

## **Frequently Asked Questions and Answers for State Cost-Share Drought Practices**

The Soil and Water Districts Commission at their July 27, 2018, conference call meeting approved the following to assist with the Governor's Executive Order 18-05. All actions by the Commission apply only to counties in the D2 and D3 (or higher) designated drought areas. Current counties in D2 or higher status are: Adair, Andrew, Audrain, Atchison, Barry, Barton, Benton, Boone, Buchanan, Butler, Caldwell, Callaway, Camden, Carroll, Carter, Cass, Cedar, Chariton, Christian, Clark, Clay, Clinton, Cole, Cooper, Dade, Dallas, Daviess, DeKalb, Douglas, Dunklin, Gentry, Greene, Grundy, Harrison, Hickory, Holt, Howard, Howell, Jackson, Jasper, Johnson, Knox, Laclede, Lafayette, Lawrence, Lewis, Linn, Livingston, Macon, Maries, McDonald, Mercer, Moniteau, Monroe, Morgan, New Madrid, Newton, Nodaway, Oregon, Osage, Pemiscot, Pettis, Phelps, Platte, Polk, Pulaski, Putnam, Randolph, Ray, Reynolds, Ripley, St. Clair, Saline, Schuyler, Scotland, Shannon, Shelby, Stoddard, Stone, Sullivan, Taney, Vernon, Wayne, Webster, Worth, and Wright. This document is to assist with questions that may arise. If your Soil and Water Conservation District (SWCD) has additional questions or needs more clarification on policies, please contact your coordinator.

### **General Questions for all "Drought" Practices**

1. **Q.** What is the deadline for landowners to sign up for these drought practices?  
**A.** Executive Order (EO) 18-05 was signed July 18, 2018, and will remain in effect until December 1, 2018, unless terminated or extended by subsequent order. At the latest, landowners must have a board approved contract by December 1, 2018, and have the practice completed by the end of the fiscal year. Cover crop practices must be implemented according to seeding dates. The earlier the contract is approved and completed, the greater assistance with drought impacts.
  
2. **Q.** How much funding is being set aside to fund the drought practices?  
**A.** There is currently no funding cap in place for these practices. SWCDs should continue to fund drought and regular practices as usual. Funding will be provided in Supplemental Allocations in the appropriate resource concern categories. However, if the district reaches 90% obligated in a resource concern and does not have enough funding to enter a contract for a drought practice, additional funds will be provided outside of the Supplemental timeframes.
  
3. **Q.** What if my county is in D1 drought status now and only part of it enters D2 status? Can we fund drought practices as soon as the county is in D2 status?  
**A.** Yes. If any part of a county is in D2 status or higher, the entire county will become eligible for drought practices.
  
4. **Q.** What if my county is in D2 drought status and due to sufficient rainfall is later designated D1 status or less?  
**A.** If a county has reached D2 status or higher at any point, the county remains eligible to implement drought assistance contracts.

5. **Q.** How will drought practices be identified in MoSWIMS?  
**A.** For all contracts developed under the EO, the SWCD will need to use the Note Type called EO 18-05 Drought. This will enable the funding that is used for drought practices to be tracked by county. This can be applied to all contracts board approved on or after July 18, 2018.
  
6. **Q.** If our SWCD does not have the Grazing System Resource Concern in our Needs Assessment, are we required to assist landowners with the DSP 3.1 Water Development and DSP 3.2 Water Distribution practices?  
**A.** Yes. Districts should be prepared to assist landowners/operators with all drought practices. If the district does not have technical expertise with grazing systems or other drought practices, there is an opportunity to request help from other districts and shared hours can be earned by them.
  
7. **Q.** If our district has practice maximums or a maximum amount of cost-share that a landowner can get in a year (for instance, a landowner can only receive a lifetime maximum of \$10,000 on cover crops, or for a fiscal year a landowner can only receive \$25,000), is the board required to waive those policies for drought practices?  
**A.** Yes. Since this effort is in response to an EO, the local policies do not take precedence over the drought policies.

**The following are the motions the Commission approved for drought practices (and revisions to some of the motions). The FAQs for each specific motion are listed below.**

Motion approved July 27, 2018 (Board Responsibilities)

Require Soil and Water Conservation Districts to move landowners completing “drought” practices to the top of waiting lists (the drought practices are those listed below and will only be available in the D2 and D3 drought designated counties).

