



Missouri Department of Natural Resources

MINUTES

Missouri Soil and Water Districts Commission

Margaritaville Lake Resort – Lake of the Ozarks

494 Tan Tar A Drive

Osage Beach, MO

December 2, 2019

COMMISSION MEMBERS PRESENT: H. Ralph Gaw, Jeff Lance, Tim Martin, Kenny Lovelace, and Keith Stevens. Gary Vandiver was not present.

EX-OFFICIO MEMBERS: **CAROL S. COMER, DIRECTOR, DEPT. OF NATURAL RESOURCES:** Dru Buntin; **CHRIS CHINN, DIRECTOR, DEPT. OF AGRICULTURE:** David Baker; **SARA PARKER PAULEY, DIRECTOR, DEPT. OF CONSERVATION:** Brent Vandeloecht; **DEAN CHRISTOPHER R. DAUBERT, UNIVERSITY OF MISSOURI:** Rob Kallenbach

ADVISORY MEMBERS PRESENT: SOIL AND WATER CONSERVATION PROGRAM (SWCP): Colleen Meredith; **NATURAL RESOURCES CONSERVATION SERVICE (NRCS):** J.R. Flores and Marty Comstock; **MISSOURI ASSOCIATION OF SOIL AND WATER CONSERVATION DISTRICTS (MASWCD):** Ryan Britt; **ATTORNEY GENERAL'S OFFICE:** Ross Keeling

SWCP STAFF MEMBERS PRESENT: Jim Boschert, Bill Wilson, Jim Plassmeyer, Cody Tebbenkamp, Jake Wilson, Kelsey Kempker, Jeremy Redden, Tammy Cody, Allan Clarke, Patty Chapman, April Brandt, Diane Matthews, Lori Bax, Josh Poynor, Jennifer Pellet, Leon Thompson, and Tina Stockman

OTHERS PRESENT: DISTRICTS: ADAIR: Ashley Pulliam **BATES:** Ramon Arancibia, **BENTON:** Jim Freeburger, Amie Breshears, Tina Dulaban, **BOONE:** Kevin Monckton, **BUCHANAN:** Cara Hanway, **CALLAWAY:** Noland Bartley, **CHARITON:** Mitchell Rice, **CLARK:** H. Henry Heinze, **DALLAS:** Debbie Henderson, **DEKALB:** Jim Carlson, **FRANKLIN:** Lori Nowak, **GASCONADE:** Diana Mayfield, **GREENE:** Tom Huff, **HARRISON:** Pat Lambert, **JASPER:** Gay Lynne Dawson, Steve Hunter, **JEFFERSON:** Gary Bonacker, **JOHNSON:** Bill Hoy, **LAWRENCE:** Harold Lampe, **LEWIS:** Audrey Rayl, **MARIES:** Amy Neier, **MCDONALD/NEWTON:** Andrew Molder and Tracy White, **MILLER:** Taylor McCubbin, **MONROE:** Lena Sharp, **MORGAN:** Patty Wittrock, **OREGON:** David Stubblefield, **OSAGE:** Charles Stiefermann, **OSAGE:** Cindy DeOrnellis, **POLK:** Vicky Fieth, **PUTNAM:** Sandra Buckler, **RIPLEY:** Michael Thornton, Rachel Griffin, **SCOTT:** Gary Blattel, Joe Pattengill,

SCOTT: Kay Wilson, **ST. CLAIR:** Margie Best, **ST. FRANCOIS:** Vince Kauflin, Wilma Carlyon, **ST. LOUIS:** Louise Belt, Rich Hoelscher, **STONE:** Melissa White, **TEXAS:** Kavin Keller, **WASHINGTON:** Shirley Turnbough, Tiffany Woods, **MASWCD:** Ron Willis, Beverly Dometrorch, **MO DEPARTMENT OF AGRICULTURE:** Chris Klenklen, **DEPARTMENT OF NATURAL RESOURCES:** Van Beydler, Kurt Boeckmann, **MO FARM BUREAU:** Kelly Smith, **MO FERTILIZER CONTROL BOARD:** Andrea Rice, **USDA NRCS:** Karen Brinkman, Mike Squires, Andrea King, and Brad McCord

A. CALL TO ORDER

Commissioner Ralph Gaw called the meeting to order at 11:34 a.m. He is officiating since Commissioner Gary Vandiver is unable to attend the meeting.

B. MINUTES FROM THE OCTOBER 9, 2019 MEETING

A motion was made by Commissioner Jeff Lance to approve the October 9, 2019 minutes. Commissioner Keith Stevens seconded the motion. The motion passed with all in favor.

Commissioner Gaw introduced Keith Stevens who is a new Commissioner. He thanked Mr. Glen Cope for his time serving the Commission. Commissioner Stevens is replacing Mr. Cope and the Commission looks forward to his insight and working with him.

C. REPORTS AND UPDATES

1. Department of Natural Resources

Mr. Dru Buntin reported that he is currently acting as Director of the Missouri Department of Natural Resources. Director Carol Comer is taking a medical leave of absence, and plans to be back sometime in January or February. Our thoughts and prayers are with our Director as she is dealing with her health challenges, and with Chairman Vandiver, we are very sorry to hear about his loss.

Mr. Buntin also reported that the Departments of Natural Resources and Agriculture are cochairing Governor Parson's Flood Recovery Advisory Group. There have been a number of meetings with this group, and they are charged under the Executive Order that Governor Parson issued forming that group to deliver an interim report to the Governor and the General Assembly by the end of the year. There are a number of recommendations that the workgroup is considering, some are related to the Soil and Water Conservation Program, such as monitoring and other actions that benefit drought and flood response. One in particular is targeted deployment of certain conservation practices to provide livestock watering but also to provide retention in uplands that would reduce the severity of the flood impacts. There are recommendations related to realignment of some of the Corp of Engineers district boundaries, contemplating some of the work that is being done in the lower Missouri River Basin states to look at

changes to the infrastructure to reduce damages and subsequent flooding. There was a conference call to look at different discrepancies with levees in the urban and rural areas, and a presentation from the University of Iowa regarding their Iowa Flood Center that will enhance some of our monitoring and our forecasting abilities as it relates to flooding in Missouri. As a part of that, the Department has received funding from the General Assembly to deploy a soil moisture monitoring network. These are some of the things the Department is looking at in the next few months.

Mr. Buntin also mentioned, as they are aware of the tremendous partnership with the Natural Resource Conservation Service, we have been in discussions with them to update the Memorandum of Agreement that calls for some of the specifics of how this partnership is undertaken. He added his personal thanks for J.R. Flores and his leadership as State Conservationist these past number of years; he is a good friend and NRCS is certainly a great partner. Department staff are happy for him but sorry for ourselves about hearing of his upcoming retirement and want to take this time to thank him for his leadership as State Conservationist in Missouri. This partnership is strong and is better for his participation in it. There is a draft Memorandum of Agreement (MOA) for which the Commission needs to authorize the execution of this agreement. Given the particular circumstance with Chairman Vandiver not being present, we would appreciate the Commission's consideration in making and adopting a motion to authorize Commissioner Gaw to enter into that agreement and indicate the Commission's support for executing a new MOA outlining the Department of Natural Resources, the Commission's and the soil and water conservation districts continued partnership with NRCS.

Commissioner Gaw thanked Mr. Buntin for his guidance. Commissioner Gaw made a motion that the Commission authorize to approve the new MOA and he would add to the motion that Acting Chairman Ralph Gaw be authorized to sign the document on behalf of the Commission. Commissioner Jeff Lance seconded the motion. A roll call vote was taken: Commissioner Lance: Yes, Commissioner Lovelace: Yes, Commissioner Martin: Yes, Commissioner Stevens: Yes, and Acting Chair Gaw: Yes. The motion carried.

Mr. Dru Buntin, J.R. Flores and Acting Chairman Gaw all signed the MOA. Mr. Dru Buntin thanked Mr. J.R. Flores again for the great partnership with NRCS and his leadership and wished him very well in his retirement. Mr. Flores said it has been a very fast 10 plus years in this great state, and through these partnerships we have gotten a lot of conservation done and have worked very closely with a lot of our partners. He thanked everyone for all that they have done and looks forward to seeing great things happen in the future.

2. Soil and Water Conservation Program Director's Comments

Ms. Colleen Meredith thanked everyone for coming to the Commission meeting. She extended a special thanks to the program staff for all of the work they put in to prepare for this meeting and the Training Conference. They are the brains of our operation and this has been a big effort for all of them. She also thanked J.R. Flores and congratulated him on his future retirement and for being a super partner to work with.

She announced that Leon Thompson, who started as a soil scientist, then a SALT coordinator, and now a district coordinator for the program is retiring at the end of the month. We are very appreciative of all that he has done. We know the districts are really going to miss him. The program is going to fill the position that Judy Stinson retired from, and is adding a district coordinator position located with Josh Poynor in the Southwest Regional Office. Some of the boundaries will change a little bit so some districts may have a different coordinator, but not a big change. She thanked the Commissioners for coming to the conference and being available to the districts, everyone really enjoys it.

3. State Water Plan Update

Dr. Rob Kallenbach presented information from an agricultural water demand study funded by the Commission for the Missouri State Water Plan. The two objectives are to assess current water use by agriculture in Missouri and to forecast water demand through 2060. He reviewed water used by Missouri farms including assumptions for amount of irrigation and irrigation efficiency, and they ground-truthed the data. Irrigation current demand for crops is a total of 756 billion gallons per year. It is estimated that 515 trillion gallons are in groundwater storage. He reviewed future irrigation use projections to be 885 billion gallons by 2060.

The study also assessed animal water needs. The livestock current demand total is 41 billion gallons a year. Livestock wells or surface water generally have three regional bands from South to North. In Southern Missouri about 30% of livestock water comes from wells. In Central Missouri, wells supply about 20% of livestock water. In Northern Missouri, only 10% of livestock water comes from wells. He also reviewed livestock future use projections to be 61.8 billion gallons in 2060. The combined current demand is a total of 797 billion gallons per year.

In conclusion, crop irrigation demand increases 17% from 756 to 885 billion gallons over the next 40 years. Groundwater supplies 98% of that needed for crop irrigation (mostly in the Bootheel). Livestock demand totals 62 billion gallons by 2060; a 50% increase from current but a small share of agriculture's use. Surface water supplies two-thirds of that used by livestock. Plentiful precipitation limits irrigation to about 20% of grain acres statewide. In the Bootheel region, producers irrigate as much as 75% of crop acres.

Missouri holds vast groundwater supplies especially south of the Missouri River. Based on agriculture uses, several hundreds of years supply is available in aquifers. Yet, stakeholders remain focused on stewardship and efficient water use.

The report gives is the most comprehensive look at water use in agriculture in 50 years. Missouri benefits from abundant water supplies. The report forecasts Missouri agriculture to need 20% more water by 2060. Conservation practices that capture excess water, modulate peak flow, and minimize nutrient loss give the Commission ideas to develop.

4. Nutrient Trading

Mr. Kurt Boeckmann gave an overview of Nutrient Trading. Most nitrogen and phosphorous pollution comes from farm fertilizers and animal manure, sewage treatment plants, industrial facilities, and urban and suburban runoff. Some solutions are farmers installing conservation practices to reduce nutrient loads which can occur at a lower cost than the regulated facilities' cost. Best Management Practices (BMP's) installed offer low cost but effective treatment and generate nutrient credits that can be sold to the regulated facilities that face very costly upgrades. Thus, nutrient trading offers a triple-win solution: progress is made toward achieving the trading program's water quality goal; credit buyers spend less on credits than they would spend on costly technological upgrades; and credit sellers make money for their extra pollution-reduction efforts. He reviewed the driver and market based trading principles, explained how the SWCP can help implement trading, and the Department's current nutrient trading framework and timeline for future actions. December 2019-April 2020: 1) evaluate and quantify nutrient (N and P) reduction potential of individual and combined BMPs, 2) develop and quantify scientifically proven procedures and methodology of calculating nutrient reduction metrics. March 2020 – August 2020: 3) Engage stakeholders and begin drafting policy, 4) draft policy and continued stakeholder engagement, and 5) continuous engagement with EPA. September 2020 – December 2020: 6) “look back” of credits available now (if EPA concurs) and, 7) offer trading. The effort will result in targeted conservation using multiple efforts such as the Nutrient Loss Reduction Strategy, Regional Conservation Partnership Program, Nutrient Trading and monitoring and modeling.

5. Missouri Nonpoint Source Management Plan

This agenda item was postpone for a future meeting.

6. FY20 Cost-Share Update

Mr. Bill Wilson provided a report on cost-share for Fiscal Year (FY) 2020. As of November 22, 2019, approximately \$56 million is allocated and \$33 million obligated, with Sheet and Rill/Gully obligated at \$23.6 million being the highest. There are currently 7,897 contracts with approximately \$9.5 million in contract payments. He then presented the FY20 total supplemental allocations provided to districts as of November 7, 2019, which was about \$22.7 million in 96 counties.

7. FY19 Districts Grant Expenditures

Mr. Jim Boschert provided a report on District Grant Expenditures for FY19. The District Grant Appropriation was \$14,680,570 with \$13,173,289 spent by the districts. The Personnel Grant was allocated at \$9,027,776 with 98% spent in eligible expenses i.e. salary for soil and water district employees and interns; the Indirect Grant was allocated at \$3,001,692 with 99% spent in eligible expenses i.e. district portion of taxes, health insurance and retirement; and the Administrative Grant allocated at \$1,548,075 with 84% spent for eligible expenses i.e. supervisor /employee travel, training, elections, office expenses, info/ed, liability insurance, organization dues and vehicle maintenance. The Administrative Grant includes 4 levels of funding depending on outsourcing payroll and if districts are stand-alone offices (not located in USDA offices). He reported additional expenses for FY20 to include a 3% stipend increase for all SWCD employees starting January 1, 2020 along with additional funding applied to health insurance expenses.

