

III. Cooperator Responsibilities

A. Cooperators

1. Landowner

a. *Definition*

A landowner is any person, firm, or corporation that holds title to any lands located within the soil and water conservation district. The board of supervisors may only provide cost-share assistance to the legal owner of the property on which the practice is to be installed for a majority of the practices.

b. *Authorization*

Cost-share must be provided to the legal landowner as listed on the property deed, except for N590 Nutrient Management, N595 Pest Management and N340 Cover Crop practices when the operator is not the legal landowner. The Cooperator Authorization form is required for all contracts. It documents information for the legal landowner, operator, and individuals who have signature authority for state cost-share. The required State of Missouri “Vendor Input/ACH-EFT Application” may be found in a contract by clicking the “Vendor Form” button, or may be referenced in the Appendix of the handbook.

1) Individuals

In case of ownership by an individual, the cooperator information must list that specific person on all pertinent forms.

Example

Legal Landowner:	Joseph Stephens
Cost-Share Cooperator:	Joseph Stephens
Vendor Input/ACH-EFT:	Joseph Stephens

2) Multiple Individuals

In case of ownership by multiple individuals, including spouses, cooperator information must list all owners. If space is not allowable for entry of the complete ownership, abbreviate appropriately but a MoSWIMS general note must be entered to state the entire ownership.

Example

Legal Landowner:	Paul and Stephanie Kane
Cost-Share Cooperator:	Paul and Stephanie Kane
Vendor Input/ACH-EFT (any are acceptable):	Paul and Stephanie Kane Paul Kane Stephanie Kane

3) Corporations/Trusts/LLCs

In case of ownership by a corporation, trust or other entity information must list all owners. If space is not allowable for entry of the complete ownership, abbreviate appropriately, and enter a MoSWIMS general note to state the entire ownership.

Example

Legal Landowner:

Bob and Mary Howe Living Trust

Cost-Share Cooperator:

Bob and Mary Howe Living Trust

Vendor Input/ACH-EFT

(any are acceptable):

Bob and Mary Howe Living Trust

Bob and Mary Howe

Bob Howe

Mary Howe

Mark Howe (trustee)

2. **Operator Definition**

The operator is the principal person who runs a farm by conducting or supervising the work, making day-to-day management decisions and incurring expenses for applying or implementing conservation practices. The operator may be a landowner, tenant, lessee, or sublessee. In the case of multiple operators, the landowner needs to identify the principal farm operator. Only that person is eligible to enter into contracts for implementing and maintaining conservation practices available to operators (N590 Nutrient Management, N595 Pest Management and N340 Cover Crop). The operator must be listed with the Farm Service Agency (FSA) as the operator of the applicable farm unit.

3. **Cooperator Definition**

A cooperator can be a landowner or operator of a farm unit within the district, and who is listed as a cooperator on cost-share forms. Only cooperators with the district and those with an approved farm conservation plan can be approved by the board of supervisors for cost-share.

4. **Starting a Practice**

Cooperators who start a practice before receiving official notification of approval from the board are not eligible to receive cost-share, and cannot be approved for a cost-share payment. The commission has developed a “Pre-Practice Cooperator Certification” form, which is to be signed by the cooperator and may be used by the board to fulfill its responsibility to ensure that cooperators have not started and will not start a practice prior to board approval. A copy of the form can be found in the Appendix.

5. **Change in Ownership**

When a farm changes ownership during the construction or implementation of the practice, follow these procedures:

- a. The new landowner must become a cooperator and have a conservation plan approved.

The board can approve a change order to transfer the contract for the practice to the new landowner. An explanation of the name change needs to be provided in the Notes screen of the contract.

- b. The former landowner may have costs incurred for the practice and should be informed the new landowner will receive the cost-share payment.
- c. To document the new owner understands the maintenance responsibilities and conditions of receiving cost-share, the board may want the new landowner to sign a maintenance agreement for the practice.

6. **Invoices**

A cooperator should provide invoices for all components implemented on a practice. If a cooperator is unable to furnish invoices, payment can be made on components that can be certified installed during a checkout review by technical staff.

Documentation is required when it is necessary to determine completion within NRCS standards and specifications (such as fertilizer, lime, and seed).

- a. ***Fertilizer***

Invoices must contain sufficient information to calculate the number of pounds of nutrient(s) purchased.

- b. ***Lime***

Invoices must contain documentation from the vendor or quarry that shows the effective neutralizing material (ENM) for the lime applied. Lime cost-share payments are based on agricultural lime.

