices specified as eligible by the commission. Cooperation in these special projects is entirely voluntary for landowners.

(8) Termination Date. All applications shall specify a termination date for completion of the conservation practice. Claims for payment received after the termination date shall not be honored unless an amendment for an extension is approved by the board. Amendments for extensions can be authorized for an adequate period of time determined by the board to be reasonable and fair to the landowner.

(9) Application Amendments. A copy of any amendments will be furnished to each party receiving a copy of the original application.



The board shall approve each amendment required by the commission before it becomes effective. The commission will provide guidance regarding appropriate reasons for amendments.

AUTHORITY: sections 278.070.4, 278.080.1, 278.080.5(8), and 278.110.8, RSMo 2016.* Original rule filed Aug. 12, 1980, effective Jan. 1, 1981. Amended: Filed Dec. 14, 1982, effective April 11, 1983. Amended: Filed Oct. 13, 1983, effective Feb. 13, 1984. Amended: Filed Sept. 4, 1985, effective Feb. 13, 1986. Amended: Filed Jan. 15, 1986, effective April 25, 1986. Amended: Filed Aug. 25, 1986, effective Jan. 30, 1987. Amended: Filed Oct. 2, 1986, effective Jan. 30, 1987. Amended: Filed Feb. 24, 1987, effective July 23, 1987. Amended: Filed July 31, 1987, effective Dec. 1, 1987. Amended: Filed Jan. 25, 1988, effective April 28, 1988. Amended: Filed April 1, 1988, effective July 11, 1988. Amended: Filed June 28, 1996, effective Feb. 28, 1997. Emergency amendment filed July 29, 2009, effective Aug. 8, 2009, expired Feb. 25, 2010. Amended: Filed March 10, 1999, effective Oct. 30, 1999. Amended: Filed May 23, 2018, effective Jan. 30, 2019.

*Original authority: 278.070, RSMo 1943, amended 1961, 1969, 1980, 2008, 2009; 278.080, RSMo 1943, amended 1961, 1980, 1986, 1995, 2000, 2001; and 278.110, RSMo 1943, amended 1961, 1980.

10 CSR 70-5.030 Design, Layout and Construction of 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.

(1) Technical Specifications. The commission shall rely on standards and specifications for soil and water conservation practices used by the United States Department of Agriculture Natural Resources Conservation Service as the basis for determining need and practicability of the proposed practice, preparing plans and specifications, designing and laying out the practices, and certifying the proper implementation of the practices. Modifications to the standards and specifications may be considered and authorized by the commission. Practice description and specification information will be available in the district office.

(2) Inspections and Certifications. An approved technician shall inspect the work in progress to ensure that practice standards and

specifications are met. Following the implementation, the technician will certify to the district that the practice was or was not properly implemented. If the district does not receive a technician's certification that the practice was properly implemented, it shall not approve any claim to the commission for payment regarding the practice.

(3) Operation and Maintenance by Landowner. The landowner shall be responsible for the operation and maintenance of all practices implemented with assistance from the Cost-Share Program and the landowner will be expected to maintain the practices in good operating condition to assure their continued effectiveness.

(4) Requests for Removal, Alteration, or Modification of Practices. The commission may grant a district's request for the removal, alteration, or modification of a practice at any time during the ten- (10-) year or expected life span, whichever is less, following payment of cost-share assistance.

AUTHORITY: sections 278.070, 278.080, and 278.110, RSMo 2016.* Original rule filed Aug. 12, 1980, effective Jan. 1, 1981. Emergency amendment filed July 29, 2009, effective Aug. 8, 2009, expired Feb. 25, 2010. Amended: Filed Dec. 14, 1982, effective April 11, 1983. Amended: Filed May 23, 2018, effective Jan. 30, 2019.

*Original authority: 278.070, RSMo 1943, amended 1961, 1969, 1980, 2008, 2009; 278.080, RSMo 1943, amended 1961, 1980, 1986, 1995, 2000, 2001; and 278.110, RSMo 1943, amended 1961, 1980.

10 CSR 70-5.040 Cost-Share Rates and Reimbursement Procedures

PURPOSE: This rule establishes cost-share rates and reimbursement procedures.