Motion August 2, 2018 (Grazing in Livestock Exclusion Areas)

Extend the deadline for the variance that was approved at the June 13, 2018 meeting to allow livestock grazing in exclusion areas for the DFR-5 Woodland Protection Through Livestock Exclusion, DWC-1 Water Impoundment Reservoir, N386 Field Border, N393 Filter Strip, N472 Livestock Exclusion, and WQ10 Stream Protection practices from September 1, 2018 to December 1, 2018.

See Memo 2018-010 for more information.

Motion approved July 27, 2018 and Amended August 2, 2018 (Defer Grazing School)

Defer the Grazing School Requirement for 12 months after contract payment for the Water Development DSP 3.1 and Water Distribution DSP 3.2 Grazing System practices. The Water Distribution contracts will consist only of pipeline from the water source, and one watering tank. The rest of the system can be designed and installed after the landowner has completed an approved grazing school. It is important that producers understand managed grazing prior to designing their systems.

1. **Q.** Can more than one tank be installed on grazing systems for DSP 3.2 contracts for landowners that have not attended grazing school?  
**A.** No. Only pipeline from the water source and one tank will be allowed on DSP 3.2 contracts that are approved under EO 18-05. The tank must be installed in the closest field to the water supply as is possible. Also, for the DSP 3.2, only the acres that are watered by the installed tank should be counted for payment. Landowners that wish to install additional tanks may do so on their own, however these tanks will be considered as existing water supplies when the grazing system is completed and may reduce future payment.
2. **Q.** How do we know how many acres will be in the grazing system for DSP 3.1 and DSP 3.2 contracts, and do the per acre caps still apply?  
**A.** The “per acre caps” apply as usual for drought grazing systems. The landowner will have to estimate as closely as possible the acres that will be in the grazing system, and have a good idea of existing water sources so the per acre caps can be applied correctly. If the acres in the system are overestimated, the overpaid amount will be taken off a future contract(s) that are created to complete the system.
3. **Q.** What if a landowner doesn’t complete grazing school within a year of contract payment?  
**A.** The entire contract must be repaid; it will not be prorated. All other policies for the grazing system apply, i.e. the entire grazing system must meet the standard and specifications for Prescribed Grazing (528) within three years after payment of the first contract or the entire amount of cost-share received must be repaid.
4. **Q.** Can a landowner complete a DSP 3.1 and/or DSP 3.2 using rural water supply?  
**A.** Yes, however, prior to the board approving the contract, the board should ask the landowner if he/she has contacted the public water supply system and be sure that livestock hookups are being accepted. There are some water supply systems that will not approve hookups for livestock due to severe water shortages.

5. **Q.** What if a landowner drills a well and it does not produce water?  
**A.** There are some areas of the state (particularly north of the Missouri River) where it is not feasible or practical to drill a well, either due to scarcity of groundwater or poor quality groundwater. Landowners should contact Scott Kaden, DNR Groundwater Section Chief, at [scott.kaden@dnr.mo.gov](mailto:scott.kaden@dnr.mo.gov) or 573-368-2194 for information prior to attempting to drill a well. If the site is considered a good location for a well and the drilling fails, the landowner will be reimbursed 75% of the state average cost for drilling. If the landowner has an unsuccessful attempt(s) and then drills a successful well, both the useable well and one attempted well can be paid.
6. **Q.** Can a landowner that has completed an approved grazing school be moved up on the waiting list?  
**A.** Yes. Landowners who want to begin or are in the development phase of any of the grazing system practices should be moved up because grazing systems will help with water and forage supply.
7. **Q.** Who will keep track of landowners that have a grazing system drought practices to see if they have completed an approved grazing school?  
**A.** The program office will track which landowners have completed grazing practices for drought and see if they have completed grazing school within a year of their contract payment.
8. **Q.** Will there be enough grazing schools to allow landowners to attend within 12 months after contract approval?  
**A.** The program office will work with NRCS and MU to be sure an adequate number of grazing schools are provided to meet this requirement.

