



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

Title	Page
10 CSR 70-5.010 Apportionment of Funds	3
10 CSR 70-5.020 Application and Eligibility for Funds	3
10 CSR 70-5.030 Design, Layout and Construction of Proposed Practices; Operation and Maintenance	7
10 CSR 70-5.040 Cost-Share Rates and Reimbursement Procedures	7
10 CSR 70-5.050 District Administration of the Cost-Share Program.....	8
10 CSR 70-5.060 Commission Administration of the Cost-Share Program.....	9
10 CSR 70-5.100 Availability and Apportionment of Funds (Moved to 10 CSR 70-7.100)	9
10 CSR 70-5.110 Application and Eligibility for Funds (Moved to 10 CSR 70-7.110)	9
10 CSR 70-5.120 Design, Layout and Construction of Proposed Practices and Projects; Operation and Maintenance (Moved to 10 CSR 70-7.120).....	9
10 CSR 70-5.130 Loan Interest-Share Application; Eligibility of Cost; and Reimbursement Procedures (Moved to 10 CSR 70-7.130)	9
10 CSR 70-5.140 District Administration of the Loan Interest-Share Program (Moved to 10 CSR 70-7.140).....	9
10 CSR 70-5.150 Process and Commission Administration of the Loan Interest-Share Program (Moved to 10 CSR 70-7.150)	9



**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 Apportionment 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 shall be available only to landowners of land located in soil and water conservation districts which have agreed to locally administer the program and have executed a Memorandum of Understanding with the commission setting forth the terms of assistance. To be eligible, a landowner must have a conservation plan as approved by the district.

(2) Annual Apportionment of Funds. All funds apportioned 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' needs according to criteria developed by the commission.

(A) Fiscal Year Limitations. Funds allocated to districts but unclaimed at the end of each fiscal year shall be returned to the commission.

(B) Release of Funds for Reapportionment. A district, at any time, may provide notice to the commission that it has not obligated all funds made available under section (2), that it does not expect to do so by the end of the fiscal year and that it releases any portion of those 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 unobligated as of the effective date of termination and shall further release, as they become available, obligated funds for which no claim for payment is made in a timely manner.

(D) Use of Released Funds. Funds released by any district in accordance with subsections (2)(A)–(C) shall be returned to the Cost-Share Program to be reallocated by the commission considering the relative need basis or reserved by the commission for special allotment under subsection (2)(E).

(E) Special Allotments. The commission may withhold funds from the general apportionment under section (2) and may reserve funds released by the districts under subsections (2)(A)–(C) for the purpose of cost-sharing special projects which the commission considers necessary and of high priority for the abatement of soil erosion and the controlling of sediment. The funds thus withheld for the general apportionment or returned to the commission shall be allotted to a district(s) specified by the commission for the cost-sharing of 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 the district(s).

AUTHORITY: sections 278.070 and 278.110, RSMo 2000 and section 278.080, RSMo Supp. 2007. Original rule filed Aug. 12, 1980, effective Jan. 1, 1981. Amended: Filed Sept. 26, 2007, effective May 30, 2008.*

**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 70-5.020 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 shall establish a list of eligible practices for which cost-share funds should be utilized and annually shall affirm or modify 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-sharing. Landowners shall be eligible for 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.

(2) Application for Assistance. To be eligible for assistance from the Cost-Share Program, a landowner must make application on forms provided by the commission. Copies of these forms shall be available at district offices. The district's board will act upon only those applications for cost-sharing from landown-

ers who have a conservation plan as approved by the district, except as provided in sections (7) and (8), and for eligible practices on which construction or implementation has not yet begun. In commission-approved Special Area Land Treatment (SALT) program projects, 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 Cost-Share Program. As a further stipulation for receiving cost-sharing assistance, the land upon which the practice is to be implemented or constructed must be eroding at rates greater than tolerable soil loss limits or be experiencing active gully erosion, except that cost-sharing assistance also may be available in the following instances when excessive erosion is not necessarily occurring:

(A) For eligible practices to prevent gully erosion when needed to complete a water disposal system;

(B) For the establishment of permanent forest cover on marginal or riparian lands;

(C) For the exclusion of domestic livestock grazing from existing woodlands on marginal or riparian soils;

(D) For a no-till practice for forage conversions;

(E) For grade stabilization structures that are greater than ten (10) years old when the principal pipe has failed;

(F) For a no-till practice to improve the vegetative cover of pasture and rangeland to provide continued erosion prevention; and

(G) For a practice to demonstrate benefits of a planned grazing system.