(1) Cost-Share Rates. Cost-share and incentive rates are established by the commission and based on the estimated approved costs of eligible practices which have proven to be effective soil and water conservation methods.

(2) Eligible Costs. Eligible costs will be determined by the commission to include necessary and reasonable costs incurred by the landowner in implementing an approved practice. The costs may include, but are not limited to, machine hire or the use of the landowner's own equipment, necessary materials delivered to and used at the site, and labor required to implement the practice.

(3) Documenting Costs. The commission

determines the supporting documentation necessary to approve cost-share payments.

(4) Claim for Payment. The landowner is eligible for payment after the practice has been completed, certified by the technician, and approved by the district board.

AUTHORITY: section 278.080, RSMo 2016.* Original rule filed Aug. 12, 1980, effective Jan. 1, 1981. Amended: Filed Dec. 14, 1982, effective April 11, 1983. Amended: Filed Jan. 15, 1986, effective April 25, 1986. Amended: Filed Aug. 25, 1986, effective Jan. 30, 1987. Amended: Filed Dec. 1, 1986, effective March 26, 1987. Emergency amendment filed July 9, 2003, effective July 19, 2003, expired Jan. 14, 2004. Amended: Filed Sept. 23, 2003, effective April 30, 2004. Emergency amendment filed July 29, 2009, effective Aug. 8, 2009, expired Feb. 25, 2010. Amended: Filed June 3, 2008, effective Jan. 30, 2009. Amended: Filed May 23, 2018, effective Jan. 30, 2019.

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

10 CSR 70-5.050 District Administration of the Cost-Share Program

PURPOSE: This rule establishes guidelines for the administration of the Cost-Share Program by the participating districts.

(1) District Board Action on Applications. The district board shall review the cost-share assistance application and any amendments and 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 thirty (30) days. Special circumstances may arise where district board approval for cost-share assistance is needed before the next monthly district board meeting. In those cases, the district board shall establish specific criteria by which any district board member may approve that action. Applications for cost-share assistance may be approved by the district board only when there is a sufficient unobligated fund balance to provide the estimated cost-share amount. The district board shall not approve any application for cost-share assistance in which the implementation of a project or practice has begun.

(2) District Review of Claim for Payment. Upon completion of an eligible practice, the district shall review and approve the claim for payment. If the district determines that deficiencies exist, the district shall notify the



landowner and provide the landowner with a reasonable opportunity to correct the deficiencies and resubmit the claim for payment.

(3) Filing System. To provide for efficient processing of requests for cost-share assistance and for maintenance of necessary documentation of matters relating to the administration of the 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 implementation of the eligible practices and to the cost-share assistance provided. The files shall be available for inspection by representatives of the commission and the state auditor's office.

(4) Regardless of the source of funding, each district board is authorized to deny any application or claim for payment for any program generally available through the district which is administered by the commission. The district board shall provide written notification of any denial to the applicant. The applicant may request that the commission conduct a review of the application or claim for payment. The request must be in writing and directed to the Soil and Water Districts Commission, PO Box 176, Jefferson City, MO 65102. The request must be received by the commission no later than thirty (30) days from the date the applicant received the denial notification 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 commission meeting within one hundred twenty (120) days of the district board's denial. The commission shall give the applicant at least thirty (30) days written notice of the meeting when the commission will review the application.

AUTHORITY: sections 278.070, 278.080, and 278.110, RSMo 2016. Original rule filed Aug. 12, 1980, effective Jan. 1, 1981. Amended: Filed Dec. 14, 1982, effective April 11, 1983. Amended: Filed Oct. 13, 1983, effective Feb. 13, 1984. Amended: Filed May 2, 1990, effective Sept. 28, 1990. Emergency amendment filed March 9, 1992, effective March 19, 1992, expired July 16, 1992. Emergency amendment filed July 29, 2009, effective Aug. 8, 2009, expired Feb. 25, 2010. Amended: Filed Nov. 15, 1991, effective April 9, 1992. Amended: Filed May 23, 2018, effective Jan. 30, 2019.*

**Original authority: 278.070, RSMo 1943, amended 1961, 1969, 1980, 2008, 2009; 278.080, RSMo 1943, amended 1961, 1980, 1986, 1995, 2000, 2001; and 278.110, RSMo 1943, amended 1961, 1980.*

10 CSR 70-5.060 Commission Administration of the Cost-Share Program

PURPOSE: This rule establishes guidelines for the administration of the Cost-Share Program by the commission.