Motion Approved July 27, 2018 (Implement a Pond Cleanout Practice)

Implement a pond cleanout program. The sediment in the pond must be completely removed. A flat rate of \$1,000 per half acre (up to 2 acres) will be paid. The maximum cost-share provided will be \$4,000 regardless of the size of the pond. A 10-year maintenance commitment for the pond will be reinstated from the date of payment. This cleanout program is available only for state cost-share ponds currently under maintenance and those out of maintenance.

Motion Approved August 2, 2018 (Approve DWC-02 Practice)

Approve the DWC-02 Pond Cleanout Practice for drought counties affected by Executive Order 18-05. Allow program office staff, working with NRCS, to make changes as needed for technical and administrative issues that may need to be worked out as the drought program is implemented.

9. **Q.** What does completely cleaned out mean?  
**A.** Proper sediment removal means maintaining stable side slopes and protecting the dam. There should be no removal from the face, base, or vicinity of the dam.
10. **Q.** Who certifies the practice is complete?  
**A.** A District Specialist with pond design/construction experience will certify that the practice is complete. NRCS will not sign off on this practice.
11. **Q.** How do we know if the sediment in the pond is completely removed?  
**A.** The sediment must be cleaned out to the original base of the pond or as closely as possible. Excavation should not be below the original bottom of the pool area to reduce the risk of the dam developing a leak. It will be very important that landowners hire a contractor with equipment that can reach to the middle of the pond for proper cleanout.
12. **Q.** How do we know if a pond was a state cost-share pond if it is out of maintenance?  
**A.** Look in MoSWIMS on the top bar and select Reports. In the Report Group dropdown select Management. In the Reports Available select Claims Approved (Historical). Then under Practice select DWC-01. This provides all the DWC-01 practices completed since 1982. The pond cleanout practice must be tied back to the original pond contract. There will be a question in the qualifying criteria that asks for the original contract number. Even if the property has changed hands, as long as the pond is determined to be a state cost-share pond it will be eligible for this practice.
13. **Q.** How do we know what size the pond is?  
**A.** The size is based on the pool area of the pond. This should be on design sheets. If the SWCD has dispensed of records following retention policy, the pool size can be measured in a mapping program. A PDF map must be attached in MoSWIMS as supporting documentation at contract approval.
14. **Q.** Does the pond need to be fenced?  
**A.** State cost-shared ponds are required to be fenced if livestock are present. Most of the ponds that will be cleaned out likely are fenced. Ponds that were constructed without fence, but livestock were added to the operation after the pond was out of maintenance will need to be fenced to meet Commission policy. Cost-share is available to fence the structure and is not included in the \$4,000 practice cap.
15. **Q.** Can state cost-share ponds be cleaned out if the landowner does not use the pond for livestock water?  
**A.** No.

16. **Q.** What if the pond has no livestock pipe and tank?  
**A.** A limited access area for livestock access to the pond, or a siphon pipe and a tank can be added to the contract. Cost-share is available for components needed for a limited livestock access point or permanent siphon pipeline and tank. Also a tank may be installed if there is already an existing water supply line installed. Watering facility components are not included in the \$4,000 practice cap.
17. **Q.** Is the landowner required to put the sediment removed from the pond in a certain place?  
**A.** The Pond Cleanout policy will provide guidelines on where to place the spoil. No deposition of spoil on the dam is permitted. Spoil should be placed carefully to reduce risk to water quality, i.e., not in sensitive areas such as sinkholes, along streams, on steep slopes, etc.
18. **Q.** Why does the landowner have to add a ten-year maintenance on the ponds if it is just a cleanout?  
**A.** The Parks, Soils and Water Sales Tax is being used to fund additional erosion control capacity in the pond and there should be a commitment on the part of the landowner to maintain the pond in good condition.
19. **Q.** Does an erosion calculation need to be completed before a pond can be cleaned out?  
**A.** No. Pond cleanouts do not require erosion to qualify. If there is erosion at the site, it would be beneficial to capture that number to show reductions in erosion, but the practice will be set up so that erosion calculations are not necessary.
20. **Q.** How many ponds can a landowner clean out?  
**A.** There is no limit to the number of state cost-share ponds that can be cleaned out, however, there should be one pond per contract.
21. **Q.** If a pond leaks after it is cleaned out, can additional cost-share be used to fix the problem?  
**A.** No. Landowners should be careful to get a reputable contractor to do the work.
22. **Q.** Can the dam on the pond be cut to drain the pond for cleanout?  
**A.** No. The dam must stay protected and intact.
23. **Q.** What will be the extent installed and the acres served for this practice?  
**A.** The extent installed will be the gallons of additional storage that is now available in the pond. There is a calculation that will be listed in the policy to determine this value. The acres served is the size of the pool to be cleaned out.

