

## **Soil and Water Conservation Commission**

### **Title 2: Agriculture and Commerce**

#### **Part 901: MSWCC Method of Operation**

##### **Part 901 Chapter 1: Role of MS Soil and Water Conservation Commission**

*Rule 1.1 Statutory Authority.* In 1938, the Mississippi Legislature officially recognized that the state's soil resources were deteriorating at an enormous rate and in its effort to solve the problem, enacted the Soil Conservation Law, in which it created the State Soil Conservation Committee and made provisions whereby local landowners could organize a soil conservation District. With the passage of time other natural resource concerns arose, most notably the loss of, degradation of and management of the state's water resources. Through various amendments the Committee became the Mississippi Soil and Water Conservation Commission and Soil Conservation Districts became Soil and Water Conservation Districts.

Source: *Miss. Code Ann. § 69-27-1* (1972)

*Rule 1.2 Membership of the Commission.* The membership of the Mississippi Soil and Water Conservation Commission and the Commission's authority to promulgate such rules and regulations as deemed necessary.

A. The eleven (11) voting members of the Commission are:

- I. The Commissioner of Agriculture and Commerce;
- II. The State Forester;
- III. The President of the Mississippi Association of Conservation Districts;
- IV. The first vice president of the association;
- V. The second vice president of the association;
- VI. The immediate or most recent past president of the association willing and able to serve; and
- VII. Five (5) members to be elected from the membership of the of the soil and water conservation district commissioners at the annual meeting of the association, one (1) from each United States congressional district by a caucus of the association members from each congressional district as constituted at the time of the caucus and the remainder to be elected from the state at large by the membership of the association.
- IX. The five (5) elected members serve three (3) year staggered terms.

B. Two members serve ex-officio and without voting power, but with all privileges of discussion and debate as follows:

- I. The Director of the State Extension Service; and
- II. The Director of the State Agricultural and Forestry Experimental Station.

Source: *Miss. Code Ann. § 69-27-9*

*Rule 1.3 Statutory Responsibilities of the Mississippi Soil and Water Conservation Commission.*  
The general duties and powers of the Commission as follows:

- A. To offer any assistance as may be appropriate to the commissioners of soil and water conservation districts in the carrying out of their powers and programs.
- B. To keep the commissioners of each of the districts informed of the activities and experiences of all other districts, and to facilitate cooperation between districts.
- C. To coordinate the programs of the soil and water conservation districts.
- D. To secure the cooperation and assistance of the United States and any of its agencies and of agencies of this state in the work of districts.
- E. To disseminate information concerning the activities and programs of the soil and water conservation districts, and to encourage the formation of districts.
- F. To seek and receive grants of monies, and other assets, from any source to carry out its duties and responsibilities.
- G. To distribute any appropriated or other funds or assets under its control from state, federal or other governmental agencies or political subdivisions, or from private grants, including matching funds to districts.
- H. To establish and administer qualification standards for district commissioners and officers.
- I. To give guidance and overall supervision to districts when requested, or acceptable
- J. To study, classify and evaluate land use needs and problems in the State of Mississippi; to make recommendations leading to adoption of land use policy and broad guidelines for meeting the needs and problems so identified.
- K. To demonstrate to landowners and operators within the state, equipment that will demonstrate energy and soil and water conservation.
- L. To enter into and to authorize the executive director to execute with the approval of the Commission, contracts, grants, cooperative agreements and memoranda of understanding with any federal or state agency or subdivision thereof, or any public or private institution location inside or outside the State of Mississippi, or any person, corporation or association in connection with carrying out the Commission powers and duties.
- M. To cooperate with the Commission on Environmental Quality in addressing agricultural nonpoint source pollution.

Source: *Miss. Code Ann. §§ 69-27-13, 49-17-13 (1972)*

*Rule 1.4* The mission of the Mississippi Soil and Water conservation Commission is to effectively guide and promote the conservation, development, protection and proper utilization of the soil, water and related resources of the state.

Source: *Miss Code Ann. § 69-27-9*

*Rule 1.5 Commission Working Relations with Soil and Water Conservation Districts, Mississippi Association of Conservation Districts and United States Department of Agriculture/Natural Resources Conservation Service.* The primary objective of the Commission, districts,

association and the USDA/NRCS is soil and water conservation. The organizations compliment and supplement each other by maintaining good communication, having common goals and priorities, and sharing available resources such as technical and financial assistance and equipment, material and resource data. The working relationship is mostly volunteer and requires the exercise of special skills of those involved. The working relationship with soil and water conservation districts is in a different setting because of the powers of the Commission related to the districts. The commission offers a wide range of assistance to districts but has very limited authority to direct district commissioners as to what they must do. The Commission's objective is to be a team player in carrying out a soil and water conservation program in this state.

Source: *Miss Code Ann. § 69-27-13*

*Rule 1.6 Funding of the Commission.* As a state agency the Mississippi Soil and Water conservation Commission is funded by appropriation from the state legislature. Each year it submits a budget request for funds for the coming fiscal year (July 1 through June 30) to the State Department of Finance and Administration and to appropriate committees of the legislature. The Commission will seek and receive grants and other funds from any legitimate source and make appropriate distribution of such funds in carrying out the purpose of the Soil and Water Conservation District Act.

- A. Beginning with the month of January, the Commission will meet quarterly. The date of the next meeting will be established at each meeting. Items to be placed on the agenda for meetings must be received in the Commission office two (2) weeks prior to the meeting date. The Commission staff is authorized to obtain additional information on any matter to be considered at the Commission meeting and to make recommendations concerning its disposition. Whenever possible, the staff shall furnish to the members information on subjects to be presented prior to the meeting. Any matter not resolved at the Commission meeting will be referred to the Commission staff for further analysis and recommendations. All meetings will be open to the public.
- B. The Commission will support the objectives and activities of the Mississippi Association of Conservation Districts, where these are in keeping with the duties and powers of the Commission as established by law. The Commission employees may assist the association in carrying them out.
- C. As State management agency for agricultural related non-point sources of pollution, the Commission will keep informed as to its responsibilities, seek programs and funds to reduce the problems, and enlist, assist, and cooperate with federal and state agencies and organizations that have an interest in and can make a contribution to improving water quality.
- D. The Commission will stay informed about federal and state legislation that may have an impact upon soil and water conservation work in the state. It will keep the congressional members and state legislators informed as to the needs for accomplishing desired soil and water conservation. It will further provide requested information related to budget and finance to the appropriate committees of the state legislature and to the governor's office.

- E. The Commission will cooperate with and support other federal and state agencies, organizations, etc., that may make a contribution to the soil and water conservation program. It will also provide a professional staff member to serve on various committees where its function might have an impact on the Commission's work.
- F. The State Employee Handbook issued by the State Personnel Board contains the official operating policies and procedures for the Commission. Subject matters included are Employment Process, Service Employment, Leave Policies, Employee Benefits, Standard of Employee Conduct, Forms of Grievances and Appeals. Where there are options and latitude provided in the handbook or when clarification is needed, the Executive Director is authorized to issue amendments to the handbook. He will obtain approval of the Commission as he deems necessary or desirable.
- G. The Commission will serve as liaison between the districts and the State Bureau of Geology in the implementation of the Mississippi Surface Mining and Reclamation Act. The assistance offered will relate to the responsibilities of the local soil and water conservation districts which pertain to the reclamation plan. The objective is the protection of the soil and water resources. The Commission has no authority and will not become involved in the regulatory aspect of surface mining.
- H. The Commission's planning priority shall be on a watershed basis as set forth in the appropriate policies, rules and regulations set forth. The Commission will request soil and water conservation districts and the Natural Resources Conservation Service provide information in establishing priorities.

