



**Erosion Control and Water Management Program and Nonstructural Land Management
Program Policy**

January 2023

I. INTRODUCTION

- a. The Swift Soil and Water Conservation District (hereafter referred to as SWCD) administers the Minnesota Erosion Control and Water Management Program (ECWMP) through the Board of Water and Soil Resources (BWSR) through Minnesota Statutes, section 103C.501 Erosion Control and Water Management Program – cost sharing conservation contracts for erosion control and water management.
- b. BWSR has established rules and guidelines for this cost share program.
- c. The SWCD will abide by these rules and guidelines as they apply to the given fiscal year and associated funds and hereby establishes these ECWMP Policies.
- d. For each fiscal year of cost share funds, the SWCD will review this program policy.
- e. The SWCD Board of Supervisors will take action to enter into all State grant contracts and will be reflected in the minutes. Landowner contracts for the installation of conservation practices and supporting project documents such as cost share vouchers will be signed by the SWCD Board of Supervisors and landowner.
- f. The SWCD will adhere to approving eligible and ineligible activities as set forth by BWSR.
- g. The SWCD will use the most recent Cost Share Workbook from BWSR for all projects utilizing ECWMP funds.

II. COST SHARE FUNDS

- a. Cost Share projects include; Water and Sediment Control Basins, Side Inlets, Alternative Tile Intakes, Field Windbreak installation, Unused Well Sealing, Shoreline Restorations, Streambank Stabilizations, Cover Crops, Rain Gardens, and other practices as deemed appropriate and allowable by the SWCD Board of Supervisors.
- b. Up to 20% of the State Cost Share Base Grant, for each fiscal year, may be utilized for technical and administrative purposes.

- c. The SWCD will adopt the average rates as shown on the most recent Farm Custom Rate Survey developed by Iowa State University Extension for all in-kind reimbursement rates.

III. PERCENTAGE RATES

- a. Utilizing state and federal funds for a project will be considered on a case-by-case basis by SWCD staff. If a contract is approved as such, payment amounts from combined state and non-state sources shall not exceed the maximum cost share rate of 100% (a maximum of 75% from state funding sources). Greater than 75% cost share will be provided as deemed appropriate by the SWCD Board of Supervisors and if allowed under grant guidelines.
- b. Percentage rates will apply to practices that provide a measurable benefit to soil and water quality and quantity concerns.

IV. NONSTRUCTURAL LAND MANAGEMENT PRACTICES (NLMP)

- a. A NLMP Implementation Plan will serve as the incorporated policy for the use of the ECWMP funds towards nonstructural projects. These practices will utilize flat rate cost share as defined by Section V of this policy.

V. FLAT RATE COST SHARE

- a. Flat rates will be used as an alternative to actual costs documented by receipts or invoices.
- b. When using flat rates, a land occupier cannot accept any other state or federal funds for that practice on the same field.
- c. The SWCD will enter into one contract with each individual land occupier for the contracted amount of years of the practice.
- d. The land occupier will be paid annually for each year of the contract and after each year the practice has been installed and certified complete by the technical representative.
- e. If the land occupier fails to maintain the practice, they will be liable for up to 150% of the flat-rate payment received for the practice.
- f. The rates and general requirements for Nonstructural Land Management Practices (NLMP) for cover crops are as follows;
 - i. Cover Crops
 - 1. NRCS Practice Standard 340 and supporting materials will be used as a guideline.
 - 2. An individual landowner/occupier must enroll a minimum of 10 acres, but they can be subdivided into different fields. Maps will need to be submitted that indicate where contracted cover crop acres are to be planted for each year of the contract.

3. If an individual has received funding from other local, state, or federal sources in the form of incentive payments for cover crops in the past, they will not be eligible for this NLMP program, unless a landowner or operator will be trying a new cover crop species or planting the cover crop on a field that hasn't been planted with a cover crop previously or they are implementing a new method.
4. An individual would be able to apply for SWCD cost share funds for a non-NLMP project if they are already in a contract for a NLMP practice.
5. Seed tags will need to be provided after seeding each year.
6. No fall tillage on cover crop acres after seeding cover crop, except for strip till and manure application.
7. There will not be restrictions on grazing the cover crop, however, all expenses for establishing a grazing system are not eligible for funding through this program. If grazed, they will be encouraged to work with a qualified representative to develop a grazing management plan.
8. Applications will be approved as they are submitted. Applications will be approved based on available funding.
9. The maximum cost share amount per contract will be fixed at the contract maximum of \$10,000. No exceptions will be granted.
10. Single or multiple species cover crop is eligible with a contract of three to five years. Different fields are allowed as long as the same (or greater) number of acres that were initially agreed to, are planted each year.
11. Three to five year annual installation of cover crop
 - a. One species
 - i. The rate will be \$32.87/ac/yr.
 - ii. EXAMPLE: 3 years of Cereal Rye on 80 acres
3yr x 80ac x \$32.87= \$7,888.80 payment
 - iii. EXAMPLE: 5 years of Cereal Rye on 80 acres
5yr x 80ac x \$32.87= \$10,000 payment
(\$13,148.00 but capped at max limit of \$10,000)
 - b. Multiple species (two or more)
 - i. The rate will be \$41.10/ac/yr.
 - ii. EXAMPLE: 3 years of Cereal Rye, Rapeseed, and Radish on 80 acres:
3yr x 80ac x \$41.10= \$9,864.00 payment

- iii. EXAMPLE: 5 years of Cereal Rye, Rapeseed, and Radish on 80 acres:
5yr x 80ac x \$41.10= \$10,000 payment
(\$16,440 but capped at max limit of \$10,000)

VI. Technical Expertise:

- a. The SWCD seeks to ensure Technical Quality Assurance is achieved and projects are installed and maintained according to standards and specifications, by utilizing existing staff. When staff lacks proper Job Approval Authority, a qualified representative will be used to verify the work completed by SWCD staff is acceptable. When professional engineering is required, or specific conservation practices require expertise above current technical capacity, the SWCD will utilize professional engineers or staff from the West Central Technical Service Area, private consultants, Minnesota Board of Water and Soil Resources or the USDA - Natural Resources Conservation Service.