D. NEW BUSINESS - REQUESTS

1. FY21 Cost-Share Allocation

Ms. Tammy Cody reported that the district Needs Requests were reviewed from FY11 through FY21. The district Needs Request for FY20 was \$95.1 million and for FY21 is \$110 million; the highest amount requested to date. She reviewed the FY21 timeline and allocation process. The overview of the FY21 allocation process is: the FY21 Needs Assessment report is completed by each district in MoSWIMS and is board approved. The district is required to provide a minimum of two years of data. An average percentage used of the initial allocations from FY17, FY18 and FY19 for each district is determined. If a district utilized 90 percent or more of their average initial allocations for these three years, they received an increase of 20 percent for animal waste management and all other resource concerns. For districts with an average between 50-90 percent, they received a 10 percent reduction, and for averages of 50 percent or less, a 20 percent decrease. If a county requests allocations for the first time in any of the resource concerns, they are given \$25,000 for animal waste management and \$5,000 for all other resource concerns. The minimum allocation is \$25,000 for animal waste management and \$2,000 for all other resource concerns. The FY21 allocation timeline will be the same as it has been in the past.

- January 2020 - advance allocations as well as 100 percent of the nutrient and pest management and animal waste management funds will be allocated to the districts. Districts may request up to 10 percent of FY21 initial allocations in remaining resource concerns.
- January 2020 through March 2020 – districts can request any amount of supplemental allocations for nutrient and pest management; the total requested counts toward the \$600,000 supplemental maximum per district. (The remaining FY21 initial allocations will be provided to the districts in July 2020, and then supplemental allocations will be available August 2020 through March 2021).

MISSOURI SOIL & WATER DISTRICTS COMMISSION

December 2, 2019

Page 7

- January 2020 through June 2020 – districts that receive less than \$50,000 in animal waste can request an additional allocation to fund the remainder of one pending contract.

Ms. Cody explained that the initial allocation that will take place in July 2020 will be contingent on the budget being passed. The amount of \$35,923,809 is being proposed and this will include the advance allocations. Supplemental allocations are planned. The proposed allocation amount may be adjusted by the Commission at another meeting if necessary.

For the supplemental allocations, six resource concerns are again eligible for monthly allocations from August 2020 to December 2020; supplementals later in the fiscal year will be evaluated using statewide obligations. The six resource concerns are: Animal Waste Management, Grazing Management, Irrigation Management, Sensitive Areas, Sheet, Rill and Gully Erosion and Woodland Erosion. Districts will receive a \$100,000 supplemental when they reach 90 percent of their obligated amount in Sheet, Rill and Gully Erosion and \$75,000 for any other eligible resource concern. There is a \$600,000 maximum supplemental per district. Districts will be able to refuse a supplemental allocation in a specific resource concern by sending a written request by 4:00 p.m. on Wednesday preceding each supplemental allocation.

A fall supplemental allocation for the nutrient and pest management resource concern will be available to the districts. This will be a one-time request for additional pest management funding. The request forms must be submitted by the district by 4:00 p.m. on September 3, 2020. The total requested amount is included in the \$600,000 maximum.

The FY21 proposed \$35,923,809 initial allocation includes Sheet, Rill and Gully at 72 percent or \$25,962,163, Grazing Management at 10 percent or \$3,562,251, Animal Waste Management at six percent or \$2,148,296, Sensitive Areas at four percent and Woodland Erosion, Irrigation Management and Nutrient and Pest Management at three percent each.

Ms. Cody showed maps with requests included in the FY2021 initial cost-share allocation. Animal Waste Management, 62 counties requested funding for a total of \$2,148,296; Grazing Management, 103 counties for a total of \$3,562,251; Irrigation Management, 24 counties for a total of \$1,154,453; Nutrient and Pest Management, 74 counties for a total of \$919,600; Sensitive Areas, 100 counties for a total of \$1,338,563; Sheet, Rill and Gully Erosion 114 counties for a total of \$25,962,163; and Woodland Erosion, 89 counties for a total of \$838,483.

Commissioner Jeff Lance made a motion to approve the FY21 Cost-Share Allocation Process and Schedule as presented. Commissioner Tim Martin seconded the motion.

A roll call vote was taken: Kenny Lovelace, Yes; Tim Martin, Yes; Keith Steven, Yes; Ralph Gaw, Yes; and Jeff Lance, Yes. The motion carried.

2. Soil and Water Conservation District (SWCD) Supervisor Appointments
a. Cedar County SWCD

Mr. Josh Poynor reported that the Cedar County Soil and Water Conservation District board is requesting to have Mr. Chris Taylor appointed to complete the unexpired term of Mr. Robert Kicker, who resigned. Mr. Chris Taylor and the board chairman have signed the Verification of Supervisor Eligibility form, verifying the candidate meets the qualifications to serve on the board.

Commissioner Kenny Lovelace made a motion to approve the appointment of Mr. Chris Taylor to complete the unexpired term of Mr. Robert Kicker on the Cedar SWCD Board of Supervisors. Commissioner Jeff Lance seconded the motion. The motion passed with all in favor.

3. Program Delivery and Districts Operations Committee

Mr. Jim Boschert provided an update on three items from the last meeting the committee held: 1) policies for SWCD elections, 2) progression line, and 3) cost-share privacy. He reviewed current election policies that are now under Commission policy rather than in the Missouri Code of State Regulations, and provided examples of how University of Missouri Extension Council and Farm Service Agency elections are handled.

He presented a draft election procedure and the votes from the committee on questions regarding how elections should be handled going forward. The questions and votes are:

- Should all SWCDs be on the same schedule for their election? 89% - Yes, 11% - No.
- If they are on the same schedule when should the election certification take place? 47% - Beginning of calendar year, 29% - Beginning of fiscal year, 24% - Other.
- Does the group agree with the proposed election procedure? 89% - Yes, 11% No.

There was discussion regarding what is needed to proceed. Commissioner Lance made a motion to suspend all SWCD supervisor elections until the District Operations and Program Delivery Committee finalized the new election procedures. Commissioner Lovelace seconded the motion. The motion passed with all in favor. The Commission asked the program office to poll SWCDs as to what time of year will be best for elections to help the committee determine a schedule.

Mr. Boschert presented updates to the district progression line and the cost comparison for a District Specialist I position and the District Specialist IV Shared position.

The last item is landowner confidentiality. He reviewed the federal and state laws for landowner privacy related to conservation practices, and what information is protected. He reviewed the information that is required under RSMO 261.130 for confidentiality: farmer's personal information; their agricultural operation, farming or conservation practices, environmental or production data; details on assets of their farm or the land itself; and any geospatial information maintained by the Departments of Agriculture or Natural Resources. Because of these restrictions he proposed actions for the districts to take in their board meetings, and daily operations and items the program office will implement to ensure compliance with this law.

4. Research Grants

Colleen Meredith presented information on research grants. The Research Grant appropriation per year is \$400,000 which is 0.66 percent of the SWCP budget. Current research projects are an Agriculture Water Demand Study, and Monitoring and Evaluation of Soil Health, both with the University of Missouri-Columbia. There is slightly over \$65,000 in available funds for fiscal year 2020 (FY20). The procedure for research grants was reviewed and three preliminary proposals presented, two for the University of Missouri - Dr. Teng Lim and Dr. Kelly Nelson and one for Southeast Missouri State University – Dr. Michael Aide.

Commissioner Martin made a motion to approve the preliminary research proposals that have been submitted to be evaluated by the Research Review Committee. The committee will approve submittal of proposals for final selection for funding beginning in FY20. Commissioner Stevens seconded the motion. The motion passed with all in favor.

5. Polk County SWCD Request Regarding a Maintenance Violation on a DSP-02 Permanent Vegetative Cover Enhancement Practice

Mr. Josh Poynor reported that a maintenance violation was found on contracts:

- GM 067-16-046 DSP-02 Permanent Vegetative Cover Enhancement
- GM 067-16-035 DSP 3.3 Grazing System Fence

The fields have been removed from permanent pasture and placed into elderberry production. The district has been unable to make contact with the landowner. He provided background information regarding contract approval and payment, and showed photos of the site. The repayment amount was for DSP 3.3 Fence – 460 feet of fence is not eligible for payment due to perimeter fence being removed in the 6.2 acre paddock. The prorated repayment amount due is \$174.87. The DSP-02 had 6.2 acres not eligible due to not maintaining the vegetative cover enhancement with a prorated amount due of \$552.37. The total repayment for both contracts for the maintenance violation is \$727.24.

Commissioner Lance made a motion to refer this to the Attorney General's office for assistance on collection of the prorated repayment amount of \$727.24 on contracts GM 067-16-035 and GM 067-16-046 due to a maintenance violation.

Commissioner Lovelace seconded the motion. The motion passed with four Commissioners in favor. Commissioner Stevens abstained from this vote.

6. Stone County SWCD Request to Change Boundaries for District Supervisor Election

Mr. Josh Poynor reported that Stone SWCD is requesting a change to supervisor boundary lines. Their request is due to the lack of agricultural activity in the southern area of the county due Table Rock Lake. The proposed change would move the lake area into two supervisor areas instead of one, as well as give both areas III and IV more opportunity to find a supervisor. The Commission responsibility: 10 CSR 70-2.020 (2) states that the SWCD shall be partitioned by the Commission into four areas when the Commission approves the formation of the district. Any changes to the supervisor areas after the formation have to be approved by the Commission. Maps of the current boundaries and proposed boundaries were discussed. The proposed supervisor boundaries:

- Area I: all sections within Township 26 and Range 22W, Range 23W and Range 24W.
- Area II: All sections within Township 25 and Range 22W, Range 23W and Range 24W.
- Area III: All sections within Township 24, Range 24W and Township 23, Range 24W. All sections and partial sections within Townships 22 and 21, Ranges 24W and 23W from the Stone/Barry county line to State Hwy 413.
- Area IV: All sections within Townships 24 and 23, Ranges 23W and Range 22W. All sections and partial sections within Townships 22 and, Ranges 22W and 23W from State Hwy 413 east to Stone/ Taney county line.

Commissioner Keith Stevens made a motion to approve the Stone County SWCD Board's request to realign their supervisor areas as described. Commissioner Kenney Lovelace seconded the motion. The motion passed with all in favor.

7. Franklin County SWCD Request to Extend the Deadline for Conduction District Supervisor Elections

The action the Commission took on agenda item D.3. addressed this request. No report was given.

E. APPEALS AND VARIANCE REQUESTS

F. PARTNER REPORTS

1. Department of Conservation

Mr. Brent Vandeloecht reported that their firearms deer season was successful this year. There were 178,000 animals harvested during the firearms deer season and just under 2,000 for youth season. Staff was out in full force opening weekend and collected 18,000 samples to test for Chronic Wasting Disease (CWD). The test results should be back in the next few weeks and there will be a press release on the results.

He provided an update on feral hogs through October; the feral hog partnership has eliminated 9,161 hogs. They are still working with partners on eliminating hogs in the state and stand ready to respond if the Forest Service closes their borders for hunting. There is a plan in place to send about 150 staff to eliminate hogs for 3 months to start.

The Department of Conservation is also going through a reorganization effort to streamline their processes and make the department more efficient and adaptable in the future. One of the changes is the Fisheries, Forestry, and Wildlife staff have been combined into a public use management program. MDC has hired eight Regional Administrators who will be over all operations in each of their regions for public use, private land infrastructure management, and regional issues. Those hires were announced last week. The Protection Agents and Outreach Education and Resource Science Staff have not really changed.

2. Department of Agriculture

Mr. David Baker, designated representative for Director Chinn and Missouri Department of Agriculture, provided the MDA update. He reported that MDA established a new process related to meeting with their constituents. Traditionally, these interactions and conversations occurred at the Governor's Conference on Agriculture. For a multitude of reasons, in 2018 the Department explored a new approach to these key and very important interaction with the very successful Reach MORE Tour. In 2019, the Department organized and conducted the traditional but very successful Governor's Conference on Agriculture. Given the cost and time involved in not only organizing but for the clientele to attend one more meeting, the decision was made to continue the annual rotation between the traditional Governor's Conference on Agriculture and the new Reach More Tour. In 2019 –20, the Department will use the Reach MORE Tour format to meet with the state's various farm and commodity organization to provide an annual update and to provide an opportunity to receive input.

The 2019 – 2020 Reach More Tour will kick off today at this meeting of the Association. That session is scheduled to occur at 3:00 p.m. in the Parasol II room, with a panel that will include the Department Director, Deputy Director, and each of the Division Directors. One item to be discussed by the panel will department's accomplishments related the MORE Strategic Plan.

The team will be available to answer questions. The Reach More Tour is an opportunity for the Department to meet with their clientele and to continue the strong partnership between all the various industry commodity groups and farm organizations.

The Department is working on updating the state statute and regulations related to Pesticide Applicator Training and Certification. These changes are the result of new EPA requirements. Mr. Paul Bailey is the lead for the Department and he is working with the University of Missouri, Missouri Farm Bureau and various commodity organizations on the new requirements. Mr. Baker thanked Rob Kallenbach and his team from MU.