Source: *Miss Code Ann. § 69-27-9*

## **Part 901 Chapter 2: Oral Proceedings on Proposed Rules**

*Rule 2.1* This rule applies to all oral proceedings held for the purpose of providing the public with an opportunity to make oral presentations on proposed rules and amendments to rules before the Commission.

Source: *Miss. Code Ann. § 25-43-3.104 (1972)*

*Rule 2.2 When Oral Proceedings will be Scheduled on Proposed Rule.* The Commission will conduct an oral proceeding on a proposed rule or amendment if requested by a political subdivision, an agency or ten (10) persons in writing within twenty (20) days after the filing of the notice of the proposed rule.

Each request must be printed or typewritten, must be in legible handwriting. Each request must be submitted on standard business letter-size paper (8-1/2 inches by 11 inches). Requests may be in the form of a letter addressed to the Commission and signed by the requestor(s).

Source: *Miss Code Ann. § 25-43-3.104 (1972)*

*Rule 2.3 Notification of Oral Proceeding.* The date, time and place of all oral proceedings shall be filed with the Secretary of State's office and mailed to each requestor. The oral proceedings

will be scheduled no earlier than twenty (20) days from the filing of this information with the Secretary of State.

Source: *Miss. Code Ann. § 25-43-3.104 (1972)*

*Rule 2.4 Public Presentations and Participation.* The Commissioner, or his designee, who is familiar with the substance of the proposed rule, shall preside at the oral proceeding on a proposed rule.

- A. At an oral proceeding on a proposed rule, persons may make oral statements and make documentary and physical submissions, which may include data, views, comments or arguments concerning the proposed rule.
- B. Persons wishing to make oral presentations at such a proceeding shall notify the Commission at least one business day prior to the proceeding and indicate the general object of their presentations. The presiding officer in his or her discretion may allow individuals to participate that have not previously contacted the Commission.
- C. At the proceeding, those who participate shall indicate their names and addresses, identify any persons or organizations they may represent, and provide any information relating to their participation deemed appropriate by the presiding officer.
- D. The presiding officer may place time limitations on individual oral presentations when necessary to assure the orderly and expeditious conduct of the oral proceeding. To encourage joint oral presentations and to avoid repetition, additional time may be provided for persons whose presentations represent the views of other individuals as well as their own views.
- E. Persons making oral presentations are encouraged to avoid restating matters that have already been submitted in writing.
- F. There shall be no interruption of a participant who has been given the floor by the presiding officer, except that the presiding officer may in his or her discretion interrupt or end the participant's time where the orderly conduct of the proceeding so require.

Source: *Miss Code Ann § 25-43-3.104 (1972)*

*Rule 2.5 Conduct of Oral Proceeding.*

- A. Presiding officer. The presiding officer shall have authority to conduct the proceeding in his or her discretion for the orderly conduct of the proceeding. The presiding officer shall:
  - I. Call proceeding to order;
  - II. Give a brief synopsis of the proposed rule, a statement of the statutory authority for the proposed rule, and the reasons provided by the Commission for the proposed rule;  
Call on those individuals who have contacted the Commission about speaking on or against the proposed rule;
  - III. Allow for rebuttal statements following all participants' comments;
  - IV. Adjourn the meeting.

- B. Questions. The presiding officer, where time permits and to facilitate the exchange of information, may open the floor to questions or general discussions. The presiding officer may question participants and permit the questioning of participants by other participants about any matter relating to that rule making proceeding, including any prior written submissions made by those participants in that proceeding; but no participant shall be required to answer any question.
- C. Physical and Documentary Submissions. Submissions presented by participants in an oral proceeding shall be submitted to the presiding officer. Such submissions become the property of the Commission and are subject to the Commission's public records request procedure.
- D. Recording. The Commission may record oral proceedings by stenographic or electronic means.

Source: *Miss. Code Ann. § 69-27-9*

### **Part 901 Chapter 3: Declaratory Opinions**

*Rule 3.1* These rules set for the Mississippi Soil and Water Conservation Commission's, hereinafter "Commission", rules governing the form and content of requests for declaratory opinions, and the Commission's procedures regarding the requests, as required Mississippi Code Section 25-43-2.103. The rules are intended to supplement and be read in conjunction with the provisions of the Mississippi Administrative Procedures Law, which may contain additional information regarding the issuance of declaratory opinions. In the event of any conflict between these rules and the Mississippi Administrative Procedures Law, the latter shall govern.

Source: *Miss. Code Ann. § 25-43-2.103*

*Rule 3.2 Persons Who May Request Declaratory Opinions.* Any person with a substantial interest in the subject matter may request a declaratory opinion from the Commission by following the specified procedures. "Substantial interest in the subject matter" means: an individual, business, group or other entity that is directly affected by the Commission's administration of the laws within its primary jurisdiction. "Primary jurisdiction of the Commission" means the Commission has a constitutional or statutory grant of authority in the subject matter at issue. The Commission will issue declaratory opinions regarding the applicability to specified facts:

- A. A statute administered or enforceable by the Commission or;
- B. A rule promulgated by the Commission.

The Commission will not issue a declaratory opinion regarding a statute or rule which is outside the primary jurisdiction of the agency.

Source: *Miss Code Ann. § 69-27-9*

*Rule 3.3 Circumstances in Which Declaratory Opinions Will Not be Issued.* The Commission may, for good cause, refuse to issue a declaratory opinion. The circumstances in which declaratory opinions will not be issued include, but are not limited to:

- A. Lack of clarity concerning the question presented;
- B. There is pending or anticipated litigation, administrative action, or other adjudication which may either answer the question presented by the request or otherwise make the answer unnecessary;
- C. The statute or rule on which a declaratory opinion is sought is clear and not in need of interpretation to answer the question presented by the request;
- D. The facts presented in the request are not sufficient to answer the question presented;
- E. The request fails to contain information required by these rules or the requestor failed to follow the procedure set forth in these rules;
- F. The request seeks to resolve issues which have become moot, or are abstract or hypothetical such that the requestor is not substantially affected by the statute or rule on which a declaratory opinion is sought.
- G. No controversy exists concerning the issue as the requestor is not faced with existing facts or those certain to arise which raise a question concerning the application of the statute or rule;
- H. The question presented by the request concerns the legal validity of a statute or a rule;
- I. The request is not based upon facts calculated to aid in the planning of future conduct but is, instead, based on past conduct in an effort to establish the effect of that conduct;
- J. No clear answer is determinable;
- K. The question presented by the request involves the application of a criminal statute or set of facts which may constitute a crime;
- L. The answer to the question presented would require the disclosure of information which is privileged or otherwise protected by law from disclosure;
- M. The question is currently the subject of an Attorney General's opinion request or has been answered by an Attorney general's opinion;
- N. A similar request is pending before the Commission or any other agency or a proceeding is pending on the same subject matter before any agency, administrative or judicial tribunal, or where such an opinion would constitute an unauthorized practice of law;
- O. Where issuance of a declaratory opinion may adversely affect the interests of the State, the Commission or any of their officers or employees in any litigation which is pending or may reasonably be expected to arise;
- P. The question involve eligibility for a license, permit, certificate or other approval by the Commission or some other agency, and there is a statutory or regulatory application process by which eligibility for said license, permit, certificate or other approval would be determined.