(1) Forms. The commission shall develop and make available to participating districts, forms necessary for district administration, and prepare and keep updated guidance for district use in assisting with administration of the Cost-Share Program.

(2) Commission Review of Claims for Payment. Upon receipt of a district-approved claim for payment, a commission representative reviews the claim and supporting documentation. If the claim is determined to be complete and properly documented, payment will be made by the Office of Administration to the landowner.

(3) Variance Requests. The commission may grant individual variances upon presentation of adequate proof that compliance with sections 278.060 to 278.300, RSMo or any rule or regulation, standard, requirement, limitation, or order of the commission will have an arbitrary and unreasonable impact on landowners participating in soil and water conservation eligible practices. In determining under what conditions and to what extent a variance may be granted, the commission has wide discretion in weighing the equities involved as well as the advantages and disadvantages of approving or disapproving a variance request.

(A) The variance request shall—

1. Be in writing;
2. Be filed with the program director of the Soil and Water Conservation Program; and
3. Specify the reasons a variance should be granted by the commission.

(B) The burden is placed on the applicant of a variance to show the inequities if the variance is not granted.

(C) The program director shall promptly investigate the application and make a recommendation to the commission as to whether the variance should be granted or denied.

(4) Incomplete or Inaccurate Claims for Payments. No payment will be authorized until the commission has determined that the claim for payment and necessary supporting documentations are complete and accurate.

(5) Violations of Cost-Share Assistance Agreement. In the event the commission is notified of an alleged violation of the cost-

share 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 shall notify the landowner by certified mail, return receipt requested, and demand repayment of the appropriate amount to the Cost-Share Program within thirty (30) days after receipt of the demand for repayment. Within that 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 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 notify the landowner of its decision. If, however, following the review, the commission determines the violation did occur, it shall notify the landowner by certified mail, return receipt requested, and 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 specified by the commission, the commission may refer the matter to the Office of the Attorney General for recovery of the state cost-share funds.

(6) New Practices. The commission has the authority to conduct a pilot project for the purpose of testing development and implementation of new cost-share practices appropriate for future soil and water conservation resource needs. A pilot project will be conducted for a specified period of time in a limited area determined by the commission.

AUTHORITY: sections 278.070(4), 278.080(8), and 278.110.8, RSMo 2016. Original rule filed Aug. 12, 1980, effective Jan. 1, 1981. Amended: Filed Dec. 14, 1982, effective April 11, 1983. Amended: Filed July 23, 1992, effective May 5, 1993. Emergency amendment filed July 29, 2009, effective Aug. 8, 2009, expired Feb. 25, 2010. Amended: Filed Jan. 31, 1996, effective Sept. 30, 1996. Amended: Filed May 23, 2018, effective Jan. 30, 2019.*



**Original authority: 278.070(4), RSMo 1943, amended 1961, 1969, 1980, 2008, 2009; 278.080(8), RSMo 1943 amended 1961, 1980, 1986, 1995, 2000, 2001; and 278.110.8, RSMo 1943, amended 1961, 1980.*

10 CSR 70-5.100 Availability and Apportionment of Funds

(Moved to 10 CSR 70-7.100)

10 CSR 70-5.110 Application and Eligibility for Funds

(Moved to 10 CSR 70-7.110)

10 CSR 70-5.120 Design, Layout and Construction of Proposed Practices and Projects; Operation and Maintenance

(Moved to 10 CSR 70-7.120)

10 CSR 70-5.130 Loan Interest-Share Application; Eligibility of Cost; and Reimbursement Procedures

(Moved to 10 CSR 70-7.130)

10 CSR 70-5.140 District Administration of the Loan Interest-Share Program

(Moved to 10 CSR 70-7.140)

10 CSR 70-5.150 Process and Commission Administration of the Loan Interest-Share Program

(Moved to 10 CSR 70-7.150)