VII. Practice Standards:

- a. All practices must be consistent with the NRCS Field Office Technical Guide (FOTG) or professionally accepted engineering or ecological practices. Design standards for all practices must include specifications for operation and maintenance for the life of the given practice, including an inspection schedule and procedure. Practices where runoff or sediment from the contributing watershed prevents the practice from achieving the intended purpose with normal operation and maintenance are ineligible. Unless otherwise directed by statute or rule, vegetative practices must follow the BWSR Board adopted Native Vegetation Establishment and Enhancement Guidelines.
- b. Practice site inspections will be required to be completed at a minimum of one year after completion, then halfway through the contract, and at the next to last year of the effective life of the project.

VIII. Contract Noncompliance:

- a. The SWCD, after learning of potential non-compliance, will:
 - i. Review applicable law and rule.
 - ii. Review project file contents, contract and operation/maintenance plan.
 - iii. Conduct on-site investigation, include pictures and complete a site inspection form.
 - iv. Interview the land occupier.
 - v. If determined that land occupier is complying, the SWCD staff will document this decision and no corrective action is needed.
 - vi. If determined that land occupier is not in compliance, the SWCD staff will present to the SWCD Board their findings and corrective action plan.

- vii. If the SWCD Board agrees that a non-compliance condition exists, a corrective action plan will be completed and sent via registered mail to the land occupier. The corrective action plan will refer as to why the practice is not in compliance; specify what the land occupier must do to correct the situation and give deadlines for corrective action to be completed.
- viii. If the SWCD Board doesn't agree that a non-compliance condition exists, then it will be documented, and no corrective action plan is needed.
- ix. The SWCD staff will follow up to make sure land occupier completes corrective action in time allotted.
- x. If the noncompliance is not rectified according to the Corrective Action Notice, the District will contact the County Attorney's Office and request a civil action be commenced to remedy the noncompliance. The specific request would be for the court to issue a declaratory judgement that a violation exists, a court order requiring the violation/noncompliant issue(s) be abated within a reasonable time period and that an injunction be filed that prohibits future violations of the contract.
- xi. The SWCD will work with the County Attorney as necessary.

IX. Priority

- a. The SWCD seeks to set criteria for practice and project selection by prioritizing funding for projects located in the following HUC10 Watersheds: Shakopee Creek, Judicial Ditch No. 19, Mud Creek, Drywood Creek and the Lower Pomme de Terre River based on information in the Swift County Water Plan and Chippewa and Pomme de Terre River TMDL, CWMP and WRAPS.
- b. Cover crop projects will be targeted in Appleton and Moyer townships due to their soil types being susceptible to wind erosion and proximity to the Pomme de Terre River.
- c. Preference will also be given to projects that will result in a greater reduction of sediment delivery based on estimated erosion reduction amounts.
- d. Prioritization and preference will only be used when there are multiple projects being requested at the same time and a limited amount of funds are available.
- e. Land classified as Highly Erodible or Potentially Highly Erodible by USDA-NRCS and/or land located adjacent to other watercourses (streams, rivers, private and public ditches, etc.) as outlined in the county's other waters resolution, will be categorized as high priority. Prioritization will be given to those who haven't tried cover crops or who are trying a new method.

X. Other information applicable to the program:

- a. **Cost Share Contract.** A contract between the SWCD and land occupier receiving state funds is required to provide a legal standing to ensure practices are installed and maintained according to approved standards and specifications. The SWCD must approve or deny the contract. The land occupier must not start construction of the practice until the SWCD approves the cost-share contract. If construction starts prior to approval the land occupier will not be eligible for state cost-share funds. The landowner must follow all the terms as stated in the contract.
- b. **Contract Approval:** The SWCD Board will approve or deny the contract. The action taken will be documented in the SWCDs meeting minutes. Approval of contract is considered approval for expenditure of funds. The SWCD Board delegates signing contracts and supporting program documents to the SWCD board designee and/or the District Manager.
- c. **Contract Amendment:** Changes to an executed contract are considered an amendment to the contract and subject to review and approval by the SWCD Board. Prior to approving an amendment, technical staff must attest that the amendment has merit. Amendments shall not be considered or approved after the end of the contract or after approval to issue final payment on the original contract has been made. Amendments are limited to changes in practice specifications, installation dates, land occupier information, practice components, or cost share amounts.
- d. **Payment:** Land occupiers must incur all expenses for project implementation and provide vouchers and invoices or copies of paid receipts to verify all expense prior to requesting reimbursement and must sign a voucher.
- e. **Partial Payments:** The SWCD may consider allowing partial payments. The partial payment requests will be reviewed on an individual basis. Land occupiers not completing partially paid projects shall be considered violation of state statute and shall be directed, unless otherwise authorized by the state board, to return up to one hundred fifty percent (150%) of the amount of financial assistance received.

XI. **This policy applies to all remaining ECWMP funds and beyond.**

XII. **Active, Approved policy for ECWMP and State Conservation Cost Share in fiscal years prior remains applicable to cost share funding utilized from those years grants.**

APPROVED BY SWIFT COUNTY SWCD BOARD OF SUPERVISORS

Board Chairman: _____

Date: _____