He also reported that the MDA Ag Business Division and MU Extension are in the process of developing and conducting an Ag workforce study. The study is looking at how agriculture is going to change and what are future workforce needs. This is in partnership with the University of Missouri and will not only look at the needs for production agriculture production but also the needs of the agri-business sector. The first meeting of the advisory committee will be December 17, 2019 in Columbia, The Advisory Committee role is to provide guidance and direction for the development of a state workforce roadmap. The goal is to ensure that the State's Number 1 industry has an adequate and well-trained workforce in the future. This will include addressing some of the issues with attracting qualified individuals to some agriculture jobs that may not be as appealing as other jobs.

On behalf of the Director and Deputy Director, he thanked J.R. Flores for his leadership and for all he has done for the past 10 years in working with all of the partners to move the natural resources plan forward. He also stated that the Department was "very appreciative for all of his leadership and commitment to make Missouri the model for the Nation".

3. MASWCD

Mr. Ryan Britt, Missouri Association Soil and Water Conservation Districts, welcomed the Commissioners and the panel to the Training Conference. On behalf of the MASWCD, they appreciate the districts having the opportunity to attend a Commission meeting without having to travel. He recognized a very special guest in the audience, who was the opening Speaker at the Training Conference this morning, and is the national voice for the conservation districts, National Association of Conservation Districts (NACD) President, Tim Palmer. Everyone welcomed him with a round of applause. Mr. Britt also appreciated Mr. Palmer and the NACD Executive Board Member, Alex Schmidt, both from Iowa, for traveling and taking the time to attend the conference. On January 5-6, 2020 there is a North Central NACD Regional meeting scheduled in St. Louis and hosted by MASWCD. He welcomed the Commission and anyone else interested to attend.

They have some great speakers lined up. The STAR (Saving Tomorrow's Agriculture Resources) Program is one of the agenda items; this program has already started in Illinois. It takes the conservation work that is already done and then uses this information to give producers an opportunity to receive a premium for the products they produce. The program establishes a system to connect the end processor with the grower. They are looking to expand the program to 11 states, and the MASWCD is excited to learn more about this for Missouri.

There is exciting entertainment tonight and great speakers and training sessions scheduled for the next two and a half days.

4. NRCS

Mr. Marty Comstock is present for Mr. J. R. Flores, who had another commitment. He thanked the Commission for the invitation to be at this meeting. Mr. Flores sent his thanks again for signing the MOA at the beginning of this meeting and looks forward to this partnership even though he will be retired. Mr. Comstock reported on the Environmental Quality Incentives Program (EQIP) and the Conservation Stewardship Program (CSP). These programs are awaiting approval for a sign-up period announcement, which they expect to have soon. The Mississippi River Basin Healthy Watersheds Initiative (MRBI) will have sign up opportunities in the fiscal year 2020. There will be some new watershed projects in this initiative; one is the Upper and Middle Apple Creeks in Perry, Cape Girardeau and Bollinger counties, and Spring, Turkey, and Long Branch watersheds in Linn, Sullivan and Chariton counties. Mr. Comstock also reported that under the National Water Quality Initiative (NWQI) is an opportunity for a new project in the headwaters of Petite Creek in Cooper, Moniteau and Morgan counties. There is a continuation of the Lamar Lake project under this program for FY20. Emergency Watershed Protection (EWP) is the program that NRCS activates after natural disasters. The flooding of 2019 resulted in activation in the 83 counties that were declared a natural disaster by the president for public assistance, because this program works with public sponsors to restore watershed functions that have been damaged. NRCS has taken 145 applications and are prioritizing these projects; those with levee damage will be the first projects. They also have several other projects: 30 levee projects approved for funding and 85 drainage systems being looked at as well. This has been a slow process with all of the continued flooding. Staff will be working on these for the next several months.

Mr. Comstock also reported on two reservoir projects in their Small Watershed Program because of a need for drinking water reservoirs in North Missouri. These two projects are Little Otter Creek in Caldwell County and East Locust Creek in Sullivan County. NRCS recently posted the Supplemental Environmental Impact Statement to the Federal Register in regards to the Little Otter Creek, and depending on the comments received between now and December 26, 2019, could allow the State Conservationist to sign a Record of Decision, which will be a

milestone and move the project to a decision by the Corp of Engineers on the permit, which is really good news. The East Locust Creek project sponsored, applied for and received a \$13 million grant from the U.S. Department of Transportation to help rebuild roads that were impacted by the reservoir, which is another milestone for them with this project.

The Regional Conservation Partnership Program (RCPP) has \$30 million available nationwide for partners to compete for proposals on this program and are due tomorrow. Mr. Comstock reported on a new system, Conservation Desktop. This is used internally within NRCS to do conservation plans and schedule conservation practice applications with landowners. This tool should be deployed within the next month or two and will replace Toolkit, which has been used for the last several decades. Conservation Desktop will be a big change for employees and their partners and they are setting up training for both employees and their partners to learn how to use this.

5. University of Missouri

Dr. Robert Kallenbach mentioned how many projects that all of the partners work on together and appreciates the high-trust relationships. He reported, as David Baker mentioned earlier, one of the projects that the University is working on is the Pesticide Applicator Training and how this is changing from EPA's perspective. The kinds of training the private pesticides applicators will need and how we comply with these changes, will have some impact on people who work with the conservation districts and how they are able to use conservation practices in this regard. We appreciate the partnership we have with the Department of Agriculture for the Pesticide Applicator Training.

The University of Missouri, for the first time in about 30 years, has opened a brand new research center this past fall. It is called the Land of the Osages, and located not far from this location. It was given to the University generously by a donor, not only the land, but the funds to maintain that land in perpetuity, as well. They held a grand opening about a month ago and he invited everyone to visit it sometime.

Dr. Kallenbach also reported that they have a number of conferences coming up. One of these is the Crop Management Conference in about two weeks, held in Columbia. A lot of people who work with the Commission, as applicators and other land owners will be a part of this conference. MU also has the Missouri Livestock Symposium coming up in Kirksville, with more than 1,500 people expected in attendance.

G. OPEN COMMENT SESSION

H. FUTURE MEETING DATES

February 5, 2020
Missouri Natural Resources Conference
Margaritaville Lake Resort – Lake of the Ozarks
Osage Beach, MO

I. CLOSED SESSION

The commission did not go into closed session.

J. MEETING ADJOURNMENT

Commissioner Kenny Lovelace made a motion to adjourn the meeting at 2:42 p.m. and Commissioner Tim Martin seconded; the motion carried unanimously.

Respectfully submitted,

Colleen Meredith, Director
Soil and Water Conservation Program

Approved by:

Ralph Gaw, Acting Chairman
Missouri Soil and Water Districts Commission

MEMORANDUM OF AGREEMENT BETWEEN THE
United States Department of Agriculture, Natural Resources Conservation Service
AND
State of Missouri, [INSERT COUNTY NAME] County Soil and Water Conservation District,
AND
Missouri Department of Natural Resources
AND
Soil and Water Districts Commission

I. PURPOSE

This Memorandum of Agreement (MOA) is entered into between the United States Department of Agriculture (USDA) Natural Resources Conservation Service (hereafter referred to as NRCS), the [INSERT COUNTY NAME] County Soil and Water Conservation District, the Missouri Department of Natural Resources, and the Soil and Water Districts Commission.

The NRCS, [INSERT COUNTY NAME] County Soil and Water Conservation District, the Missouri Department of Natural Resources, and the Soil and Water Districts Commission (referred to jointly as the Parties) have common objectives of delivering technical and financial assistance to farmers, ranchers, forest stewards, and other entities to voluntarily protect, restore, and enhance the productivity of American agricultural lands. The Parties recognize the importance of natural resources, the wise use and management of these natural resources, and, as appropriate, the protection and/or development of these natural resources. This agreement is made and entered into with the objectives of:

- A. Continuing to support the delivery of excellent and innovative customer service;
- B. Recognizing conservation planning as foundational to our work, and working together to meet the conservation planning assistance needs of our cooperators/customers;
- C. Strengthening and modernizing conservation delivery to optimize efficiency and effectiveness;
- D. Broadening our outreach to existing and new customers and partners;
- E. Supporting science-based decision making as close to the resource issue/opportunity as possible;
- F. Encouraging a voluntary approach as the primary means of accomplishing conservation goals; and
- G. Using sound approaches to strengthen each Party and its role in the delivery of soil, water, and related natural resource conservation across the nation.

II. BACKGROUND

The NRCS, [INSERT COUNTY NAME] County Soil and Water Conservation District, the Missouri Department of Natural Resources, and the Soil and Water Districts Commission share a rich history of collaborating to deliver comprehensive technical and financial assistance to farmers, ranchers, forest stewards, and other entities to voluntarily protect, restore, and enhance natural resources.

The Soil Conservation Service was established in 1935 (renamed NRCS in 1994 to reflect its broader conservation mission). NRCS is committed to "helping people help the land." It provides assistance and resources for conservation practices that improve water and air quality, prevent erosion, restore wetlands, and enhance wildlife. NRCS's approach to mission delivery and customer service is deeply rooted in the notion that locally-led, voluntary efforts yield the most effective and productive outcomes. Locally-led

conservation is the principle that farmers, ranchers, and forest stewards know their lands better than anyone else based on their personal knowledge and experience with those lands. As such, they are best positioned to make optimal decisions for the benefit of their operations, its natural resource conditions, and their communities.

The first Conservation District was established in 1937 to provide local leadership in natural resources management. Conservation Districts serve as the link between federal, state, and local resources with farmers, ranchers, and forest stewards. They are responsible for promoting and carrying out their conservation programs by assisting communities and its members develop, apply, and maintain appropriate conservation practices and resource management systems. They are authorized to provide broad area planning and implementation assistance to units of government. They are a focal point for coordinating and delivering technical assistance and funding to their respective communities.

III. STATEMENT OF MUTUAL BENEFIT

In conjunction with the NRCS, the Missouri Department of Natural Resources, the Soil and Water Districts Commission, the [INSERT COUNTY NAME] County Soil and Water Conservation District coordinates and implements locally led conservation plans because of their connections to Federal, State, Tribal, and local governments; private resources; and the public. The Parties agree to facilitate cooperation, collaboration, and agreement between agencies, landowners, and other stakeholders; develop comprehensive conservation plans; and bring those plans to the attention of landowners and others within the district.

In addition, the Parties recognize the importance of working together to broaden strategic assessment and planning authority under state statute and the Soil and Water Resources Conservation Act of 1977 for the conservation, protection, and enhancement of soil, water, and related natural resources. The Parties further recognize that natural resources are finite and under increasing pressure from a variety of impacts. Soil, water, air, plants, animals, and energy are all addressed under the programs, initiatives, and partnership efforts of the Parties.

In order to deliver the necessary technical and financial assistance to enable locally-led, voluntary conservation, the Parties agree to adhere to the principles, roles, and responsibilities outlined in this Section of the MOA. This MOA does not affect or modify existing regulations or agency responsibilities and authorities. Moreover, this MOA does not commit any party to activities beyond the scope of its respective mission and statutory authorities.

A. Locally-Led, Voluntary Conservation

The Parties agree that locally-led, voluntary conservation must be driven by natural resource conservation needs, rather than by programs. Its primary focus is to identify natural resource concerns, along with related economic and social concerns. Locally-led conservation consists of a series of activities and phases that involve community stakeholders in natural resource planning, implementation of solutions, and evaluation of results:

1. The Soil and Water Conservation District shall:

- a. Assist NRCS in promoting USDA programs by participating in outreach and community education activities.
- b. Advocate for a strong natural resource conservation program by keeping appropriate boards, landowners, legislators, county commissioners, and other key stakeholders apprised of conservation activities within the district.

- c. Assist NRCS with leading the USDA local working group, as chartered under the State Technical Committee and authorized by 7 CFR 610, Part C, to encourage public participation.
 - i. Encourage diverse participation in local working groups through community outreach and education, to include stakeholders from historically underserved community.
 - ii. Open local working group meetings to the public and advertise notification of meetings in one or more newspapers, including Tribal publications.
 - iii. Develop the agenda and associated materials/information for local working groups and distribute at least 14 calendar days prior to the meeting.
 - iv. Develop and file local working group meeting records within 30 calendar days of the meetings at the local NRCS office.
 - v. Adhere to local working group responsibilities and standard operating procedures, as documented in NRCS policy (Title 440, Conservation Programs Manual).
- d. Use a conservation needs assessment or established planning process to obtain broad-based community participation for the delivery of conservation programs. The process will be in accordance with NRCS and Soil and Water Districts Commission policy and procedures. The process will also include long-range planning and a comprehensive evaluation of the district's natural resource base.
- e. Recommend local natural resource priorities and criteria for NRCS conservation activities and programs based on the conservation needs assessment and public input.
- f. Identify NRCS program resources, develop and implement conservation plans and natural resource systems, and evaluate/measure the technical and community impacts of solutions.
- g. Update NRCS on activities of local and state advisory committees and community groups attended by Conservation District board members and staff.
- h. Cooperate and collaborate across conservation districts, as appropriate and as permitted by state statute.