Source: *Miss. Code Ann. § 69-27-9*

*Rule 3.4 Written Request Required.* Each request must be printed or typewritten, or must be in legible handwriting. Each request must be submitted on standard business letter-size paper (8-1/2 inches by 11 inches). Requests may be in the form of a letter addressed to the Commission. All requests must be mailed, delivered or transmitted via facsimile to the following:

Mississippi Soil and Water Conservation Commission  
680 Monroe Street, Suite B  
Jackson, MS 39202  
Fax number (601) 354-6628.

The request shall clearly state that it is a request for a declaratory opinion. No oral, telephone requests or email requests will be accepted for official opinions. Each request must include the full name, telephone number, and mailing address of the requestor. All requests shall be signed by the person filing the request, who shall attest that the request complies with the requirements set forth in these rules, including, but not limited to, a full, complete, and accurate statement of relevant facts and that there are no related proceedings pending before any other administrative or judicial tribunal.

Source: *Miss Code Ann. § 69-27-9*

*Rule 3.5 Question Presented.* Each request shall contain the following:

- A. A clear and concise statement of all facts on which the opinion is requested;
- B. A citation to the statute or rule at issue;
- C. The question(s) sought to be answered in the opinion, stated clearly;
- D. A suggested proposed opinion from the requestor, stating answers desired by petitioner and a summary of the reasons in support of those answers;
- E. The identity of all other known persons involved in or impacted by the described factual situation, including their relationship to the facts, name, mailing address and telephone number;
- F. A statement to show that the person seeking the opinion has a substantial interest in the subject matter.

Source: *Miss. Code Ann. § 69-27-9*

*Rule 3.6 Time for Commission's Response.* Within forty-five (45) days after receipt of a request for a declaratory opinion which complies with the requirements of these rules, the Commission shall, in writing:

- A. Issue a declaratory opinion regarding the specified statute or rule as applied to the specified circumstances;
- B. Decline to issue a declaratory opinion, stating the reason for its action; or
- C. Agree to issue a declaratory opinion by a specified time but not later than ninety (90) days after receipt of the written request;

The forty-five (45) day period shall begin running on the first State of Mississippi business day on or after the request is received by the Commission, whichever is sooner.

Source: *Miss. Code Ann. 69-27-9*



*Rule 3.7 Opinion Not Final for Sixty Days.* A declaratory opinion shall not become final until the expiration of sixty (60) days after the issuance of the opinion. Prior to the expiration of sixty (60) days, the Commission may, in its discretion, withdraw or amend the declaratory opinion for any reason which is not arbitrary or capricious. Reasons for withdrawing or amending an opinion include, but are not limited to, a determination that the request failed to meet the requirements of these rules or that the opinion issued contains legal or factual error.

Source: *Miss. Code Ann. § 69-27-9*

*Rule 3.8 Notice by Commission to Third Parties.* The Commission may give notice to any person, agency or entity that a declaratory opinion has been requested and may receive and consider data, facts, arguments, and opinions from other persons, agencies or other entities other than the requestor.

Source: *Miss. Code Ann. § 69-27-9*

*Rule 3.9 Public Availability of Requests and Declaratory Opinions.* Declaratory opinions and requests for declaratory opinions shall be available for public inspection and copying in accordance with the Public records Act and the Commission's public records request procedure. All declaratory opinions and requests shall be indexed by name and subject. Declaratory opinions and requests which contain information which is confidential or exempt from disclosure under the Mississippi Public Records Act and other laws shall be exempt from this requirement and shall remain confidential. The Commission will not pursue any civil, criminal or administrative action against a person who is issued a declaratory opinion from the Commission and who, in good faith, follows the direction of the opinion and acts in accordance therewith unless a court of competent jurisdiction holds that the opinion is manifestly wrong. Any declaratory opinion rendered by the Commission shall be binding only on the Commission and the person to whom the opinion is issued. No declaratory opinion will be used as precedent for any other transaction or occurrence beyond that set forth by the requesting person.

Source: *Miss Code Ann. § 69-27-9*

## **Title 2: Agriculture and Commerce**

### **Part 902: MSWCC Commissioner Elections and Appointments**

#### **Part 902 Chapter 1: Election and Appointment Process for Commissioners**

*Rule 1.1 Election and Appointment of Commissioners.* The quality and quantity of leadership provided by the Commissioners determines the success of the districts in developing and implementing an effective soil and water conservation program. The Commission recognizes that the election and appointment of commissioners are extremely important.

The Soil and Water Conservation District law states:

...The Commission shall pay all the expenses of such elections; shall supervise conduct thereof; shall prescribe regulations governing the conduct of such elections and the determination of the eligibility of voters therein; and shall publish the results of same...

In order to most effectively carry out these duties, the Commission recognizes that the local commissioners and their employees can provide a most valuable service, even though they do not have any legal authority or responsibility.

The Commission will depend upon the commissioners to provide assistance in carrying out the election and appointment of commissioners. This assistance will help to assure that all elections and appointments are handled in accordance with the law as well as with the policies of the Commission and also help to recruit qualified individuals to serve as commissioners. Each prospective commissioner must sign the "Prospective Commissioner Agreement" which is located on the back of the Nominating Petition (ELC-3) (Exhibit 3) and Appointment Form (Exhibit 9). It is most important that the prospective commissioner has a general understanding of the authorities and duties of a commissioner before he/she agrees to be nominated or recommended.

In the election process the Commission will work primarily with a "contact person" who is appointed by the board of SWCD Commissioners. **This person must be an appointed commissioner.** The responsibilities of the "contact person" will be provided to him/her by the Commission (Exhibit 8). The Commission office has qualified employees available who will provide assistance to districts in the election and appointment of commissioners.

Source: *Miss. Code Ann. § 69-27-31*

*Rule 1.2 The Election Process Phase I.* The Commission will authorize the election to be conducted and will notify the contact person and the district at least seventy-five (75) days before the expiration of the elected commissioner's term. Brief instructions and the necessary forms will be sent to the district office in order to carry out Phase I of the election process.

- A. Before the Commission can begin the election process, the district must decide and inform the Commission of their election date.

- B. After the Commission is informed of the election date, the Commission will publish the Nominating Notice (ELC-1) (Exhibit 1) in a newspaper with district wide coverage, at least sixty (60) days prior to the election date. This will notify the public that the district will be accepting nominating petitions for approximately twenty (20) days.
- C. The district must send the Nominating Petitions (ELC-3) (Exhibit 3) to the Commission office at least thirty (30) days before the election date. The district needs to fill in the top portion of the Nominating Petition and discuss the agreement on the back of the form with the prospective commissioner. It is extremely important that the prospective commissioner understand that he/she is making a firm commitment to spend the time and effort necessary to carry out the responsibilities as set forth by the Mississippi Soil and Water Conservation Commission. The Nominating Petition will not be accepted without the signatures of the nominee and twenty-five (25) or more owners of land lying within the boundaries of the district. Landowners may sign more than one such nominating petition to nominate more than one candidate for commissioner. However, in no event shall a landowner sign more than three (3) such nominating petitions. Not more than one commissioner shall be a resident of any one supervisor's beat, unless there is no person qualified and willing to serve in another beat. If the latter is the case, the district must write a letter to the Commission stating that this is, in fact, the situation. The nominee must be a person who is a landowner and/or operator within the geographical area of the district, and must be qualified to carry out the authority and responsibility of the office.
- D. The district must notify the Commission of their voting places (at least one per beat) and voting hours in sufficient time for the Commission to publish the Election Notice (ELC-2) (Exhibit 2). The Commission will publish the Election Notice (ELC-2) (Exhibit 2) three (3) times, with an interval of seven (7) days between each publication, in a newspaper with district wide coverage approximately thirty (30) days prior to the election date.