(3) Funding Determination and Limits. It shall be the responsibility and duty of the board of supervisors to determine the actual dollar amount of cost-sharing on individual applications. State cost-share rates shall not exceed the limits established in 10 CSR 70-5.040(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 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. Applications for cost-sharing assistance may be approved by the district board of supervisors when it determines that federal funds are



unavailable to that applicant for the proposed practice. State cost-sharing assistance also 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-sharing assistance may supplement federal cost-sharing on an individual practice, within limits set forth in section (3), and only upon practice components cost-shared by the federal program, when the estimated cost-share portion of the practice exceeds the national program allowable dollar figure from the federal program. Special area land treatment project areas approved by the commission are exempt from the provisions of this rule.

(5) Compliance with Applicable Law. In the installation of any eligible practices, the landowner solely shall be 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.

(6) Group Projects. Landowners may cooperate with other landowners in the event that the most appropriate solution to the needs addressed in the Act 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, an 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 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 cost-sharing assistance remain in effect.

(7) Special Projects. Upon notification to a district(s) of a fund availability for special critical-needs projects so designated by the commission, the board shall make all reasonable efforts to contact landowners of land

within the special project area which lies within the district boundaries, to inform the landowners of the availability of the special cost-share funds and to encourage the landowners to cooperate in the special critical-needs projects. Each landowner within the project boundaries shall then be eligible to apply for the special cost-sharing assistance on practices specified as eligible by the commission in its project plan. Application shall be made at the local district office in the manner of application for general state cost-sharing assistance to landowners, but action on applications by the board as set forth in 10 CSR 70-5.050(2) shall not be taken unless applications from landowners covering seventy-five percent (75%) of the land to be treated are made. In special critical-needs project cooperation, the landowner requirement of a conservation plan as approved by the district, under section (2), is waived. All other landowner requirements and obligations here named shall remain in effect. Cooperation in these special projects is entirely voluntary on the part of the landowner.

(8) Termination Date. All applications shall specify a termination date which shall not exceed twelve (12) months from the date the landowner's application is approved by the board. In commission-approved SALT projects, the district board of supervisors may set the termination date to be anytime during the lifetime of the SALT project. 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. 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.

(9) 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 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 (10)(A), (C) and (F). An amendment to an application for 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 (9);

(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 1994 and 278.080.1 and 278.080.5(8), RSMo Supp. 1998. 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. Amended: Filed March 10, 1999, effective Oct. 30, 1999.*

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



**MISSOURI DEPARTMENT OF NATURAL RESOURCES
SOIL AND WATER DISTRICTS COMMISSION
COST-SHARE ASSISTANCE APPLICATION**

1. APPLICATION NUMBER
(ASSIGNED BY DISTRICT)

2. NAME, ADDRESS, CITY, STATE, ZIP CODE

3. TO THE SUPERVISORS OF THE
SOIL AND WATER CONSERVATION DISTRICT.

4. LEAVE BLANK

5. EXPECT TO START PRACTICE BY:

EXPECT TO COMPLETE PRACTICE BY:

6. CONSERVATION PLAN LOCATION

7. FIELD NUMBERS

8. FEDERAL FUNDS AVAILABLE
NONE
PARTIAL \$

9. TYPE OF PRACTICE AND QUANTITY REQUESTED

10. I (we), the undersigned, do hereby request cost-share assistance to help defray the cost of installing the soil erosion control practice as listed above. It is understood and agreed that

SOIL EROSION CONTROL PRACTICE INSTALLED WITH COST-SHARE ASSISTANCE SHALL BE PROPERLY MAINTAINED.

Condition of Payment of State Cost-Share Funds: If a project is removed, altered, or modified so as to lessen its effectiveness without consent of the Soil and Water Conservation District Board of Supervisors for a period of ten (10) years or the expected life of the project, whichever is the lesser, after the date of receiving payment, the landowner(s) shall refund to the Missouri Soil and Water Districts Commission the state cost-share funds used for the project. As this condition will be binding upon heirs, assignees, or other transferees, the landowner(s) understand(s) that before receiving any funds it will be necessary to sign this agreement, which may be recorded in the county where the land is located. This maintenance agreement does not constitute a lien upon property of the landowner, his heirs, or assignees.

Condition of Payment of State Cost-Share Funds: In the event the Soil and Water Conservation District determines that the maintenance of the cost-shared practices will effect a hardship upon the landowner(s), the District may assume maintenance responsibility. Right of ingress and egress for the purpose of maintenance of a practice cost-shared through state funds is hereby granted by the landowner(s).

Terms of cost for which reimbursement is later claimed are to be supported by receipts for payments made to contractors or other workers.