2. NRCS shall:

- a. Support outreach activities and ensure the parties are kept informed of NRCS activities and programs on at least a monthly basis. This includes bringing technical and financial assistance opportunities (including matching fund strategies) to the attention of the Conservation District.
- b. Work cooperatively to solicit and leverage community recommendations to inform priorities that guide the delivery of NRCS conservation programs.
 - i. Designate an NRCS representative to participate in Conservation District meetings and events, including local working group meetings. Alternatively, NRCS will chair the local working group should the Conservation District be unable or unwilling to.
 - ii. Develop and transmit written notifications to the local working group members as to the decisions made in response to their recommendations within 90 days.
- c. Respond to requests from the parties for technical guidance and assistance.

- d. Partner with local and Tribal agricultural, conservation, agency, and community groups where possible, to further Conservation District natural resource conservation goals and objectives.
 - e. Attempt to align program priorities within the conservation district with the natural resource concerns identified by the local working group.
 - f. Provide an annual summary of NRCS accomplishments to the parties.
- 3. Missouri Department of Natural Resources and Soil and Water Districts Commission shall:**
- a. Facilitate coordination between conservation districts when appropriate.
 - b. Utilize conservation districts to administer state conservation programs when appropriate.
 - c. Serve on the State Technical Committee.

B. Adherence to Technical Standards

The Parties agree to the use of science-based decision-making to address local natural resource issues. Implementation of sound conservation plans and practices will strengthen each party, as well as their roles in the delivery of soil and water conservation.

- 1. The Soil and Water Conservation District shall:**
- a. Adhere to Federal, State, Local, and Tribal laws and regulations.
 - b. Adopt NRCS policies and procedures, including the NRCS Field Office Technical Guide (FOTG), and other science-based technical standards.
 - c. Leverage and promote use of USDA technologies and applications, as appropriate.
 - d. Assign conservation practice job approval authority to its personnel based on employee knowledge, skill, and ability level, and within applicable laws and guidelines. Obtain NRCS concurrence for job approval for practices involving USDA authorities or programs.
 - e. Participate in local, state, and national opportunities for policy, program, and project development.
- 2. NRCS shall:**
- a. Develop, update, and disseminate technical standards, policies, and procedures.
 - b. Seek input and comment from communities on natural resource conservation policies and issues.
 - c. Inform the Conservation District and communities when pending statutes, laws, regulations, policies, or procedures may have a significant impact on the community.
 - d. Develop and provide access to USDA technologies and applications to facilitate shared standards, as appropriate.
 - e. Provide job approval authority for non-NRCS employees, in accordance with NRCS policy and Federal, State, and local laws, regulations and codes.
 - f. Provide conservation planning certifications for non-NRCS employees in accordance with the NRCS policy and Federal, State, and local laws, regulations and codes.

- g. Create and promote opportunities for the Conservation District board members and staff to participate in policy, program, and project development.
- h. Provide technical or other training for conservation partnership employees in conjunction with its own training, or as separate events. Training must be consistent with and support of NRCS's mission objectives. As such, the principle emphasis will be on the support and delivery of field-based conservation technical assistance.

3. Missouri Department of Natural Resources and Soil and Water Districts Commission shall:

- a. Adhere to Federal, State, Local, and Tribal laws and regulations.
- b. Adopt NRCS policies and procedures, including the NRCS Field Office Technical Guide (FOTG), and other science-based technical standards.
- c. Leverage and promote use of USDA technologies and applications, as appropriate.
- d. Assure state statutes and regulations are observed by all parties.

C. Data and Information Sharing

- 1. Any information furnished to NRCS under this agreement is subject to the Freedom of Information Act (5 U.S.C. 552).
- 2. Activities performed under this agreement may involve access to confidential and potentially sensitive information about governmental and landowner issues. The term "confidential information" means proprietary information or data of a personal nature about an individual, or information or data submitted by or pertaining to an organization. This information must not be disclosed without the prior written consent of NRCS.
- 3. Conservation District personnel will follow the rules and procedures of disclosure set forth in the Privacy Act of 1974, 5 U.S.C. Section 552a, and implementing regulations and policies with respect to systems of records determined to be subject to the Privacy Act. The Partner's personnel must also comply with privacy of personal information relating to natural resources conservation programs in accordance with section 1244 of Title II of the Farm Security and Rural Investment Act of 2002 (Public Law 107-171).
- 4. See Appendix A, "ACKNOWLEDGMENT OF REQUIREMENTS FOR PROTECTION OF PRIVACY OF PERSONAL AND GEOSPATIAL INFORMATION RELATING TO NATURAL RESOURCES CONSERVATION SERVICE PROGRAMS." The signatory agrees to abide by these requirements as a condition of receiving access to such information.

IV. GENERAL PROVISIONS

A. Period of Performance

This MOA takes effect upon the signature of the Parties and shall remain in effect until mutually modified or terminated.

B. Amendments

- 1. This MOA may be extended or amended upon written request of either Party and the subsequent written concurrence of the other. Any of the parties may terminate this MOA with a 60-day written notice to the others.

2. This state-level MOA may be supplemented by a local-level MOA, if desired and mutually agreed to by the parties. Local-level MOAs reflect locally developed detailed working arrangements, to include NRCS's and Conservation District's Annual Workplan and/or Plan of Operations. These may include, but are not limited to, documenting specific objectives or goals, action items, provision for documentation of accomplishments, schedule of planned events, and assignment of responsibilities.

C. Transfer of Funding or Non-Monetary Resources

1. This MOA is established to document the collaborative relationship between the Parties. Nothing in this MOA shall require either Party to obligate or transfer funding, or anything of value. This may include, but is not limited to:
 - a. Office spaces and equipment/supplies
 - b. Vehicles and associated expenses (e.g., fuel, maintenance)
 - c. Computers, software, and technical equipment
2. The transfer of funding or other resources of value among the Parties offices requires execution of a separate agreement. The appropriate instruments include:
 - a. Cooperative Agreement (2 CFR 200.24), which allows federal agencies to transfer a thing of value to the State, local or Tribal government, or other recipient to carry out a public purpose of support authorized by law of the United States.
 - i. An Unfunded Cooperative Agreement (UCA) will be developed between NRCS and each Soil and Water Conservation District. The UCA will be specific to the needs, resources, and equipment of each SWCD and identify sharing of non-monetary resources.
 - b. Contribution Agreement (7 CFR 6962a), which is a unique statutory authority allowing NRCS to enter into an agreement with a non-federal entity that shares a mutual purpose in carrying out NRCS programs. All parties must contribute resources to the accomplishment of these objectives.
 - c. Reimbursable Agreement (31 USC 686; PL 90-577), which allows federal agencies to provide specialized or technical services to State and local governments.

D. Other

1. This MOA is not intended to, and does not create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by any party against the United States, its agencies, its officers, or any person.
2. The parties and their respective agencies and offices will handle their own activities and utilize their own resources, including the expenditure of their own funds, in pursuing these objectives. Each party will carry out its separate activities in a coordinated and mutually beneficial manner.
3. All activities and programs conducted under this MOA shall be in compliance with the nondiscrimination provisions contained in Titles VI and VII of the Civil Rights Act of 1964, as amended; Civil Rights Restoration Act of 1987 (Public Law 100-250); and other nondiscrimination statutes; namely, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendment of 1972, and the Age Discrimination Act of 1975. Also, they will be in accordance with regulations of the Secretary of Agriculture (7 CFR Part 15, subpart A), which provide that no person in the United State shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits

of, or be otherwise subjected to discrimination under any program or activity of an applicant or recipient receiving federal financial assistance from the Department of Agriculture or any Agency thereof.

4. All activities conducted under this MOA shall follow the Drug-Free Workplace Act of 1988 (Public Law 100-690, Title V, Subtitle D).
5. Contacts for each Party for administrative or technical concerns are listed below:

Natural Resources Conservation Service	[INSERT COUNTY NAME] County Soil and Water Conservation District
J.R. Flores State Conservationist Parkade Center, Suite 250 601 Business Loop 70 West Columbia, Missouri 65203-2546	Chairman [INSERT COUNTY NAME] County Soil and Water District [INSERT ADDRESS]
Missouri Department of Natural Resources	Soil and Water Districts Commission
Dru Buntin Acting Director P.O. Box 176 Jefferson City, Missouri 65102	Gary Vandiver Chairman Soil and Water Districts Commission P.O. Box 176 Jefferson City, Missouri 65102

V. SIGNATURES

USDA Natural Resources Conservation Service



J.R. Flores, State Conservationist

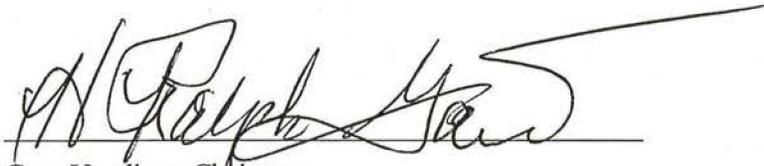
Date: 12-2-19

[INSERT COUNTY NAME] County Soil and Water Conservation District

Chairman

Date: _____

Soil and Water Districts Commission



Acting Gary Vandiver, Chairman

Date: 12-2-2019

Missouri Department of Natural Resources



Dru Buntin, Acting Director

Date: 12/2/19

APPENDIX A

ACKNOWLEDGMENT OF REQUIREMENTS FOR PROTECTION OF PRIVACY OF PERSONAL AND GEOSPATIAL INFORMATION RELATING TO NATURAL RESOURCES CONSERVATION SERVICE PROGRAMS

I. Purpose and Background

The purpose of this Acknowledgment of Section 1619 compliance (hereinafter, "Acknowledgment") is to require acknowledgment by [INSERT COUNTY NAME] County Soil and Water Conservation District, the Missouri Department of Natural Resources, and the Soil and Water Districts Commission (hereinafter, the "Conservation Cooperators") of the requirements of 7 USC 8791 (Section 1619 of the Food, Conservation, and Energy Act of 2008 (the 2008 Farm Bill)), which prohibits disclosure of certain information by the Department of Agriculture (USDA) and its cooperators. The Conservation Cooperators assist USDA in the delivery of conservation-related services (for example, services that sustain agricultural productivity, improve environmental quality, reduce soil erosion, enhance water supplies, improve water quality, increase wildlife habitat, and reduce damages caused by floods and other natural disasters) or with monitoring, assessing, or evaluating of conservation benefits from USDA conservation programs under a Federal agreement. Those individuals or organizations (governmental or nongovernmental) that assist USDA with providing conservation-related services are known as Conservation Cooperators.

II. NRCS Conservation Cooperator

As a Conservation Cooperator, the Conservation Cooperators are authorized access to otherwise-protected agricultural information. Such protected information must be strictly limited to only that information necessary for the Conservation Cooperators to provide conservation related services or to perform monitoring, assessing, or evaluating of conservation benefits (as specified in the agreement between NRCS and the Conservation Cooperators). Disclosure to the Conservation Cooperators can include receiving the protected information either 1) directly from USDA; 2) directly from the producer or owner as part of the process required to enable a producer or owner to participate in a USDA program; or 3) in another manner with the producer's permission.

III. Section 1619 of the 2008 Farm Bill

Section 1619 of the Food, Conservation, and Energy Act of 2008 hereinafter, "section 1619" provides that USDA, or any "contractor or cooperator" of USDA, "shall not disclose—(A) information provided by an agricultural producer or owner of agricultural land concerning the agricultural operation, farming or conservation practices, or the land itself, in order to participate in the programs of the Department; or (B) geospatial information otherwise maintained by the Secretary about agricultural land or operations for which information described in subparagraph (A) is provided." USDA may disclose protected information to a USDA cooperator when such cooperator is "providing technical or financial assistance with respect to the agricultural operation, agricultural land, or farming or conservation practices" if USDA determines that the protected information will not be subsequently disclosed, except in accordance with the exceptions contained in Section 1619. The Conservation Cooperator is a "contractor or cooperator" of USDA within the meaning of Section 1619. Accordingly, the Conservation Cooperators may not subsequently disclose any information protected by section 1619. By entering the agreement that references this Acknowledgment, the Conservation Cooperators are certifying future compliance with the statutory obligations under Section 1619.

IV. Responsibilities

A. The Conservation Cooperators certify that:

1. It acknowledges and understands that each Conservation Cooperator is legally bound by Federal statute to comply with the provisions of Section 1619 and that each Conservation Cooperator will not subsequently disclose information protected by section 1619 to any individual or organization that is not directly covered by this Acknowledgment. Any such subsequent disclosure of the protected information (except as permitted under Section 1619) will be considered a violation of Section 1619. Each Conservation Cooperator will be held responsible should disclosure of the protected information occur.
2. Acceptance of the agreement referencing this Acknowledgment legally binds every owner, manager, supervisor, employee, contractor, agent, and representative of each Conservation Cooperator to comply with the provisions in Section 1619. Each Conservation Cooperator must consult with USDA prior to providing protected information to an entity or individual outside of the Conservation Cooperator and as necessary to implement the program to ensure that such release is permissible.
3. Each Conservation Cooperator will use the protected information only to perform work that is directly connected to conservation related services or perform monitoring, assessing, or evaluating conservation benefits, as specified in the agreement between NRCS and each Conservation Cooperator (hereinafter, "the Work"). Use of the protected information to perform work that is not directly connected to the Work is expressly prohibited.
4. Each Conservation Cooperator must internally restrict access to the protected information to only those individuals who have a demonstrated need to know the protected information in order to perform the Work.
5. The provisions in Section 1619 are continuing obligations. Even when each Conservation Cooperator is no longer a Conservation Cooperator, or when individuals currently affiliated with the Conservation Cooperator become no longer so affiliated, every person having been provided access to the protected information will continue to be legally bound to comply with the provisions of this Acknowledgment.
6. Each Conservation Cooperator must notify all managers, supervisors, employees, contractors, agents, and representatives about this Acknowledgment and the requirements of Section 1619. For the duration of this Acknowledgment, notifications about the existence of this Acknowledgment must be made to those individuals who are new to the organization and periodic notifications must be sent throughout the organization (as well as to all contractors and agents) to remind all about the ongoing and continuing requirements.
7. When each Conservation Cooperator is unsure whether particular information is covered or protected by Section 1619, each Conservation Cooperator must consult with USDA to determine whether the information must be withheld.
8. This Acknowledgment is nontransferable and may not be bought, sold, traded, assigned, extended to, or given free of charge to any other individual or organization not directly covered by this Acknowledgment.
9. Use of the protected information for any purpose is expressly prohibited when an individual or organization is no longer a Conservation Cooperator. When each Conservation Cooperator is no longer a Conservation Cooperator, any protected information provided under this Acknowledgment must be immediately destroyed or returned to USDA. Each Conservation Cooperator must provide to USDA written certification that the protected information (paper copy, electronic copy, or both) has been properly destroyed, removed from any electronic storage media, or both.