Source: *Miss. Code Ann. §§ 69-27-9, 69-27-31*

*Rule 1.3 The Election Process Phase II.*

- A. The Commission will prepare and send all necessary materials to the district for holding an election; ballots, Register of Voters (ELC-4) (Exhibit 4), Statement of Certification (ELC-5) (Exhibit 5), and the Election Results (ELC-6) (Exhibit 6).
- B. The contact person will be responsible for distributing the materials to each voting place and discussing with the election judge their responsibilities as stated on the Statement of Certification (ELC-5) (Exhibit 5). It is preferred that the materials for each voting place be delivered and picked up the same day of the election. No candidate may attempt to influence a voter's decision within thirty (30) feet of the voting place. Only owners of land lying within the district shall be eligible to vote, and each landowner may vote for three candidates. Voting hours should be the regular voting hours established by the State or the normal business hours of the voting place. No write-in candidates will be accepted.
- C. The contact person will be responsible for picking up the sealed ballot boxes containing the ballots, Register of Voters (ELC-4) (Exhibit 4), Statement of Certification (ELC-5) (Exhibit 5), and all unused materials from each voting place.
- D. At a designated place open to all candidates, the contact person will be responsible for tabulation of the votes from each voting place and recording the results of the voting on

the Report of the Election Results (ELC-6) (Exhibit 6). Any candidate or representative may be present during the vote tabulation. The contact person is also responsible for mailing the Register of Voters (ELC-4) (Exhibit 4), Statement of Certification (ELC-5) (Exhibit 5), and the Report of Election Results (ELC-6) (Exhibit 6) to the Commission as soon as possible.

- E. The Commission will approve or disapprove the election and establish the date the three (3) year term of office begins. The candidates who receive the majority of votes cast shall be the elected commissioners. A run-off election shall be held two weeks later should one candidate in a beat not receive a majority of the votes.
- F. The Commissioners elected will be duly notified and provided with identification cards.
- G. The Commission will publish the notice of Result of Election (ELC-7) (Exhibit 7) in a newspaper with district-wide coverage.
- H. The Commission shall pay all expenses for conducting the election.
- I. A copy of all materials related to the election process must be maintained in the district file for three (3) years.

Source: *Miss. Code Ann. §§ 69-27-9, 69-27-31*

*Rule 1.4 Election Contests and Right of Appeal.* Any unsuccessful candidate for district commissioner, being aggrieved by the conduct of the election, may, within ten (10) days after the election, file with the Commission a petition protesting said election, specifying in detail the alleged irregularity or violation of election procedures, with a duplicate copy to be filed with the district board. Within twenty (20) days thereafter, the contact person shall provide the Commission with a written response to the petition, along with all papers, documents and other available evidence regarding the conduct of the challenged election, all certified to be true and correct. The Commission shall fix a time for a hearing on the challenge, and provide notice to the petitioner and contact person of such hearing. When the matter shall come on for hearing the Commission shall receive and consider all evidence regarding the alleged irregularity, and shall consider and decide the matter fully and finally according to these regulations and applicable laws of the State of Mississippi. The Commission may cause witnesses to be sworn by one of its members, or by any other authority competent to administer oaths.

The Commission shall be the sole judge of all questions arising incident to or connected with such election, and shall order a new election in the event it determines, by a majority vote of the Commission, that a material violation or irregularity has occurred.

In the event the Commission shall fail to promptly meet and rule on such contested election, or shall fail to give with reasonable promptness the full relief required by the facts and the law, the contestant shall have the right forthwith to file in the circuit court of the county wherein the irregularities are charged to have occurred a sworn copy of their said protest or complaint.

Source: *Miss. Code Ann. §§ 21-29-11, 23-15-927.*

*Rule 1.5 Appointment of Commissioners.*

- A. Two members of each board of commissioners are appointed by the MS Soil and Water

Conservation Commission. The qualifications, authorities, duties, term of office, etc., are the same as for an elected commissioner, with the exception of residency. An appointed commissioner need only be a resident and/or operator within the SWCD they represent. As with the election of commissioners, the Commission will depend heavily upon the district commissioners for assistance.

- B. Approximately seventy-five (75) days before the expiration of the commissioner's term of office, the Commission will notify the district. The notification will show the name of the Commissioner and the date his/her term of office expires and the beat for which the appointment is to be made. Included with the notification will be the Appointment Recommendation Form (Exhibit 9).
- C. The agreement on this form should be discussed with the nominee, who must sign and date the form if he/she agrees to be recommended.
- D. The majority of the district commissioners must approve the recommendation and enter the decision in the official minutes of the Board.
- E. The recommendation should be sent to the Commission office.
- F. The Commission will approve or disapprove the recommendation; if approved, the term of office will be established.
- G. The Commission will notify the commissioner about his/her appointment and provide him/her an identification card.
- H. A copy of the appointment information must be maintained in the district file for at least three (3) years.

Source: *Miss. Code Ann. §§§ 69-27-9, 69-27-31, 69-27-33*

## **Part 902 Chapter 2: Oath of Office for Commissioners**

### *Rule 2.1.*

- A. Implement the requirements prescribed by the Constitution and the Mississippi Code relating to appointed and elected officials. (Exhibit 11)
- B. Provide for an intense commitment to discharge the duties and responsibilities of the office of district commissioner and a greater appreciation for the dignity of the office.

Source: *Miss Code Ann. § 69-27-9*

### *Rule 2.2.*

- A. Each person prior to assuming the office of elected or appointed district commissioner shall take the oath of office prescribed by the Mississippi Code.
- B. Certification that the oath of office has been administered shall be filed in the Commission office at the beginning of the term of office.
- C. Any person who has not "qualified" for the office by taking the oath of office to cover the appropriate term of office, shall be ineligible to participate in official actions of the district board and shall be ineligible for reimbursement for travel and related expenses.

Source: *Miss Code Ann. § 69-27-9*

### **Part 902 Chapter 3: Commissioner Resignations**

*Rule 3.1.* A commissioner who resigns must submit a written letter of resignation to the Commission. When filling a vacated commissioner's term, if the unexpired term of an elected or appointed commissioner is more than a year, the Commission will approve a special election to be conducted, or make an appointment. If the unexpired term is less than one (1) year, the district commissioners may designate a person to fill the unexpired term.

Source: *Miss Code Ann. § 69-27-33*

### **Part 902 Chapter 4: Criteria for SWCD Commissioners**

*Rule 4.1* The Soil and Water Conservation District law states:

... the commissioners shall be persons who are landowners and/or operators within the geographical areas of the district qualified to perform the specialized skilled services which will be required of them in the performance of their duties hereunder, and able to attend all meetings...

The Commission believes that a commissioner must attend 75% of the regularly scheduled Board of Commissioners meetings in order to be in keeping with the interest of the law and carry out his/her responsibilities. Therefore, the Commission will not look with favor upon the reelection or reappointment of a commissioner who does not meet this requirement.

In addition to the preceding requirement, there are other desirable characteristics for a good commissioner which should be given special attention during the election and appointment process. An individual who is seeking reelection or reappointment as a commissioner should demonstrate that he/she has...