24. **Q.** Do all the trees on the dam need to be removed before a pond can be cleaned out?
- A.** If the pond is currently under a maintenance agreement, the landowner must follow maintenance procedures and ensure the pond meets NRCS standards and specifications prior to cleanout. If the pond is out of maintenance, the trees should not be removed.
25. **Q.** How do we show the pond cleanout practice in the conservation plan?
- A.** The spreadsheet that shows the storage volume calculation should be kept in the file. Also something similar to the following language should be added in conservation assistance 6 notes: The pond was cleaned out due to drought which increased the storage volume by xxxx gallons. The pond was already fenced and had a pipe and shutoff valve. A freezeproof tank was added. The date completed is xx/xx/xx.
26. **Q.** If the practice is applied to a DWC-1 currently under maintenance, when does the new 10-year maintenance life begin?
- A.** The 10-year maintenance life will begin at the time of the payment on the DWC-2.

Motion Approved July 27, 2018 and Amended August 2, 2018 (Raise Cover Crop Limit)

A variance will be provided to raise the N340 Cover Crop Practice maximum to \$30,000 from the current \$20,000 lifetime limit, and to allow cover crops to be hayed at termination to provide additional forage. Landowners over the \$20,000 maximum will receive \$30 per acre for any additional acres enrolled. Landowners not having reached their \$20,000 maximum will continue to follow current policy, which allows a \$30 per acre payment for a one to two species cover crop mix and a \$40 per acre payment for mixes with three or more cover crop species. Cover crop soil health tests prior to planting are still required.

Motion Approved August 2, 2018 (Allow haying for cover crops statewide)

Allow haying at termination for all cover crop practices statewide to allow for increased forage capacity in the state due to drought, and require districts in the D2 and higher drought areas to move only cover crop contracts that are intended to be used for haying and grazing up on their waiting lists, and manage other cover crop practices within their regular workload.

Motion Approved September 12, 2018 (Variance on two species crop rotation)

Approve a variance from the required two species production crop rotation in the N340 practice for counties under the Executive Order 18-05.

27. **Q.** Is this program for cover crops in pasture and in cropland?  
**A.** This program continues to follow Commission policy and only allows cover crops on cropland.
28. **Q.** What if haying doesn't terminate the cover crops?  
**A.** Haying is not meant as a termination method. The variance for haying is only meant to allow cover crops to be harvested. Methods to terminate cover crops such as spraying should continue to be used. Termination of cover crops should be at or close to the time the cash crop is planted. Haying is allowed statewide for all cover crops planted in FY19.
29. **Q.** How do we limit the contracts that are over the \$20,000 lifetime cap to \$30 per acre?  
**A.** A new component will be entered into MoSWIMS named "Over Limit Mix" and this should be selected for all contracts that exceed the \$20,000 acre limit. If a landowner has a contract that is close to the \$20,000 limit and the planned contract is over \$20,000 then multiple components can be used. The \$30 per acre is only applicable for all mixes once the limit is met.
30. **Q.** Do NRCS mixes developed for their drought program have to be used?  
**A.** No. The mixes developed by NRCS are formulated to provide the best mix for haying and grazing and are highly encouraged to be used for state cost-share drought practices.
31. **Q.** Are all cover crop contracts considered drought contracts in D2 and higher drought counties?  
**A.** No. If cover crops are planned to be hayed or grazed then the contract should be considered a drought contract and have the EO 18-05 Drought Note Type. Other cover crop contracts should be handled in the SWCD's regular cost-share procedures and policies. If a landowner later decides to hay or graze cover crops where it was not planned then the note type can be added at that time.
32. **Q.** Is the \$30,000 maximum available statewide?  
**A.** No. The \$30,000 maximum is only available to producers in counties that have been designated as D2 or higher on the drought monitor map.
33. **Q.** Does haying of cover crops include harvesting as haylage or silage?  
**A.** Yes. Any method of harvesting the cover crop as a forage for livestock feed is allowed.