10. The State's "sunshine law," "open records act" or other version of the Freedom of Information Act is superseded by section 1619 under the Supremacy Clause of the U.S. Constitution. Accordingly, information protected from disclosure by section 1619 must not be released under such State laws.

V. Protected Information

- A. An example of the type of information prohibited by disclosure under Section 1619 includes, but is **not limited to**, the following:
 1. State identification and county number (where reported and where located).
 2. Producer or landowner name, business full address, phone number, Social Security Number, and similar personal identifying information.
 3. Farm, tract, field, and contract numbers.
 4. Production shares and share of acres for each Farm Serial Number (FSN) field.
 5. Acreage information, including crop codes.
 6. All attributes for Common Land Units (CLUs) in USDA's Geospatial Information System
 7. Any photographic, map, or geospatial data that, when combined with other maps, can be used to identify a landowner.
 8. Location of conservation practices.
- B. Section 1619 allows disclosure of "payment information (including payment information and the names and addresses of recipients of payments) under any Department program *that is otherwise authorized by law*" (emphasis added). The names and payment information of producers generally may be provided to the public; however, each Conservation Cooperator shall consult with USDA if there is any uncertainty as to the provision of such information.
- C. Section 1619 also allows disclosure of otherwise protected information if "the information has been transformed into a statistical or aggregate form without naming any—(i) individual owner, operator, or producer; or (ii) specific data gathering cite." Each Conservation Cooperator must consult with USDA as to whether specific information falls within this exception prior to relying on this exception.

VI. Violations

Each Conservation Cooperator will be held responsible for violations of this Acknowledgment and Section 1619. A violation of this Acknowledgment by each Conservation Cooperator may result in action by USDA, including termination of the underlying Federal agreement.

VII. Effective Period

This Acknowledgment will be in effect on the date of the final signature of the underlying agreement and continues until USDA notifies each Conservation Cooperator that the Acknowledgment is no longer required based on changes in applicable Federal law.



NONPOINT SOURCE SUCCESS STORY

Missouri

Planning and Partnerships Improve Water Quality in McCoy Creek

Waterbody Improved

As a result of impacts from urban and agricultural runoff, McCoy Creek was listed on Missouri's Clean Water Act (CWA) section 303(d) list of impaired waters for low dissolved oxygen (DO) in 2012. To address the impairment and concerns about future urban growth, partners completed a nine-element watershed-based plan (WBP) for the Dry Branch Creek watershed (a subwatershed of McCoy Creek) and implemented green infrastructure projects. Best management practices (BMPs) were also applied in agricultural areas within the watershed. Water quality data collected in 2016 showed that all DO concentrations met the state's water quality standard (WQS), resulting in a segment of McCoy Creek being removed from the CWA section 303(d) in 2018.

Problem

McCoy Creek, in northwestern St. Charles County, is a tributary of the Cuivre River. The upper reaches of McCoy Creek drain the unincorporated rural and agricultural areas of St. Charles County, while the middle and lower reaches drain portions of the cities of Flint Hill (to the north) and Wentzville (to the south). The three main tributaries of McCoy Creek receive runoff from agricultural and forested areas, as well as the urbanized areas of Wentzville, Interstate 70, and State Highway 40/61 (Figure 1).

In 2012, a 1.9-mile segment of McCoy Creek (WBID 0214) was listed on Missouri's CWA section 303(d) list of impaired waters for low DO due to unknown reasons. As the population of Wentzville grew from 6,896 in 2000 to 29,070 in 2010, a greater percentage of the rural landscape changed to urban to accommodate the growing numbers. The percentage of impervious surfaces, stream flow and its erosive power, and the amount of nonpoint source (NPS) pollution transported into the surrounding waterways increased. Increases in stream temperatures, excessive algal growth, and sediment loads commonly contribute to low DO and negatively impact aquatic life.

Story Highlights

The City of Wentzville completed a nine-element WBP for the Dry Branch Creek watershed (a subwatershed of McCoy Creek) in 2013 and implemented a variety of retrofit enhancements between 2011 and 2015. The

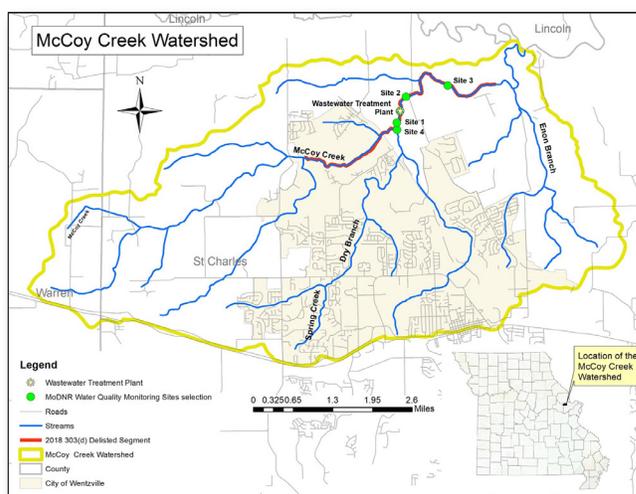


Figure 1. McCoy Creek is in eastern Missouri.

St. Charles Soil and Water Conservation District (SWCD) provided cost-share dollars to implement cover crops on 107 acres of agricultural area within the McCoy Creek watershed to reduce soil erosion, increase water infiltration, and improve water quality and soil health. Retrofits were completed at existing urban retention basins on commercial properties and in residential subdivisions in partnership with property owners. A number of green infrastructure BMPs were constructed in the McCoy Creek watershed. A car wash detention basin was expanded and reconfigured as a rain garden to filter stormwater runoff. Rain gardens and native shoreline plantings were added to a subdivision's common ground area to pretreat high-temperature runoff from 20 acres (Figure 2). A series of green infrastructure pilot projects



Figure 2. Native plants were planted along the shoreline of a basin in the Huntsdale Subdivision.

(e.g., vegetated bioswales, pervious pavements, riparian areas, and native plantings) were implemented at a city park. A forebay was constructed at the inlet of a regional detention lake to capture and trap sediment and nutrients from a 472-acre drainage area. Partners also installed parking lot bioswales; athletic field biofilters/rain gardens; three different types of pervious pavements; wetlands; riparian areas; and over 2,500 trees, shrubs and native plants. Additionally, educational shelters and interpretive signage were constructed throughout the park and along an educational trail system.

Results

In 2012, 15 water quality monitoring events occurred on McCoy Creek at three locations twice a day during the early morning and late afternoon hours. The sites were located on McCoy Creek, downstream of the

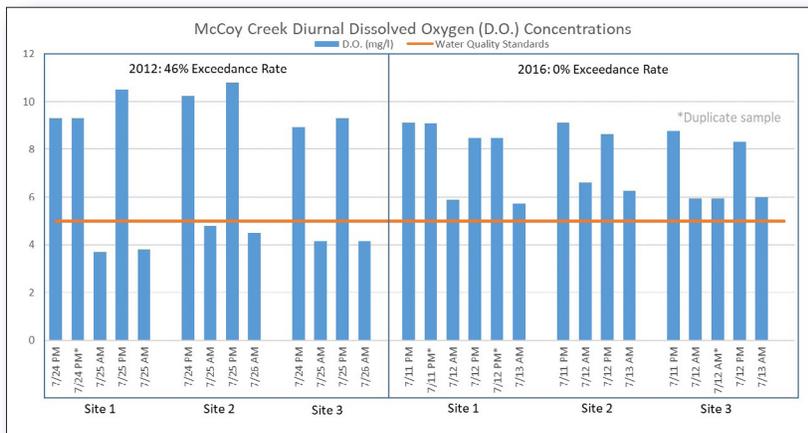


Figure 3. A comparison of the 2012 and 2016 dissolved oxygen exceedance rates in the morning (AM) and late afternoon (PM) at three instream monitoring sites show improvement.

confluence of Dry Branch Creek to bracket inputs related to NPS pollution and the wastewater treatment plant (WWTP). Low DO levels were noted both above the WWTP (site 1, NPS inputs) and below the WWTP (sites 2 and 3, WWTP input): a total of 46 percent of the DO levels exceeded the state WQS. The sampling event was repeated in 2016. The results showed improved conditions.

The water quality improvements upstream of the WWTP (site 1) can be attributed to the implementation of on-the-ground practices to address NPS runoff through the 319 NPS project efforts, the City of Wentzville's Clear Stormwater and Green Parks initiative and community outreach efforts, implementation of a countywide stream buffer ordinance, and cost-share practices implemented through the St. Charles SWCD. Water quality improvements at site 2 and 3 can be contributed to upgrades occurring at the WWTP. From the 2016 sampling event, all the DO data met or exceeded state water quality criteria (Figure 3).

Partners and Funding

Partners involved in the project included the City of Wentzville; the Wentzville Stormwater Advisory Committee; St. Charles SWCD; Wentzville School District; Oasis Kwik Car Wash; Huntsdale Subdivision Homeowner's Association; SCI Engineering, Inc.; Water Resources Solutions; Shockey Consulting; Teklab, Inc.; Landesign, LLC; Bernardin, Lochmueller & Associates; Demien Construction; Greenway Network, Inc.; the

City of Flint Hill; St. Charles County; and the Missouri Department of Natural Resources. The total cost of the Dry Branch Watershed Clean Stormwater and Green Parks Section 319 NPS Grant Project and partner contributions was \$1,248,015 for the completion of a nine-element WBP, water quality monitoring, demonstration infiltration projects at four sites, and a citywide educational outreach campaign and stream-naming contest. Since 2012, the St. Charles SWCD provided \$3,424 in state cost-share dollars to implement cover crops on 107 acres within the McCoy Creek watershed.



U.S. Environmental Protection Agency
Office of Water
Washington, DC

EPA 841-F-19-001WW
December 2019

For additional information contact:

Jamie Paige, City of Wentzville
636-639-2055 • jamie.paige@wentzvillemo.org
Trish Rielly, Missouri Department of Natural Resources
573-526-4662 • trish.rielly@dnr.mo.gov

Master Fund Status Summary

District	Allocated	Obligated	%Obligated	# Contracts	Contract Payment	% Contract Payment	# Contract Payments	Pending
FY: 2020 Fund Code:R Project:AWM - ANIMAL WASTE MANAGEMENT	\$3,244,982.00	\$970,054.01	29.89%	35	\$332,926.10	10.26%	11	\$71,477.37
FY: 2020 Fund Code:R Project:BDSP-31 - BUFFER SINKHOLE IMPROVEMENT	\$24,900.00	\$600.00	2.41%	2	\$600.00	2.41%	2	\$0.00
FY: 2020 Fund Code:R Project:GM - GRAZING MANAGEMENT	\$9,272,888.88	\$5,243,992.00	56.55%	1154	\$2,009,796.07	21.67%	415	\$354,583.75
FY: 2020 Fund Code:R Project:IM - IRRIGATION MANAGEMENT	\$2,122,188.37	\$1,362,259.89	64.19%	170	\$537,036.23	25.31%	63	-\$18,396.97
FY: 2020 Fund Code:R Project:NP - NUTRIENT & PEST MANAGEMENT	\$1,288,017.00	\$786,057.00	61.03%	913	\$743,500.00	57.72%	859	-\$3,346.00
FY: 2020 Fund Code:R Project:SA - SENSITIVE AREAS	\$5,171,530.63	\$1,852,804.37	35.83%	273	\$587,349.38	11.36%	112	\$178,595.41
FY: 2020 Fund Code:R Project:SGE - SHEET AND RILL / GULLY EROSION	\$37,609,119.98	\$27,591,816.27	73.36%	5561	\$9,717,727.12	25.84%	1324	\$664,166.15
FY: 2020 Fund Code:R Project:WE - WOODLAND EROSION	\$3,115,690.32	\$795,233.83	25.52%	235	\$284,643.72	9.14%	86	\$91,163.71
Subtotal for R	\$61,849,317.18	\$38,602,817.37	62.41%	8343	\$14,213,578.62	22.98%	2872	\$1,338,243.42

Master Fund Status Summary

Master Fund Status Summary (2020)

Subtotal for R	\$61,849,317.18	\$38,602,817.37	62.41%	8343	\$14,213,578.62	22.98%	2872	\$1,338,243.42
Report Totals	\$61,849,317.18	\$38,602,817.37	62.41%	8343	\$14,213,578.62	22.98%	2872	\$1,338,243.42



**Atchison County Soil and Water Conservation District
302 East HWY. 136, Rock Port, MO 64482
Phone: 660-744-6201 Ext. 3**

January 21, 2020

Missouri State Soil and Water Districts Commission
P.O. Box 176
Jefferson City, MO 65102-0176

RE: Supervisor Appointment

Dear Soil and water District Commission,

The Atchison County Soil and Water Conservation District Board Treasurer, Keith Ottmann, as submitted his letter of resignation. Mr. Ottmann has graciously served as a board supervisor representing Area IV since March 1992 with his current term to expire in March 2020.