- A. A good knowledge of the authorities and duties of a commissioner and the acceptance of these requirements.
- B. Leadership qualities, including initiative, innovation, salesmanship, positive thinking, enthusiasm, trustworthiness, progressive attitudes, dependability, the instincts of a team player, and skills in working with people.
- C. Good understanding of the district's soil and water conservation program and active assistance in carrying it out.
- D. The time to devote to the affairs of the district.
- E. Administrative and managerial ability, including decision making.
- F. Good knowledge of the local soil and water conservation problems or needs and the belief that the solution to them is extremely important.
- G. The ability to express himself/herself before the public.
- H. If a farmer, a good conservation program on his/her farm.

The elected or appointed commissioner should use the preceding criteria to make a self-evaluation of his/her performance as a commissioner and based upon the findings, should decide whether or not to be a candidate for reelection or reappointment.

Source: *Miss. Code Ann. § 69-27-9*

*Rule 4.2 Qualification Standards and Rules for Deputy Commissioners.* The Mississippi Soil and Water Conservation Commission is authorized by state law to establish and administer qualification standards and establish terms of office for deputy commissioners. The following qualification standards are in keeping with this authority and responsibility.

- A. Landowner and/or operator.
- B. Resides in the supervisor beat he/she will represent.
- C. Qualified to perform the specialized, skilled services which will be required of him/her in performing duties of a deputy commissioner.
- D. Able to attend all meetings.
- E. Indicates a desire to be a deputy commissioner and intends to carry out the duties as established.

Source: *Miss. Code Ann. § 69-27-9*

*Rule 4.3 Rules.* The Board of Soil and Water Conservation District Commissioners may appoint such deputy commissioners as they deem appropriate. The following rules or criteria have been established by the Mississippi Soil and Water Conservation Commission:

- A. Up to five (5) deputy commissioners, but no more than one representing each supervisor beat, may be appointed, unless there is no person qualified or willing to serve in another supervisor's beat. Where the latter is the case, the letter that transmits the appointment form should so state that this is the situation.
- B. Deputy Appointment form (Exhibit 10) is used to make the appointment.
- C. Appointments are to be made by official action of the Board of District Commissioners and recorded in the minutes.
- D. Appointments are to be made for one (1) year effective on October 1st each year.
- E. A copy of the appointment form will be sent to the Commission office.
- F. Deputy commissioners will not receive any compensation for the service provided.
- G. Deputy commissioners shall be entitled to expenses, including traveling expenses incurred in discharging their duties at the rate established by the State of Mississippi in Section 25-3-41 Mississippi Code 1972 Annotated.
- H. A deputy commissioner may resign by notifying the board of commissioners orally or in writing. Acceptance of said resignation shall be an official action of the board and so recorded in the minutes. The commissioners may appoint a deputy commissioner to fill the unexpired term, which is through September 30th each year.
- I. Deputy commissioners shall not be entitled to vote on any matter coming before the commissioners.
- J. The Board of Commissioners is given the authority to replace a deputy commissioner when he/she has not met the qualification standards and/or has not performed the duties

and responsibilities as set forth by the Mississippi Soil and Water Conservation Commission. The cause for replacement must be an official action of the board and so recorded in the minutes.

Source: *Miss. Code Ann. § 25-3-41 (1972)*



**NOMINATING NOTICE**

Pursuant to the provision of Section 69-27-31, Mississippi Code 1972 Annotated, and the established procedures of the Mississippi Soil and Water Conservation Commission, nominations will be accepted for the election of \_\_\_\_\_ County Soil and Water Conservation District Commissioners for beats \_\_\_\_\_, \_\_\_\_\_, and, \_\_\_\_\_ until \_\_\_\_\_. Nominating Petition forms and election procedures may be obtained from the \_\_\_\_\_ County Soil and Water Conservation District office, located at \_\_\_\_\_ in \_\_\_\_\_, Mississippi.

Signed by Authority of the Mississippi Soil and Water Conservation Commission as recorded in its minutes of \_\_\_\_\_.

\_\_\_\_\_  
Executive Director, MSWCC

**NOTE TO THE EDITOR:** This notice is to be published pursuant to section 25-7-65, Mississippi Code 1972 Annotated, one (1) time IN THE LEGAL NOTICE SECTION. Send Proof of Publication and bill to:

Mississippi Soil and Water Conservation Commission  
P. O. Box 23005  
Jackson, MS 39225-3005

**NOTICE OF ELECTION**

Pursuant to the provisions of Section 69-27-31, Mississippi Code 1972 Annotated, an election will be held on \_\_\_\_\_ to elect three (3) commissioners for the \_\_\_\_\_ County Soil and Water Conservation District from beats \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_.

**VOTING PLACE - TIME - LOCATION**

Beat #: \_\_\_\_\_  
Place: \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_  
Location: \_\_\_\_\_

Beat #: \_\_\_\_\_  
Place: \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_  
Location: \_\_\_\_\_

Beat #: \_\_\_\_\_  
Place: \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_  
Location: \_\_\_\_\_

Beat #: \_\_\_\_\_  
Place: \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_  
Location: \_\_\_\_\_

Beat #: \_\_\_\_\_  
Place: \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_  
Location: \_\_\_\_\_

Signed by Authority of the Mississippi Soil and Water Conservation Commission as recorded in its minutes of \_\_\_\_\_.

\_\_\_\_\_  
Executive Director, MSWCC

**NOTE TO THE EDITOR:** This notice is to be published pursuant to section 25-7-65, Mississippi Code 1972 Annotated, three (3) times IN THE LEGAL NOTICE SECTION prior to the election, with a lapse of seven (7) days between each publication. Send Proof of Publication and bill to:

Mississippi Soil and Water Conservation Commission  
P. O. Box 23005  
Jackson, MS 39225-3005

**NOMINATING PETITION FOR THE OFFICE OF COMMISSIONER**

The undersigned landowners within the territorial boundaries of the \_\_\_\_\_ County Soil and Water Conservation District of the State of Mississippi, do hereby nominate \_\_\_\_\_ whose address is \_\_\_\_\_ and resident of beat \_\_\_\_\_ as a candidate for the office of commissioner for beat \_\_\_\_\_ of the \_\_\_\_\_ County Soil and Water Conservation District at the election to be held on \_\_\_\_\_.

**NOTE: A *minimum of 25 signatures of landowners is required.***

NAME	ADDRESS
1) _____	_____
2) _____	_____
3) _____	_____
4) _____	_____
5) _____	_____
6) _____	_____
7) _____	_____
8) _____	_____
9) _____	_____
10) _____	_____
11) _____	_____
12) _____	_____
13) _____	_____
14) _____	_____
15) _____	_____
16) _____	_____
17) _____	_____
18) _____	_____
19) _____	_____
20) _____	_____
21) _____	_____
22) _____	_____
23) _____	_____
24) _____	_____
25) _____	_____

Exhibit 3

**AGREEMENT FOR PROSPECTIVE  
SOIL & WATER CONSERVATION DISTRICT COMMISSIONER**

Upon election as a soil and water conservation district commissioner, I agree to devote the time required to actively participate in district affairs, including regular attendance at board meetings. I also agree to carry out the authorities of a district commissioner as set forth by the Mississippi Soil and Water Conservation Commission to the best of my ability. I recognize that in becoming a District Commissioner, I will be a public official.