- c. ***Seed***

Invoices must contain purity and germination of the seed used for the practice. If a cooperator utilized farm raised seed, documentation from the testing laboratory to certify the practice must be submitted to and retained by the district. If the seed has not or will not be tested, technical staff may certify the vegetative stand meets NRCS standards and specifications. Farm raised seed will need to be reported on a "Cooperator Certification Worksheet" to report the quantity applied for the practice.

7. **Deceased Cooperator**

- a. ***Prior to Start of Practice***

If the board is notified of a deceased cooperator prior to the practice being started, the board must cancel the contract and notify the legal representative (executor) for the estate.

- b. ***After Start of Practice***

If the practice has been started, the board of supervisors must contact the executor of the estate to decide if the practice should be cancelled or continued to completion. If payment is made prior to the new owner's name being recorded on the deed, the payment will be issued to the deceased owner. In this case, the board of supervisors should request the executor to sign a maintenance agreement to be recorded with the title of the property.

B. Land Qualifications

1. Eligible Land

The land upon which the cooperator intends to install an eligible practice through program assistance must be located within a Missouri soil and water conservation district. In order to be eligible for cost-share, the land must be assigned a United States Department of Agriculture Farm Service Agency (FSA) farm number or assessed as agricultural land by the county assessor where agricultural activities are normally performed and from which one thousand dollars (\$1,000) or more of agricultural products are normally sold in a year.

2. Public Land

The district cannot cost-share on land owned by government agencies, political subdivisions, or public institutions. The agency in charge of the land has the responsibility to protect it from erosion.

C. CRP

1. Land Enrolled in CRP

The district cannot cost-share on land offered or enrolled in the Conservation Reserve Program (CRP), with the exception of approving a contract for a planned grazing system during the last year of the CRP contract. Cooperators may not remove or buy out a portion from a CRP contract in order to use state cost-share funds to construct conservation practices that have been designed to address erosion problems existing on CRP acreage.

a. *Acres Excluded from Re-enrollment in CRP*

As an exception to the preceding paragraph; if the conservation practice is to be used to address erosion problems on acreage that was enrolled in CRP, and those acres were not then included (drawn-out) when the field was re-enrolled in the Conservation Reserve Program (CRP), then the commission must authorize the cost-share assistance prior to board approval of the contract. The district request should include an aerial map showing the areas not re-enrolled (drawn out), recent photos that document the need for the practice, cost estimates for the minimum and necessary practice components, and other pertinent information that the board deems necessary to justify the request.

2. Land Adjacent to CRP

If the erosion problem is on land adjacent to CRP, those components or unit quantities on the CRP land are eligible for cost-share assistance. For example, a berm necessary to complete a practice that extends on CRP would be eligible if the structure was designed to address erosion on land adjacent to CRP acreage.

3. Expiring CRP

Expiring CRP land may qualify for cost-share funding immediately, provided an erosion problem is present, as determined by the RUSLE2 formula. CRP acreages are considered crop rather than grass, so in some instances the acreage qualifies the

first year when an erosion problem exists.

4. **Public Road Exclusions**

a. ***Public Road Right of Way***

Commission policy does not allow the use of state Soil and Water Conservation tax dollars on the public road right of way:

- 1) To pay the cost of constructing large earthen structures as replacements for old, unsafe existing and washed out bridges.
- 2) For pipes which no longer function due to poor technical design.
- 3) When field conditions above the site significantly change causing the diversion of excessive amounts of water to the road, which results in the need to construct new or replace existing road structures.
- 4) For new structures needed in newly constructed county and state roads.
- 5) For replacing structures that are no longer functioning because ditches have been deepened as a result of maintenance on the ditch.
- 6) To replace rusted out pipes that were not installed originally to control gully erosion on an agricultural field.

b. ***Exceptions***

Cost-Share is eligible to install pipe structures (only the installation of straight pipes and pipes with elbows needed to complete a field water disposal system) in county road ditches, drainage ditches, and under public road right of ways when they are technically required to solve or prevent gully erosion problems on agricultural land.

D. Land Owned in Another District

1. **Adjacent Districts**

If a cooperator owns property in adjacent counties, the cooperator has the option to request all cost-share be handled in one district. The district will review, and approve or deny the request. A district may consider cost-share on land in the adjacent county after verification that the cooperator does not receive assistance from the other district for the same practice. When a district provides cost-share on land in an adjacent district, the district that provides cost-share assistance is responsible for insuring the cooperator adheres to the maintenance requirements.

2. **Non-adjacent Districts**

When a cooperator owns land in a non-adjacent district, the cooperator must become a cooperator with, and apply for cost-share in, the district where the land is located.