Atchison County Soil and Water Conservation District Board of Supervisors recommend the appointment of Clay Vogler, 22229 St Highway J, Rock Port, MO 64482 to serve as a board supervisor in place of Keith Ottmann.

Please find enclosed the Verification of Supervisor Eligibility Form for Clay Vogler.

Sincerely,

A handwritten signature in cursive script that reads "Bill Heitman".

Bill Heitman, Chairman
Atchison SWCD Board of Supervisors

VERIFICATION OF SUPERVISOR ELIGIBILITY

To qualify for office, according to Missouri's Code of State Regulations,
10 CSR 70-2.020, Conduct of Supervisor Elections, a candidate shall:

- 1) Be a land representative as defined by "The owner, or representative authorized by power of attorney, of any farm lying within the soil and water conservation district (SWCD); provided, however, that any land representative must be a taxpayer of the county within which the SWCD is located," and
- 2) Be a resident taxpaying citizen within that SWCD for two (2) years preceding the appointment to the District Board of Supervisors by the Commission, and
- 3) Be a cooperator of the SWCD defined as "A person who is actively involved in farming and practices conservation activities related to agriculture," and
- 4) Reside in or own a farm lying in the same territory where the board position is vacant.

The undersigned certify that the candidate meets all of the above stated eligibility requirements to serve as a supervisor for the Atchison Soil and Water Conservation District.

Chairperson (or acting) signature: Bill Heitman Date: 1-22-2020

Candidate signature: [Signature] Date: 01/21/2020

NOV 22 2019

Keith Ottmann
617 E Cass St.
Rock Port, MO 64482

Atchison County Soil & Water Conservation District
302 E HWY 136
Rock Port, MO 64482

Dear Atchison County Soil & Water Conservation District,

It is with regret that I tender my resignation from the Atchison County Soil & Water Conservation District board, effective immediately.

I am grateful for having had the opportunity to serve on the board of this organization for the past 26 years, and I offer my best wishes for its continued success.

Sincerely,

A handwritten signature in cursive script that reads "Keith Ottmann".

Keith Ottmann, Treasurer



**Atchison County Soil and Water Conservation District
302 East HWY. 136, Rock Port, MO 64482
Phone: 660-744-6201 Ext. 3**

January 21, 2020

Missouri State Soil and Water Districts Commission
P.O. Box 176
Jefferson City, MO 65102-0176

RE: Supervisor Appointment

Dear Soil and water District Commission,

It is with great sadness that we report Kevin Hurst, Atchison County Soil and Water Conservation District Board Supervisor, passed away October 2019. Mr. Hurst has graciously served as a board supervisor representing Area II since March 2008 with his current term to expire in March 2020.

Atchison County Soil and Water Conservation District Board of Supervisors recommend the appointment of Michael Rolf, 21085 120th St., Westboro, MO 64498 to serve as a board supervisor in place of Kevin Hurst.

Please find enclosed the Verification of Supervisor Eligibility Form for Michael Rolf.

Sincerely,

Bill Heitman, Chairman
Atchison SWCD Board of Supervisors

VERIFICATION OF SUPERVISOR ELIGIBILITY

To qualify for office, according to Missouri's Code of State Regulations,
10 CSR 70-2.020, Conduct of Supervisor Elections, a candidate shall:

- 1) Be a land representative as defined by "The owner, or representative authorized by power of attorney, of any farm lying within the soil and water conservation district (SWCD); provided, however, that any land representative must be a taxpayer of the county within which the SWCD is located," and
- 2) Be a resident taxpaying citizen within that SWCD for two (2) years preceding the appointment to the District Board of Supervisors by the Commission, and
- 3) Be a cooperater of the SWCD defined as "A person who is actively involved in farming and practices conservation activities related to agriculture," and
- 4) Reside in or own a farm lying in the same territory where the board position is vacant.

The undersigned certify that the candidate meets all of the above stated eligibility requirements to serve as a supervisor for the Atchison Soil and Water Conservation District.

Chairperson (or acting) signature: Bill Neuman Date: 1-22-2020
Candidate signature: Michael Puel Date: 1-21-2020



Clay County Soil and Water Conservation District

1 Victory Drive, Suite 100 - Liberty, MO 64068-3813 - Phone: (816) 781-5580 - Fax: (816) 781-7305

December 20, 2019

TO: Cody Tebbenkamp

RE: Clay County SWCD Request Attorney General Assistance for Collection of Practice Violation

It was brought to the attention of the Clay County's SWCD Board, the property listed below has been sold to a developer and the Water Impoundment reservoirs dams had been broken.

[REDACTED] the owner of the property when the Water Impoundment Reservoirs were built has passed away and there are no known heirs. A letter was sent to [REDACTED] last known address and it was returned. There is no known documentation that released him from the maintenance obligation.

Clay County SWCD is requesting the assistance of Attorney General's office to locate heirs for repayment of the pro-rated amount for the life remaining on the practice.

Landowner: [REDACTED]

Contract #: 09-11-001 and 09-12-003

Practice: [REDACTED]

Farm # [REDACTED]

Contract	Amount to be repaid
9-11-0001	\$1,167.67
9-12-0003	\$1,956.85

Signed

Chris Rauchle
Board Chairman



**Cape Girardeau County
Soil and Water
Conservation District**

**480 W. Jackson Trails
Jackson, MO 63755
(573) 243-1467 EXT 3**

Dear Soil and Water District Commission,

The Cape Girardeau County Soil and Water District Board of Directors would like to request to be on the Missouri Soil and Water Conservation Commission Agenda for the January 31, 2020 meeting. We would like to be allowed to provide payment for contract 012-20-0091, landowner that planted seed before a contract was signed. The landowner talked with our NRCS Technician who was previously our District Technician and the landowner explained to him that he was not sure if there would be enough time to get the seed mix planted by the planting date (October 5th). The NRCS Technician explained to the landowner that he could plant a different seed mix that would extend his planting date a month later (November 15th). The landowner went ahead and planted the original seed mix on October 4th and the contract was printed on October 9th and was signed by the landowner on the 10th of October. This was brought to the board's attention at our November meeting and the board would like to be able to go ahead and pay the landowner even though he planted the seed before the contract was signed.

Thank you for your attention to this matter.

Cape Girardeau County Soil and Water Conservation District

A handwritten signature in cursive script, appearing to read "Anthony Chum".



Gasconade County Soil and Water Conservation District
314 South Olive - Owensville, MO 65066 - Phone (573) 437-3478 - Fax 855-842-7890

January 7, 2020

Soil & Water Conservation Commission
Department of Natural Resources
PO Box 716
Jefferson City, MO 65101

Dear Commissioners,

The Gasconade County Soil & Water Conservation District Board of Supervisors would like to request a contract payment for a berm removal that took place before a contract was obtained. We believe the action of the operator was in good faith, as he did not realize that a new contract had to be obtained for the sod waterway berm removal. He believed that since the original sod waterway (062-18-0057) was designed with a berm, that the removal would be automatic.

This landowner/operator has done several practices with the District and knows the procedures; however, when he contacted the NRCS Technician about the berm, he was told that there was plenty of grass in the waterway and the berms could be removed. At this time, no mention of obtaining a contract was mentioned. The contractor was available at the time and conditions were good, so he proceeded with the removal.

We ask that the Commission grant a variance to pay for the removal of the 942 feet of berm as this was not the fault of the landowner or operator.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink that reads "Mike Haeffner".

Mike Haeffner
Chairman, Board of Supervisors

Board of Supervisors
Mike Haeffner, Chairman
Luke Mangrum, Vice-Chairman
Joel Wehmeyer, Treasurer
Harvey Hesemann, Member
Matt Herring, Secretary

From: Mayfield, Diana <diana.mayfield@swcd.mo.gov>
Sent: Wednesday, January 15, 2020 8:06 AM
To: Wilson, Jake <Jake.Wilson@dnr.mo.gov>
Subject: FW: Variance Request

Please see below. Also, [REDACTED] said the berms came out mid-December.

[Diana Mayfield](#)
[District Specialist IV – Manager](#)
[Gasconade County SWCD](#)
[314 S. Olive Street](#)
[Owensville, MO 65066](#)
[573-437-3478 ext 3](#)
[FAX 855-842-7890](#)

From: [REDACTED]
Sent: Tuesday, January 14, 2020 5:26 PM
To: Mayfield, Diana <diana.mayfield@swcd.mo.gov>
Subject: Re: Variance Request

January 15, 2020

Dear Commissioners,

We would like to take a minute and say thank you for taking the time to listen to our request.

Would like to make a request to be paid on the berm removal that took place on my moms property. This waterway was built on the property in the spring of 2018. We did have some difficulty getting grass established the first year so the NRCS technician asked me to keep the berms in place another year to get the grass well established, which I did do. In the early fall of 2019 I asked the NRCS technician when he was in the area just to swing by and take a look to see if there was enough good grass established to possibly remove the berms in the later fall when crops where out. I also asked him to look at another water way on another farm we had to see if it also was in good grass to remove berms. After a few weeks passed the NRCS technician did contact me and said that my moms berms could be removed because the grass he felt was well established. But he was busy working on another project and did not get time to look at my second waterway request. Although he was working on a neighbors project close to our farm he was able to come over and OK the berm removal on this farm. This was the [REDACTED] farm. After speaking with the NRCS technician and he giving me the thumbs up to remove the berms. I then contacted the contractor to ask him to remove the berms on my moms farm and on the [REDACTED] farm. He was working on the neighboring job and was just finishing up so he was able to come and remove berms at moms place. After looking at [REDACTED], we decided it was too wet. So we did not remove berms. After some time had passed I was contacted by the NRCS office and said the contracts to remove the berms were ready to be signed. So this is were there was just a miscommunication. I did not know I had to sign another contract to have berms removed. Although the berms were removed on my moms farm before the contract was signed they were removed in compliance to the NRCS technician and I also worked them smooth and put more lime and seed wheat down to establish a cover crop in this area. Also the [REDACTED] farm has a signed contract and everything is in order to remove berms. Since this time of having the OK we have not had good ground conditions to remove the [REDACTED] berms. Thanks again for your time and your consideration.

Sincerely,



January 2, 2020

Caldwell County NRCS Office
23 West Main
Kingston, MO 64650

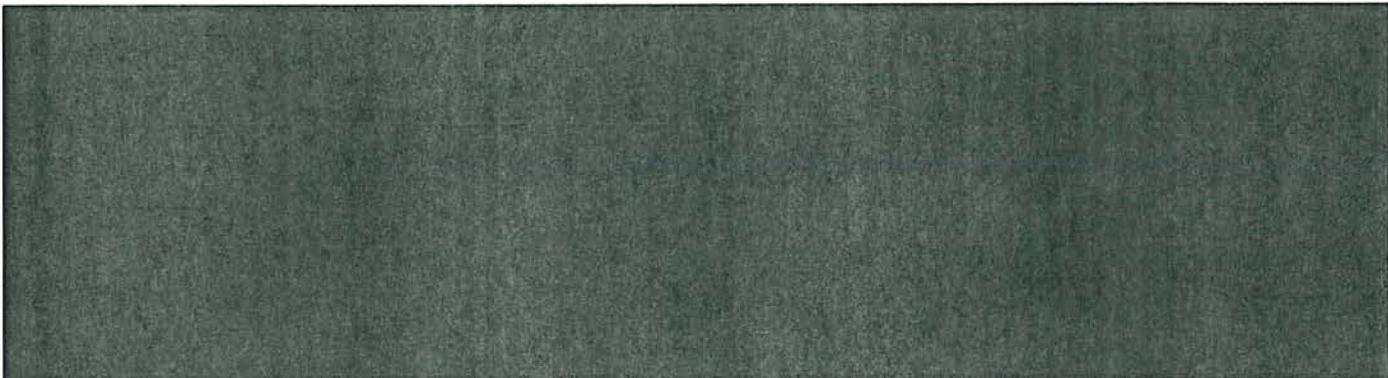
Dear Mr. Redden:

Please allow this letter to serve as my formal notice of appeal to the Commission concerning the cover crops I planted on my farm in Ray County, Missouri. I am relatively new to the cover crop program having only participated one year prior. I was completely unaware of the fact that a written contract had to be executed before the cover crops could be planted. It was my belief that once I enrolled in the program (which I did in 2018) that I was automatically reenrolled each year thereafter. In other words, I believed that since I already had a contract in place on my Ray County farm from 2018, that I did not need to execute a new contract in 2019.

On Sunday, October 27, 2019, I completed the harvest of soybeans on my Ray County farm. The forecast was calling for rain the upcoming week and I wanted to get my cover crop planted and harrowed in before the upcoming rain. I called Consumers Oil & Supply despite the fact that it was a Sunday and they agreed to send a fertilizer truck to spread cereal rye so I could get it planted and harrowed before the rain. Consumers arrived Sunday morning and spread 50 lbs. of cereal rye per acre along with my fertilizer for next year's corn crop. I am enclosing the seed ticket and invoice from Consumers verifying that I did in fact apply the proper rate of 50 lbs. per acre.