Therefore, I, the undersigned, do hereby certify that I am a landowner or operator in \_\_\_\_\_ County and do hereby agree to be nominated for a SWCD Commissioner to the Mississippi Soil and Water Conservation Commission.

DATE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_



**STATEMENT OF CERTIFICATION  
(Election Judge)**

District: \_\_\_\_\_ Soil and Water Conservation District

Election Date: \_\_\_\_\_

Beat Number: \_\_\_\_\_ Ballot Box Number: \_\_\_\_\_

Voting Location: \_\_\_\_\_

**RESPONSIBILITIES OF THE ELECTION JUDGE**

1. Be present during voting hours, which begin at \_\_\_\_\_ a.m. and end at \_\_\_\_\_ p.m.
2. Make sure all individuals read and sign the REGISTER OF VOTERS (ELC-4) before voting.
3. Place REGISTER OF VOTERS (ELC-4) and this form in ballot box with OFFICIAL BALLOTS and seal ballot box.

**TO: MISSISSIPPI SOIL AND WATER CONSERVATION COMMISSION:**

I hereby certify that the above listed responsibilities have been carried out to the best of my knowledge and ability.

Signed:

\_\_\_\_\_  
Election Judge

\_\_\_\_\_  
Date

**REPORT OF ELECTION RESULTS TO COMMISSION**

\_\_\_\_\_ County Soil and Water Conservation District

To the Mississippi Soil and Water Conservation Commission:

Notice is hereby given that the tabulation set out below gives a full, correct and true report of the result of an election for commissioners of the \_\_\_\_\_ County Soil and Water Conservation District, held on \_\_\_\_\_.

<i>NAME OF CANDIDATE</i>	<i>BEAT NUMBER REPRESENTED</i>	<i>NUMBER OF VOTES</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Signed:

\_\_\_\_\_  
Contact Person

\_\_\_\_\_  
Date

**NOTICE OF RESULT OF ELECTION OF COMMISSIONERS**

Pursuant to the provisions of Section 69-27-31, Mississippi Code 1972 Annotated, an election was held on \_\_\_\_\_ to elect three (3) commissioners for the \_\_\_\_\_ County Soil and Water Conservation District.

The result is as follows representing:

Beat #: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Beat #: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Beat #: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Signed by Authority of an order to the Mississippi Soil and Water Conservation Commission in its minutes of \_\_\_\_\_.

\_\_\_\_\_  
Executive Director, MSWCC

**NOTE TO THE EDITOR:** This notice is to be published pursuant to Section 25-7-65, Mississippi Code 1972 Annotated, one (1) time in the LEGAL NOTICE SECTION. Send proof of publication and bill to:

Mississippi Soil and Water Conservation Commission  
P. O. Box 23005  
Jackson, MS 39225-3005



**RESPONSIBILITIES OF THE CONTACT PERSON  
IN ELECTION OF COMMISSIONERS**

The contact person must be an appointed commissioner, approved by the district, and recorded in their minutes.

- Step 1:** After the Commission has notified the contact person of the expiration date for the elected commissioners; the District must decide on the election date, voting places, (at least one per beat) and voting hours. When the Commission is notified of the election date, voting places, and voting hours, the Commission will publish the ELC-1 and the ELC-2 in the legal notice section of the local newspaper.
- Step 2:** Fill in the top portion of the Nominating Petition (ELC-3), discuss the agreement on the back of the form with each prospective commissioner and have the nominee sign and date it. The Nominating Petition (ELC-3) on each candidate **must** be received by the Commission office at least 30 days prior to the election date.
- Step 3:** Distribute all necessary material to the voting places: deliver the Ballots, Register of Voters (ELC-4), and Statement of Certification (ELC-5) to each voting place. Discuss the election judge responsibilities as stated on the Statement of Certification (ELC-5) with each election judge. It is preferred that the materials for voting be delivered and picked up the same day of the election.
- Step 4:** Pick up the sealed ballot boxes and any unused materials from each voting place.
- Step 5:** At a designated place open to all candidates, tabulate the votes from each voting place and verify the totals on the Report of Election Results to Commission (ELC-6). Mail the following original reports: Register of Voters (ELC-4), Statement of Certification (ELC-5) and the Report of Election Results to Commission (ELC-6) to the following:

Mississippi Soil and Water Conservation Commission  
P. O. Box 23005  
Jackson, MS 39225-3005

These forms should be mailed the day following the election.

**Soil & Water Conservation District Commissioner  
Appointment Recommendation Form**

DISTRICT: \_\_\_\_\_ County SWCD

NAME OF NOMINEE: \_\_\_\_\_

NAME OF COMMISSIONER REPLACED:

\_\_\_\_\_  
(If Applicable)

ADDRESS:

\_\_\_\_\_

CITY, STATE, ZIPCODE: \_\_\_\_\_

HOME PHONE: \_\_\_\_\_ BUSINESS PHONE: \_\_\_\_\_

Upon acceptance to serve as a soil and water conservation district commissioner, I agree to devote the time required to actively participate in district affairs, including regular attendance at board meetings. I also agree to carry out the authorities of a district commissioner as set forth by the Mississippi Soil and Water Conservation Commission to the best of my ability. I recognize that in becoming a District Commissioner, I will be a public official.

Therefore, I, the undersigned, do hereby certify that I am a landowner or operator in \_\_\_\_\_ County and do hereby agree to be nominated for a SWCD Commissioner to the Mississippi Soil and Water Conservation Commission. I further certify that I have not been convicted (unless pardoned) of bribery, perjury or other infamous crime.

DATE: \_\_\_\_\_

NOMINEE SIGNATURE: \_\_\_\_\_

A majority of the commissioners of the \_\_\_\_\_ County Soil and Water Conservation District recommends to the Mississippi Soil and Water Conservation Commission the individual listed above as an appointed District Commissioner. This action has been recorded in the minutes of our board.

DATE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

(Commissioner)

NOTE: Send this original form to the Mississippi Soil & Water Conservation Commission

**Deputy Commissioner**

DISTRICT: \_\_\_\_\_ County SWCD

NAME OF NOMINEE: \_\_\_\_\_ Resident of Beat # \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY, STATE, ZIP: \_\_\_\_\_

HOME PHONE: \_\_\_\_\_ BUSINESS PHONE: \_\_\_\_\_

Upon acceptance to serve as a soil and water conservation district deputy commissioner, I agree to devote the time required to actively participate in district affairs, including regular attendance at board meetings. I also agree to carry out the authorities of a deputy commissioner as set forth by the Mississippi Soil and Water Conservation Commission to the best of my ability. I understand that deputy commissioners are not entitled to vote.

Therefore, I, the undersigned, do hereby certify that I am a landowner or operator in \_\_\_\_\_ County and do hereby agree to serve as a deputy commissioner. I further certify that I have not been convicted (unless pardoned) of bribery, perjury or other infamous crime.

DATE: \_\_\_\_\_ NOMINEE SIGNATURE: \_\_\_\_\_

\*\*\*\*\*

A majority of the board of commissioners of the \_\_\_\_\_ County Soil and Water Conservation District do approve the individual listed above to serve as a deputy commissioner in beat \_\_\_\_\_. This action has been recorded in the minutes of our board.

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

NOTE: Send a copy of this form to the Mississippi Soil & Water Conservation Commission.

