


MEMORANDUM
2024-013

DATE: June 26, 2024

TO: All Soil and Water Conservation Districts

FROM: Jim Plassmeyer, Director 
Soil and Water Conservation Program

SUBJECT: Policy Variances in Response to Executive Order 24-05

The Soil and Water Districts Commission during their June 12, 2024 meeting extended the variances to practice policies related to the Governor's Executive Order 23-05 due to its extension until September 1, 2024. Variances to the policies will be effective until June 30, 2025, unless extended by subsequent order or Commission action.

The variances approved apply to districts that have reached a minimum of D2 (Severe Drought) status and higher at any time since May 31st, 2023. Once any portion of a county has reached the D2 status, the variances are available throughout the county. The county will remain eligible for the variances until the end of fiscal year 2025, even if the level of drought is reduced below D2. A note type named "Executive Order 23-05 Drought" has been added to MOSWIMS. Any contract submitted utilizing a variance or the cleanout practice must have this note type associated to the contract. Please only use this note type on contracts eligible for the policy variances.

The variances approved by the commission are:

DWC-02 Water impoundment Reservoir Cleanout Practice

- *Reinstated the pond cleanout practice. The sediment in the pond must be completely removed. A flat rate of \$1,500 per half acre. (Up to 2 acres) will be paid. The maximum cost-share provided will be \$6,000 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.*



A few key items for the DWC-02 practice include: the practice is only available in D2 or higher drought designated counties; only available for ponds that were constructed with state cost-share; the maximum for the cleanout part of the practice is \$6,000; and fence and water supply components are available as needed, and do not fall under the \$6,000 limit. The practice policy is attached. There is also a pond volume estimator spreadsheet in the Forms section of the soil and water district website to use for the reporting requirements of the practice.

Variance to Grazing Practices- Water Development and Distribution, and Grazing School

- *Deferred the Grazing School Requirement for 12 months after contract payment/or the Water Development (DSP 3.1) and Water Distribution (DSP 3.2) Grazing System practices. The contracts will be for only one watering tank and pipeline and the water source development. 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. A landowner may utilize this variance on two grazing systems that are not contiguous.*

Any landowner that has already attended a grazing school that needs assistance with water does not have to be limited to one tank. The district can plan a grazing system through the routine planning process.

Variances to Cover Crop Practice-Lifetime Maximum and Haying

- *Granted a variance to the N340 Cover Crop practice allowing the cover crops to be harvested for livestock feed at termination to provide additional forages and waive the two production crop rotation requirement for the next planted production crop.*
- *Other requirements in the policy still apply.*

Variance to Livestock Exclusion Requirements

- *Granted a variance allowing immediate grazing in any of the livestock 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. Provided the area is established in forage that can withstand grazing.

Even though the DFR-5 Woodland Protection Through Livestock Exclusion practice is no longer offered, there are still some contracts with an active maintenance requirement that are eligible for the variance.

The commission also granted a variance to their reseeding policy to assist seeding practices impacted by the drought. The variance allows districts to provide assistance to reseed a practice anytime during the maintenance life of the practice in which the grass stand failed due to the drought of 2022 through 2024. Additionally if the landowner already received a payment for a reseeding of a practice following the policy, they are eligible for another payment for that practice if the seeding has failed again due to the drought. The remaining reseeding policies in the Cost-Share Handbook Section V., Page 5 still apply. The variance applies to the following practices.

DSL-01 Permanent Vegetative Cover Establishment
DSL-02 Permanent Vegetative Cover Improvement
DSP-02 Permanent Vegetative Cover Enhancement
DSP-3.5 Grazing System Seed

Updated drought information, including a link to the national drought conditions reporting survey and a U.S. Drought Monitor map of Missouri and much more, is available at [Drought | Missouri Department of Natural Resources \(mo.gov\)](#) Please encourage cooperators to submit information about their local weather conditions to the [Condition Monitoring Observer Reports \(CMOR\)](#) Submitting local reports will allow for timely and accurate assessment of drought conditions throughout the state.

If you have any questions, please contact your district coordinator. Thank you.

Attachment

DWC-02 Water Impoundment Reservoir Cleanout

Purpose

Removing accumulated sediment from state cost-share assisted water impoundment structures.

Applicability

Applies to any DWC-1 Water Impoundment Reservoir which has sediment that needs removed to return the original water storage volume to the structure.

Erosion Requirements

There are no erosion requirements for this practice.

Specifications

The completed practice must meet the NRCS Standards and Specifications for Critical Area Planting (342), Fence (382), livestock exclusion under Access Control (472), Watering Facility (614) contained in the Field Office Technical Guide.

Policies

1. To protect the integrity of the dam, no removal of sediment should come from the face, base or vicinity of the dam.
2. The excavation of the spoils shall not be below the original bottom of the pool area to reduce the risk of the dam developing a leak.
3. Spoil best management practices:
 - Spoil must be placed and managed so that they do not erode back into the structure.
 - Do not place the spoils in drainage ditches, riparian areas or areas of concentrated water flow.
 - Spread spoil in relatively uniform layer.
 - Spoil area to blend with landscape.
 - Spoil slopes to be stable with 4 horizontal to 1 vertical (4:1) or flatter.
 - Maximum spoil depth is 3 feet above original ground.
 - Establish vegetation as soon as possible, or if area cannot be seeded, utilize temporary erosion control measures until the site can be successfully vegetated.Consideration should be given to spreading the spoils on an adjacent field.
4. The volume of water storage must be calculated before the spoils are removed and after to determine the amount of increase in water storage from the cleanout utilizing **Pond Volume Spreadsheet**.
5. ***Cost-share is authorized for:***
 - a. Complete removal of sediment in the pool area on DWC-1 Water Impoundment Reservoir that will be utilized for livestock water.
 - b. Installation of a limited access point or a permanent siphon pipeline installed around the dam and a tank for livestock watering if a watering facility is not already available on the structure.

- c. Tank only if a water supply line is already installed.
 - d. Exclusion fence to protect from livestock if the structure previously was not fenced or the fence has deteriorated to where it will no longer exclude cattle. Grazing is not allowed at any time in the excluded area.
 - e. Critical area seeding for the spoil and areas above the normal pool elevation that was disturbed during the cleanout.
6. ***Cost-share is not authorized for:***
- a. Any repairs or modifications to the dam.
 - b. Replacement of spillway pipe.
 - c. Sediment removal in structures that will not provide livestock water.

Maximum State Cost-Share

1. Sediment removal is a flat rate of \$1,500 per ½ acre of pool area, up to 2 acres with a maximum payment of \$6000.
2. Assistance for other eligible activities is limited to 75% of the county average cost, not to exceed the state average cost for other components.

Map Requirements

1. An aerial photography map showing the existing DWC -1 must be attached to the contract when submitted for approval and for contract payment with the following items:
 - Landowner name and locational data (section/township/range or coordinates)
 - Farm perimeter
 - Field numbers, field boundaries, and field acres
 - Existing Fence
 - Planned Fence
 - Water Impoundment Reservoir Pool Area (acres)

Technical Responsibilities

District staff has the responsibility for determining the need for the practice, for design of the practice based upon the minimum extent necessary, and to certify that the completed practice meets commission policy.

Acres Served

Size of pool area.

Extent Installed

Gallons of increased water storage.

Maintenance Life

10 years.