On Monday, October 28, 2019, I contacted Colton at the NRCS office and notified him that I planted cereal rye in accordance with the contract requirements and that I was going to send him my seed tickets for reimbursement. It was only then that I learned that a contract had to be executed before the rye was spread. Again, this was an honest mistake and I fully believe that since I had a contract in 2018, that I did not need to execute a new one each year.

I believe that my appeal should be granted. I complied with the contract requirements and got Consumers to send a driver on Sunday to ensure I got the cover crop planted correctly before the upcoming rain. I now know that a new contract needs to be executed each year and will follow those guidelines moving forward. I appreciate the Board's consideration of this appeal and attach supporting seed tickets/receipts.



CONSUMERS OIL & SUPPLY CO.

P. O. Box 38
Braymer, Missouri 64624
Station: 660-645-2721
Office: 660-645-2215

Sold To:



Invoice:

Date: 10/28/19

Account: REGULAR

Dist Type: Charge

Entry: 0024084B BP

Sold By:

Terms: DT DUE END OF MONTH

Quantity	U/M	Description	Product No.	Price	Extension
8933.3333	LB	POTASH 0-0-60	0305-000100	.1907	1703.59
11652.1739	LB	DAP 18-46-0	0304-000100	.2113	2462.10
3350.0000	LB	CEREAL RYE GRAIN BULK	0605-000220	.2000	670.00
67.0000	ACR	CUSTOM SPREADING	0314-000100	5.0000	335.00
.0000		Comment:		.0000	.00
		Need Analysis:			
		31-80-80-0-0-0-0			
		PO#: B 701			
		The total weight for this mix			
		order is 23935.5072 lbs			

Deduct 124.97 if paid within 10 days

Ticket Total: 5170.69

Rec'd By: _____

January 7, 2020

Contract: # SN067068-09-0021 Co2

This letter concerns the renewal of this WQ10 contract, which was denied. The determination was based on too many wooded acres being included in the fenced-in area. The wooded area has several draws and hollows with wet weather springs. These run-offs feed into the main-stream. Therefore, the fence enhances the protection of the water quality of the stream. I am proud to do my part to ensure our water quality remains clean and pure and would like to continue to do so.

As a small farmer, the funds for the renewal of this contract is needed for the continued maintenance of fences and will ensure future protection of our water quality. I was counting on these funds to help upgrade my watering system as scheduled for 2020 to promote further freshwater for my livestock without the need for the stream.

As I have complied with all requirements and maintenance set forth within this contract and was assured that it would be renewed. I ask you to reconsider this agreement and renew this contract to help protect our water quality and natural resources.

Respectfully,

A rectangular area of the document is redacted with a solid black box, obscuring the signature of the sender.

Contract: # SN067068-09-0021 C02

Dear Commissioners:

When we designated an acreage to utilize the WQ10 practice, we were pleased to do so. We realized the importance of controlling soil erosion and nutrient dispersal on our steep hillsides.

We fenced the cattle away from the hillsides where they had a tendency to graze the understory suitable for wildlife. This led to the cattle bedding down in the shade in hot weather and seeking shelter from snow and ice storms in winter.

Soil, nutrients, and manure washed downhill all to the detriment of the water quality flowing downstream to our fisheries and other water species. The contaminated water flowed on to Bull Shoals Lake.

We had been told at the onset of putting in our WQ10 practice that we could renew it at maturity.

During several years of localized drought we realized we desperately needed another water source since we had fenced out all water for the large area not in the WQ10 practice. This included 2 ponds, 4 developed springs, and several wet weather springs.

We were counting on the renewal funds to help us put in a water source as well as maintaining elements of the old practice such as fencing, cleaning fence lines of grass and fallen limbs and trees.

Since we were told the renewal funds would be available to us, and our long range plans included extension of the practice, please consider a one-time renewal of our practice in order to continue this work that is so beneficial to the conservation of our natural resources.

Thank you for your consideration.

Sincerely,



Contract # SN067 068-09-0025
" " SN067 068-09-0026

Dear Soil and Water Commissioners:

When I installed my WQ10 practice 10 years ago I realized the importance of the exclusion of livestock from sensitive areas.

The disturbance of the soil by livestock traffic as well as the deposits of manure causes the contaminates to rush downgrade during the first rain storm. This water winds up in Bull Shoals Lake. Since I am protecting the area with my WQ10 practice, I know that it is helpful to the fisheries downstream and to all uses of the lake.

I was told 10 years ago that when the contract matured I would be eligible to renew the contract. I was counting on the renewal funds to continue with maintenance of the practice already installed, and other plans that I have to prevent soil erosion and nutrient transfer which will improve water quality leaving my property.

Please consider a one-time renewal to permit me to fund my plans and maintenance.

Your consideration is appreciated.

Sincerely,

A large black rectangular redaction box covering the signature of Larry Blair.

Larry Blair

Contract # SN067 068-09-0028
" " SN067 068-09-0038

F. Reconstruction

1. If a storm event damages a practice while it is being constructed, the board may approve a change order to increase the extent approved for those components that sustained damage and must be replaced in order to meet NRCS standards and specifications within commission policy. A note must be entered in MoSWIMS to justify the reconstruction.
2. Reconstruction assistance is available for practices that failed during the maintenance life of the practice. Districts must request cost-share if a single storm event causes widespread failure of state cost-shared structural practices. The request must document the seriousness and the extent of the damage, along with estimates of costs for repairs. The request to provide assistance for reconstruction must be approved by the commission before the board approves the contract. The district must attach a copy of the approval letter to the Documents section of the MoSWIMS contract.
3. The board may not approve assistance for reconstruction for any component(s) that is not technically necessary to implement the practice to comply with current commission policies and NRCS standards and specifications. The cooperators are not entitled to assistance for components that were not cost-shared on as a part of the original practice.
4. The reconstruction practice must be a new and separate contract with all other required supporting documentation. The district must choose "Reconstruction" from the Special Practice Description dropdown menu; and enter the original contract number in the Original Contract(s) field. "Acres Served" is reported as zero since this was reported on a previous contract. Extent installed should be reported as the extent actually reconstructed.
5. The maintenance lifespan of the practice starts when the payment is issued for the reconstruction. If the cooperators violate the maintenance agreement of the practice, the repayment amount is computed based on state cost-share funds received for the original contract payment and the amount received for reconstruction.

G. Buffer Extension Incentive

1. An extension for a one-time per-acre incentive to maintain the established buffer for the N386 Field Border, N391 Riparian Forest Buffer, N393 Filter Strip and/or the WQ10 Stream Protection practices not under a current maintenance agreement. Practices must be reenrolled during the fiscal year following the end of the maintenance life.
2. Practice policies remain the same, except that the Commission maximum incentive payment is \$500/acre for all practices.
3. The Buffer Extension must be a new and separate contract. The district must choose "Buffer Extension" from the Special Practice Description dropdown, and enter the practice's original contract number in the Original Contract(s) field. "Acres Served" is reported as zero since this was reported on a previous contract. "Extents Installed" is reported as the actual acres of buffer being maintained. "Erosion" should be listed as zero since this was reported on a previous contract.
4. The maintenance lifespan of the practice starts when the payment is issued for the buffer extension. If the cooperators violate the maintenance agreement on the

WQ10 *Stream Protection*

Purpose

Reduce excess amounts of sediment, organic material, nutrients, and pesticides in surface runoff; and reduce excess nutrients and other chemicals in shallow groundwater flow, with a secondary benefit of streambank stabilization.

Applicability

Applies to areas immediately adjacent to permanent, losing, or intermittent streams that have a defined stream bed where livestock have uncontrolled access for watering purposes.

Erosion Requirements

This practice has no erosion requirements.

Specifications

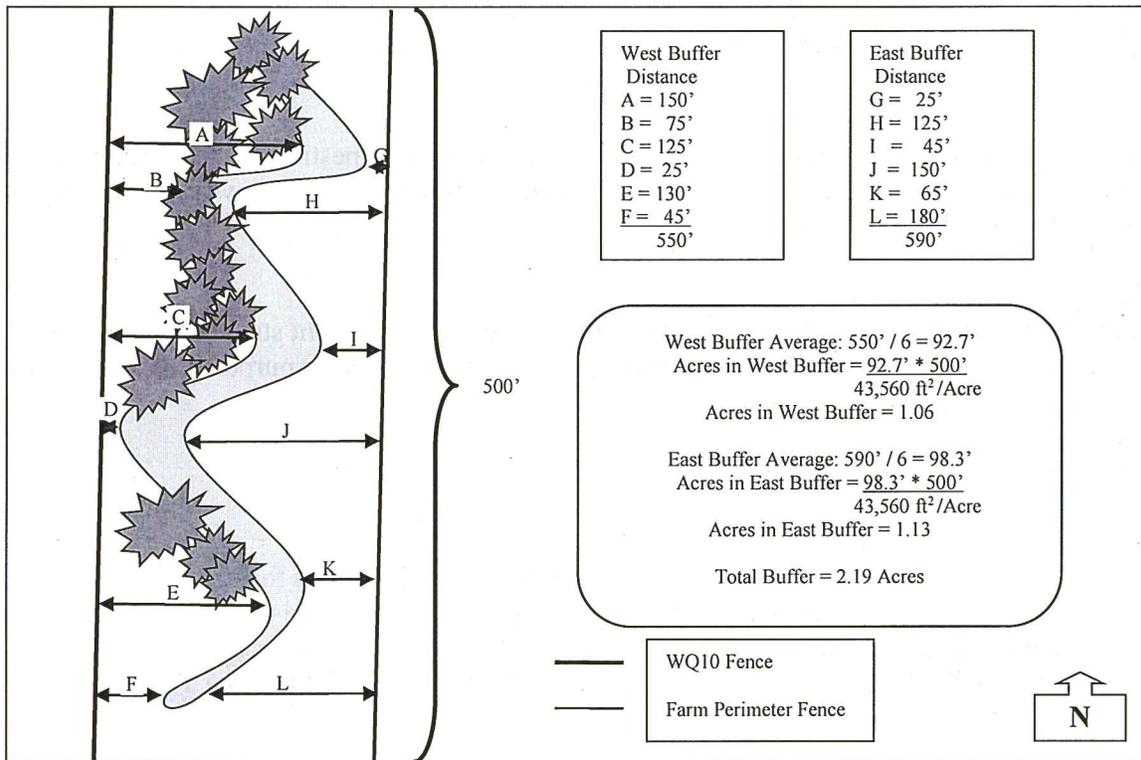
The completed practice must meet the NRCS Standards and Specifications for Critical Area Planting (342), Vegetation Establishment, Herbaceous Seeding (723), Pond (378), Fence (382), livestock exclusion under Access Control (472), Livestock Pipeline (516), Stream Crossing (578), Watering Facility (614) and Water Well (642) contained in the Field Office Technical Guide.

The Soil and Water Conservation Program strongly encourages the construction of High-Tensile Electric (HTE) exclusionary fence due to the flood prone nature of this practice's applicable location(s).

Policies

1. The area where the practice will be applied must currently have evidence of livestock presence to qualify.
2. The area to be excluded must have an adequate boundary fence or natural barrier(s) that contain livestock to the property prior to installment of the exclusion fence.
3. A one-time out of production incentive for livestock exclusion is available for landowners who allow the riparian area to regenerate naturally or maintain it as a conservation buffer. Buffer acres are measured from the high-flow bank of the qualifying stream to the completed fence using the measurement criteria in 3a and 3b of this section.
 - a. Excluded area on each side of the qualifying stream must be a minimum of 25 feet. The incentive may be paid up to a maximum of a 150 foot average from the high bank. Incentive is available for both sides of the qualifying streams.
 - b. The maximum area on which the incentive may be paid cannot exceed a 150-foot average, with 180 feet as the maximum allowed in the averaging calculation (see Figure 1).

Figure 1



4. Both sides of the qualifying stream must be excluded from livestock access.
5. The excluded area may be flash grazed beginning one year after contract payment. Livestock access to the excluded area outside of the approved dates is a violation of the maintenance agreement, except for designated stream crossing points.
6. Grazing should not occur under wet weather conditions to prevent manure from being carried to the streams by runoff or floodwaters.
 - a. Cool-season grasses (CSG) may be grazed for a single 3-day period between April 15th and May 7, and again for a single 3-day period between September 1 and October 1. The average minimum grazing height is 6 inches for CSG. Strip grazing of the excluded area using temporary fence may be utilized during the above spring and fall periods as long as livestock graze each strip only one time for 3 or fewer days, and maintain a 6 inch average minimum grazing height.
 - b. Warm-season grasses (WSG) may be grazed for a single 3-day period between July 15 and August 15. The average minimum grazing height is 8 inches for WSG. Strip grazing as indicated above may also be carried out for WSG.
 - c. Grazing dates may be restricted further due to establishment of a planted buffer. Consideration should be given to wildlife when flash grazing is practiced.
 - d. Livestock stocking rates should be reevaluated based on the grazing area that remains after exclusion of the riparian area.
 The upland acres remaining will be under greater grazing pressure. Reducing livestock numbers, and/or implementation of a grazing system is recommended to prevent upland erosion.