**OATH OF OFFICE**  
**SOIL AND WATER CONSERVATION DISTRICT COMMISSIONER**

Exhibit 11



STATE                      OF                      MISSISSIPPI,                      COUNTY                      OF

\_\_\_\_\_

I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Mississippi, and that I will faithfully and impartially discharge all the powers and duties incumbent upon me as a Commissioner of the \_\_\_\_\_ County Soil and Water Conservation District according to the best of my ability so help me God.

Signed: \_\_\_\_\_

(District Commissioner)



**CERTIFICATION OF OATH**

I, \_\_\_\_\_, a \_\_\_\_\_ (Notary)

do certify that \_\_\_\_\_ on this \_\_\_\_\_ day of  
(print name of Commissioner) (day)

\_\_\_\_\_, \_\_\_\_\_, personally appeared before me and took and subscribed  
(month) (year)

the above oath.

Signed: \_\_\_\_\_  
(Notary)

My Commission Expires \_\_\_\_\_

Note: The oath may be administered by any judge of the courts or the chancery or circuit clerk or the Chairman of the Commission.

### SUMMARY OF ELECTION PROCEDURES

1. The Commission will notify the SWCD of upcoming elected commissioner expiration dates, at least 75 days prior to the expiration date.
2. The SWCD will set the election date, voting places (at least one per beat), and voting hours before the election process can begin.
3. The Commission will publish the Nominating Notice (ELC-1) at least 60 days prior to the election date.
4. Nominating Petitions (ELC-3) will be accepted by the District for approximately 20 days.
5. The Nominating Petitions (ELC-3) **must** be received in the Commission office at least 30 days prior to the election date.
6. Approximately 30 days prior to the election, the Commission will publish the Election Notice (ELC-2) 3 times, with an interval of 7 days between each publication.
7. The Statement of Certification (Election Judge) (ELC-5) will be signed by the election judge at each voting place. The election judge will sign the ELC-5 and insert ELC-4, ELC-5 and the ballots into the ballot box and then seal the ballot box.
8. The contact person must be an appointed commissioner and will be responsible for picking up the sealed ballot boxes from each voting place. The ballot boxes will be opened and votes tabulated by the contact person in a designated place that is open to all the candidates. The contact person will summarize the votes on Report of Election Results to Commission (ELC-6), and will return original forms ELC-4, ELC-5 and ELC-6 to the Commission.
9. The Commission will publish the Election Results (ELC-7), after the Commission approves the election.

---

### ELECTION CALENDAR

Election Date \_\_\_\_\_ (set by the District)

#### Action to be taken prior to the election date:

**60 days** The Commission will publish the Nominating Notice (ELC-1).

**40 days** The deadline for the district to accept Nominating Petitions (ELC-3).

**30 days** The deadline for the Commission to accept Nominating Petitions (ELC-3). These forms **must** be in the Commission Office 30 days prior to the election date.

**30 days** The Commission will publish the Election Notice (ELC-2) 3 times, with an interval of 7 days between each publication.

## **Title 2: Agriculture and Commerce**

### **Part 903: MSWCC Cost Share Programs**

#### **Part 903 Chapter 1: Cost Share Programs Rules and Procedures**

*Rule 1.1.* The Mississippi Soil and Water Conservation Cost Share Program provides financial assistance to land owners and land operators implementing selected soil and water conservation practices. The program may be available to all eligible landowners and land operators. It is administered at the local level by soil and water conservation district commissioners according to rules promulgated by the Mississippi Soil and Water Conservation Commission.

Source: *Miss. Code Ann. § 69-27-309*

*Rule 1.2.* The purpose of the Mississippi Soil and Water Conservation Cost Share Program is to reduce soil erosion to an acceptable level, improve water quality and improve wildlife and woodland resources by encouraging the use of soil and water conservation practices through financial assistance.

Source: *Miss. Code Ann. § 69-27-3*

*Rule 1.3 Description of Commission.* The Mississippi Soil and Water Conservation Committee was established by the Mississippi Legislature in 1938 and later reorganized the agency as the Mississippi Soil and Water Conservation Commission. The primary purpose of the Commission is to assist soil and water conservation districts. Each district is operated by a board of commissioners (three (3) elected and two (2) appointed). The Commission conducts elections in each district, certifies the elected commissioners and makes appointments. Commissioners are elected and appointed for a three (3) year term.

Source: *Miss. Code Ann. § 69-27-2 (1972)*

*Rule 1.4 Authority for Cost Share Program.* The Commission is granted the authority to administer a cost share program for the State of Mississippi. Authority to administer a cost share program in each soil and water conservation district in Mississippi is granted by these rules and regulations.

Source: *Miss. Code Ann. § 69-27-301 (1972)*

#### *Rule 1.5 Definition of Terms*

- A. ACP - Agricultural Conservation Program which provides cost share payment administered by United States Department of Agriculture, ASCS.
- B. Allocation - Funds set aside for a soil and water conservation district to use.
- C. Applicant - Any landowner or operator that has requested cost share money by completing the proper form.
- D. Appropriation - Funds appropriated by the Mississippi Legislature to the Commission for

- use on the cost share program.
- E. Case File - A record assembled and maintained in a folder by the district for each applicant.
  - F. Categories - Those titles assigned to a group of practices according to the purpose for which they are installed.
  - G. Certifying Technician - A qualified employee of the District, Soil Conservation Service, Mississippi Forestry Commission, or the Department of Wildlife Conservation.
  - H. Commission - The Mississippi Soil and Water Conservation Commission.
  - I. Commissioner - An elected or appointed member of the Soil and Water Conservation District Board.
  - J. Complaint - A written, signed document appealing a decision of the district.
  - K. District - A governmental subdivision of the State and a public body, corporate and political, organized, for the purpose, with the powers and subject to the restrictions hereinafter set forth.
  - L. District Cooperator - A landowner or operator that has a signed farmer cooperative agreement and has been approved by the district.
  - M. District Plan - A plan made by the district showing the priority of practices for cost share utilization.
  - N. Excessive Erosion - Erosion exceeding the tolerable limits.
  - O. Land Operator - Any person, firm or corporation, other than the owner, who shall be in possession of any lands lying within a soil and water conservation district whether as leaseholder, renter, tenant, or otherwise.
  - P. Landowner - Any person, firm or corporation who shall hold a legal or equitable title to any lands lying within a soil and water conservation district.
  - Q. MFC - Mississippi Forestry Commission.
  - R. Obligated Funds - Funds that are approved and set aside for cost share payment.
  - S. Conservation Plan - A record of landowner's or operator's land use(s) and conservation treatment decisions for a field or farm.
  - T. Practice Description - A description of each approved practice showing primary purpose, description, where applicable, component parts and maintenance requirements. Secondary benefits may also be included.
  - U. Practice list - A list of approved practices by priorities, practice name and number.
  - V. Practice Specification - A description of each approved practice showing how it will be installed.
  - W. Program Year - Fiscal year (July 1 - June 30) for which the funds were appropriated.
  - X. Soil Erosion Control Practices - Those practices for which the primary purpose is reducing erosion.
  - Y. USDA, NRCS - United States Department of Agriculture, Natural Resources Conservation Service.
  - Z. Water Conservation Practices - Those practices for which the primary purpose is to store surface water or increase infiltration.
  - AA. Wildlife Habitat Improvement - Those practices for which the primary purpose is to preserve or improve wildlife habitat.

Source: *Miss. Code Ann. §§ 69-27-1 (1972), 69-27-1 (1972)*



## **Part 903 Chapter 2: Program Administration**

*Rule 2.1 Commission and Districts.* The soil and water conservation district will administer the local cost share program. A budget request will be prepared annually reflecting the need by practice. This information will be used by the commission in preparing its budget.