LANDOWNER'S SIGNATURE _____ DATE _____

11. THE SOIL CONSERVATION PRACTICE FOR WHICH COST-SHARE ASSISTANCE IS REQUESTED IS AS FOLLOWS

A PRACTICE COMPONENTS	B AVERAGE COST PER UNIT	C EXTENT APPROVED	D ESTIMATED COST	E. COST-SHARE/INCENTIVE RATE		F LIFE SPAN	G ACRES SERVED
				PERCENT OR INCENTIVE	NOT TO EXCEED	12. TERMINATION DATE	
					\$		
				SUBTOTAL	\$		

13. TOTAL DISTRICT COST-SHARE OBLIGATION MINUS ANY FEDERAL FUNDS \$ _____

14. LAND CAPABILITY-CLASS/SUBCLASS	"T" ON FIELD	PRE-INSTALL EROSION	POST-INSTALL EROSION	15. PRACTICE AND QUANTITIES REQUESTED ARE NEEDED AND PRACTICAL, AND ARE OF MINIMUM EXTENT TO CONTROL EROSION.
				TECHNICIAN'S SIGNATURE _____ DATE _____

16. APPLICATION APPROVED BY _____ DATE _____



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.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) Technical Specifications. Specifications for soil and water conservation practices set forth in the *Soil Conservation Service Field Office Technical Guide* are 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 soil and water conservation practices not set forth in the *Soil Conservation Services Field Office Technical Guide* and modifications to those included in the technical guide may be considered and authorized by the commission at the request of the district. 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 purposes by the district or the Soil Conservation Service, 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 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.

(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 cost-share funds, as a condition of the 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) 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 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 commission 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) Requests for Removal, Alteration, 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 cost-share assistance. In determining

whether to approve or disapprove the action, the district shall consider—

(A) The value of the practice in conserving soil and water resources;

(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 soil and water conservation measures 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, 278.080 and 278.110, RSMo 1986. Original rule filed Aug. 12, 1980, effective Jan. 1, 1981. Amended: Filed Dec. 14, 1982, effective April 11, 1983.*

**Original authority: 278.070, RSMo 1943, amended 1961, 1969, 1980; 278.080, RSMo 1943, amended 1961, 1980, 1986; 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 rates shall not exceed seventy-five percent (75%) of the actual approved costs of eligible practices or the incentive rates established annually by the commission for certain management practices which have proven to be effective soil and water conservation methods.

(2) 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.

(3) Documenting Costs. All authorized items or costs for which the landowner desires 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 bill 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 should 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.

(4) 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 of the vendor(s) receipts, both required by section (3), 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 70-5.030(5), a copy of which shall be submitted to the district for processing along with the claim for payment.

AUTHORITY: sections 278.070(4) and 278.110.8, RSMo 2000 and 278.080.5(9), RSMo Supp. 2003. 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.*

**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 70-5.050 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) 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 Cost-Share Program and to applicants having active conservation plans as required by 10 CSR 70-5.010(1) as approved by the district and to eligible practices covered by the conservation plan.

(2) Board Action on Applications. The board of supervisors shall review the 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 70-5.020(3). Special circumstances may arise where board approval for 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 recorded in the official minutes of the district meeting. Applications for cost-share assistance may be approved by the board only when there is a sufficient unobligated fund balance to provide the estimated cost-share amount 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) Recordkeeping. The district shall maintain a record of funds obligated as applications for cost-share assistance are approved based upon estimated costs. A 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 Cost-Share Program.

(4) District Review of 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 70-5.040(4) 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 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 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) Quarterly Reports. The district, no later than the tenth day of October, January, April and July of each state fiscal year, shall submit a report to the commission indicating the status of cost-share funds as shown on each district cost-share ledger required by section (3) at the close of the last day of the preceding month.

(8) 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) Establishment of preferred practices in accordance with 10 CSR 70-5.020(1);

(B) Establishment of cost-sharing dollar amounts under 10 CSR 70-5.020(3);

(C) Application amendment determination as specified in 10 CSR 70-5.030(6); and

(D) Application and claim for payment approval in accordance with this rule.

(9) 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 Districts Commission, P.O. 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, 278.080 and 278.110, RSMo 1986. 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. Amended: Filed Nov. 15, 1991, effective April 9, 1992.*

**Original authority: 278.070, RSMo 1943, amended 1961, 1969, 1980; 278.080, RSMo 1943, amended 1961, 1980, 1986; 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 prepare and make available to participating 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 Cost-Share Program.

(2) Commission Review of Claims for Payment. Upon receipt from 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 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 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 70-5.030(5). No payment will be authorized until the commission has determined that the claim for payment and necessary supporting documentations are complete and accurate in all respects. 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 Cost-Sharing Assistance Agreement. In the event the commission is notified of an alleged violation of the 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 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 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 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) 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 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 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 Supp. 1995. 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. Amended: Filed Jan. 31, 1996, effective Sept. 30, 1996.*

**Original authority: 278.070(4), RSMo 1943, amended 1961, 1969, 1980; 278.080(8), RSMo 1943 amended 1961, 1980, 1986, 1995; 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)