7. Spraying is allowed to control noxious weeds: along fence lines for maintenance purposes and for suppression of fescue and/or weeds in a WSG or tree/shrub planting for erosion control or wildlife benefit. Prescribed burning of WSG stands is an allowed maintenance practice. Chemicals utilized for maintenance are not eligible for cost-share.
8. Mowing within the buffer incentive area is prohibited except for fence maintenance and should be limited to a single swath along the fence.
9. **Cost-share is authorized for:**
 - a. Water Source

Development of a watering source(s) for livestock when the qualifying stream is fenced to exclude livestock. More than one watering source may be developed on farms where pipeline and trenching costs would exceed \$3,500; or when crossing roads or streams with pipeline is not recommended. Development of watering sources may not exceed \$3,500 each for a pond, well, or connection to a public water supply. Designated stream crossings for livestock are authorized. All water supplies should be a minimum of 25 feet from the exclusion fence and a minimum of 100 feet from the high bank of the qualifying stream.

 - 1) Pond(s). This may include placement of a water line through an impoundment dam of an existing pond or reconstruction of ponds that no longer provide adequate livestock water.
 - 2) Well(s). The following are procedures and guidelines that must be followed if a new or existing well is to be used for livestock watering purposes:
 - a) The cost of components allowed for the upgrade and use of an existing well or construction of each new well is limited to \$3,500, which include(s) the well drilling, casing, grout, liner, electrical lines from the pump control box to the pump, and miscellaneous well components. Miscellaneous well components include the well cap, drive shoe, inverted bell, cement, fittings, and seals for the well itself.
 - b) All wells must be constructed or upgraded and registered according to state requirements. Any certification fees are not eligible for cost-share.
 - 3) Connection to Public Water Supply System (PWSS). Includes water meter, backflow preventer valve, labor, and installation costs. Districts that cost-share on water meters must contact the Public Water Supply District (PWSD) to obtain cost-data for water meter installation for that specific PWSD. The district must enter the cost for the PWSS Water Meter and Setup component in MoSWIMS. The component cost will need to be updated prior to a contract being developed if the meter installation is in a different PWSD than the previous contract. Written documentation of the PWSD cost data must be scanned into MoSWIMS as supporting documentation prior to submitting the contract for contract review. The state average cost will continue to be used for pipeline, trenching and backfill, and boring costs for the service lines.
 - b. Permanent Water Distribution
 - 1) Standard cost-share reimbursement applies for the pipeline from existing/new well(s) and ponds to the tank(s).
 - 2) Tanks are limited to one per field adjacent to the qualifying stream excluded by the WQ10 practice. If a dependable water source is available in an adjacent field, the cooperator is not eligible for a tank in that field.
 - c. Limited access. If deemed the least cost alternative, a limited access area may be authorized to allow controlled access to a qualifying stream or pond.

- d. Stream crossing(s).
- e. Exclusion fence.
- f. Critical Area Seeding. Permanent vegetative cover based on the Critical Area Seeding component.
- g. Buffer Exclusion – Out of Production
 - 1) Grazeable grassland areas adjacent to the qualifying stream and within the buffer area are eligible for the out of production incentive (see Figure 2).
 - 2) Grassland fields and a narrowly wooded riparian corridor adjacent to the excluded qualifying stream are eligible for the incentive (see Figure 3).
 - 3) Incentives are not authorized for stream segments within heavily wooded areas that exceed ten acres (see Figure 4). Heavily wooded areas that exceed ten acres should be evaluated for an N472 Livestock Exclusion practice.
 - 4) Incentives cannot be used in conjunction with other incentive practices for the same fenced area. Buffer Extension Incentive, under the conditions listed in Section V, subsection G.

Figure 2

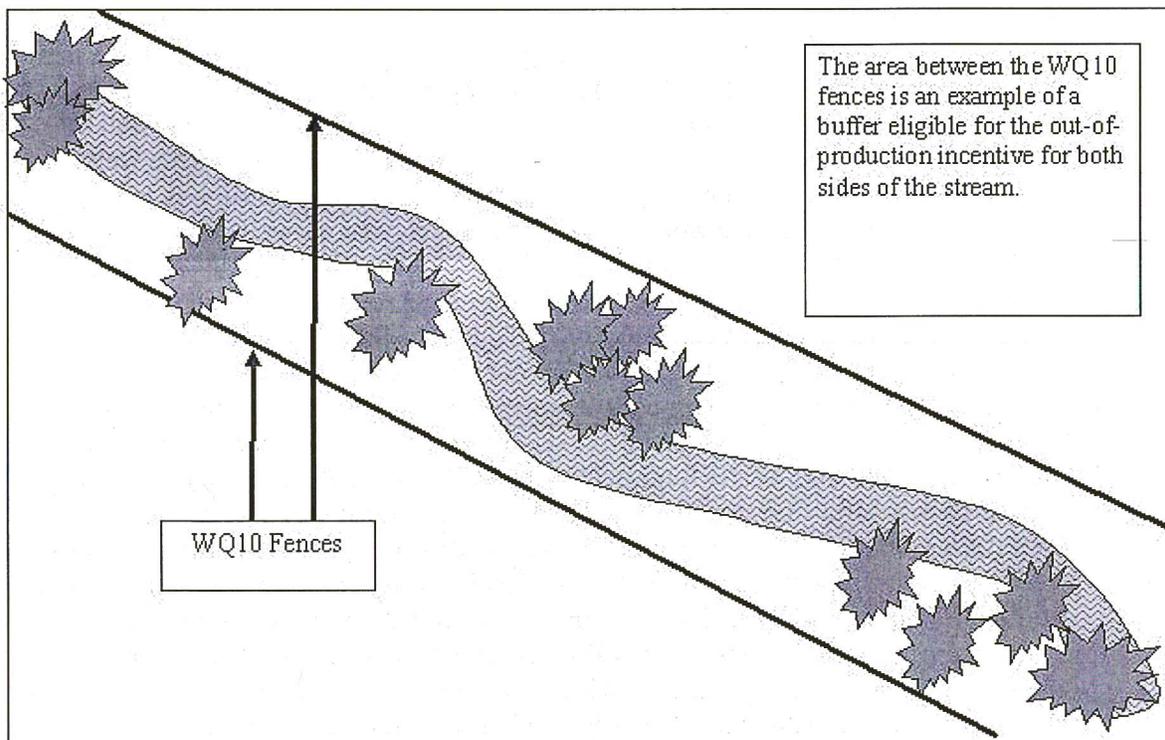


Figure 3

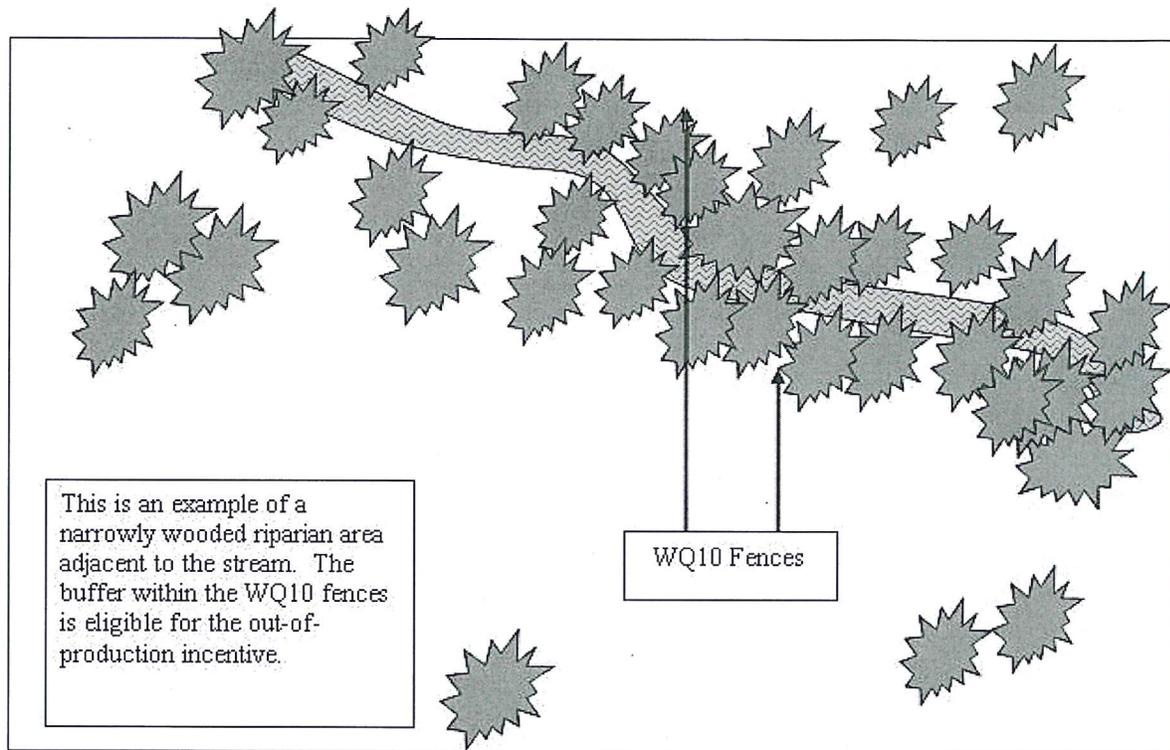
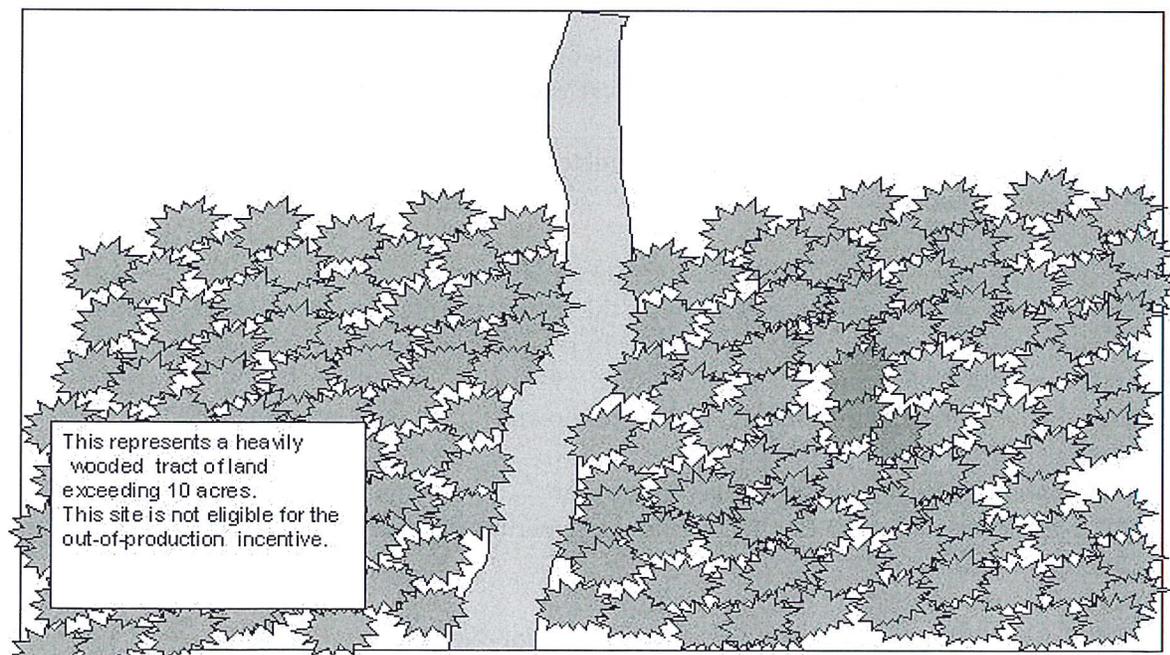


Figure 4



10. Cost-share is not authorized for:

- a. Spring Development. Cost-share is authorized under the N574 Spring Development practice.
- b. Exclusion costs for fields dedicated to the harvest of crops or forage production.
- c. Reconstruction: The Soil and Water Conservation Program will not pay for the rebuilding of fence. High Tensile Electric (HTE) is recommended to lower the landowner's costs if a rebuild is necessary.

Maximum State Cost-Share

1. Assistance for components is limited to 75% of the county average cost, not to exceed 75% of the state average cost or as directed by the Commission. Each watering source is limited to \$3,500.
2. The out of production incentive cannot exceed \$500 per acre of buffer exclusion, as described in 9.g.

Map Requirements

1. Shapefiles from NRCS's Toolkit program must be saved on the district's T:\ drive prior to contract approval. The shapefiles must contain attributes that show the following information that pertains to the contract:
 - Farm Perimeter
 - Location of Power Source
 - Area Treated with Practice
 - Any other feature that may affect the completed practice.
 - a. Planned items must be shown and labeled with the fiscal year to be installed.
 - Planned Fence
 - Planned Pipeline
 - Planned Water Source
 - Planned Watering Facility (Specify Tank or Hydrant)
 - b. Existing items must be labeled with the fiscal year installed and funding source (EQIP, SWCP, etc.).
 - Existing Fence, including existing perimeter and cross fences
 - Existing Pipeline
 - Existing Water Source
 - Existing Watering Facility (Specify Tank or Hydrant)
2. A legible, aerial photography map that shows the completed practice must be scanned and attached as document type "Map" in MoSWIMS prior to contract payment submission. The map must have the following:
 - Landowner name and locational data (section/township/range or coordinates)
 - Farm perimeter
 - Field numbers, field boundaries, and field acres
 - All as built fence and existing fence (including perimeter fence), should be clearly labeled on map
 - As built water source and watering facilities
 - All planned and existing water sources and watering facilities
 - Any other features that may affect the contract payment