Each district will prepare a plan showing priorities. This plan will be sent to the Commission no later than June 1 prior to the fiscal year being funded (ex., July 1, 2011, to June 30, 2012, is fiscal year 2012). The district plan can be amended to change priorities by contacting the Commission. No district will receive cost share funds without a plan. (Refer to Exhibit 1)

The Commission will notify each district in April preceding program year for which funds have been requested of the anticipated allocation. Each district submitting a plan will receive notification of the exact allocation from the Commission by August 1. The district shall accept requests for cost share assistance at any time. Obligations for cost share assistance will be made after notification of allotment has been received by the district. Funds are considered obligated when the application has been approved for funding by the district and the applicant notified. After funds are obligated, they will remain obligated regardless of the funds that become available from any other cost share programs.

If a district fails to obligate all of the allocation by November 1, the unobligated amount will be withdrawn and reallocated to other districts by the Commission.

The district will review obligated fund registers each six (6) months to determine why the case has not been certified complete. When it is found that obligated funds will not be used by the applicant, the funds should be withdrawn in writing and re-allotted by the district.

When the practice is completed, the participant will use Form MCSP-2a to report practice completion to the district. For practices that require onsite technical assistance to apply, the technician will certify on form MCSP-2a that the practice does or does not meet standards and specifications. The district will execute the form and send to the Commission who will process payment.

The district will establish both an average cost and maximum cost for each component of all practices each year. The average cost will be used to obligate funds. Payment will be made based on documented actual cost. The landowner or operator must furnish documentation of actual cost. In no case, will payment be made above the maximum cost set by the district. A landowner or operator may not receive more than \$3,500.00 cost share funds in any one program year. The district may cost share in the same field or on the same practice in which ACP cost share is used. However, the cost share rate cannot be exceeded. When an applicant receives or requests cost share funds to apply a practice from two services or programs, the cost documents (receipts) must specifically identify the component parts and cost for which payment is being requested from each program. The maximum amount of both ACP cost share and district cost share may be used in the same year.

The Commission will prepare cost share rates for all practices. These will be reviewed periodically.

The Commission will allow districts to group two or more landowners or operators together where practices benefit each. The district may allow each member of the group to earn the maximum amount.

Source: *Miss. Code Ann. §§ 69-27-9, 69-27-311*

*Rule 2.2 Technical Assistance.* The Mississippi Forestry Commission may furnish technical assistance on all forestry practices, tree planting and control burning. The Department of Wildlife Conservation may furnish technical assistance for practice installation based on the cooperators conservation plan. The Natural Resources Conservation Service may furnish technical assistance on all practices.

The Commission and districts are authorized to employ such professional and clerical assistance and obtain such supplies and equipment as needed to implement this program.

Source: *Miss. Code Ann. §§ 69-27-9, 69-27-305*

*Rule 2.3 Appeals and Reviews.* A landowner or operator who wishes to appeal a decision of the district may request a review by the district. Appeals to the Commission may be made by the landowner, operator, or district following the initial review.

When a landowner or operator wishes a review, a request must be made in writing. The commissioners shall schedule a meeting to review the complaint. This shall be an informal hearing.

In those cases where the landowner or operator is not satisfied with the decision of the district, he/she may appeal to the Commission. The landowner or operator must make the appeal in writing within thirty (30) days after the district review. The Commission will accept oral testimony at a hearing during the next scheduled Commission meeting and either affirm, modify or reverse the district's ruling.

Source: *Miss. Code Ann. § 69-27-9*

### **Part 903 Chapter 3: General Guidelines**

*Rule 3.1 Eligibility for Cost Share Assistance.*

- A. Land Qualifications. All land in Mississippi may be eligible for cost share assistance provided it is owned or leased by an individual, group, or association or owned by the State of Mississippi or political subdivision of the State of Mississippi. Federal lands not leased will not qualify for cost share assistance.
- B. District Involvement. All soil and water conservation districts may be eligible for participation in the cost share program. Participation by districts is voluntary. To be

approved for receipt of cost share funds, a district must indicate its interest by submitting a budget request and a plan showing priority of practices to the Mississippi Soil and Water Conservation Commission. (Refer to Exhibit in back of this section.)

- C. Landowner or Land Operator Eligibility. A landowner or land operator is eligible for cost share assistance provided he/she is a cooperater with the soil and water conservation district and has a conservation plan by the local soil and water conservation district on at least part of the land that receives on-site benefit by the practice. The conservation plan will identify the field(s) where the practice(s) is/are installed.

Source: *Miss. Code Ann. § 69-27-9*

*Rule 3.2 Control of Funds.* The funds authorized for cost share assistance will be controlled by the Mississippi Soil and Water Conservation Commission. Each year, after receiving budget requests from the districts, the Commission will make the allotments to the districts based on available funds. Even though a district is allotted funds, the funds will remain in the State treasury in the name of the Mississippi Soil and Water Conservation Commission.

The districts will obligate allotments by the approval of cost share applications. In no case may a district approve more applications for cost share assistance than the total amount of funds allotted.

Each district receiving an allocation of cost share funds will maintain a ledger showing the amount of the allocation received by the district from the Commission, a list of obligations (approved applications) and amount of each, and amount of un-obligated funds available. This general ledger for cost share allocations must be maintained in addition to the case files maintained on each applicant. A new general ledger must be begun for each allocation (which will generally be one for each year, July 1 - June 30). See form MCSP-3.

Each district will submit to the Commission a report summarizing the general ledger on a quarterly basis (October 1, January 1, April 1, and July 1).

Source: *Miss. Code Ann. §§ 69-27-9, 69-27-309*

*Rule 3.3 Eligible Practices and Cost Share Rates.* A list of all eligible practices approved for cost share payment appears at the end of Part 903. This list of eligible practices contains practice definitions, purpose, where applicable, specifications, component parts, and maintenance requirements. This list should be used as a guide for determining practice eligibility. Practices that are not included on this list are not eligible for cost sharing. If the landowner or operator applies the practice before it is approved by the district, the practice will not be eligible for cost share funds. Included with the list of eligible practices is a list of cost share rates for each practice. Cost share rates will be set annually by the Mississippi Soil and Water Conservation Commission. Variances in cost share rates cannot be made by districts.

The participant in the cost share program may receive funds to reapply a practice where the failure of the practice was beyond his control such as adverse weather conditions. The soil and

water conservation district commissioners will make decisions as to whether to provide these funds. The basis or justification for decision should be documented in the minutes of the board of commissioners meeting.

Source: *Miss. Code Ann. § 69-27-309*

*Rule 3.4 Costs To Be Shared.* The component parts of each practice will be the basis for cost sharing. The technician will determine which of the component parts that are eligible for cost share assistance are needed. Each district will determine the average cost of applying each eligible approved application. In determining the cost share payment when the practice is certified complete, the landowner or land operator will be reimbursed on documented cost.

Source: *Miss. Code Ann. § 69-27-315*

*Rule 3.5 Practice Maintenance.* All practices installed must be maintained in good condition for the time specified in the list of eligible practices. The application form contains a maintenance agreement statement signed by the applicant. If found to be in noncompliance with the maintenance agreement, the recipient of cost share payment may be required to refund all or part of the cost share payment received based on the following table:

<u>Year</u>	<u>15 Year Practice</u>	<u>10 Year Practice</u>	<u>5 Year Practice</u>
1	100%	100%	100%
2	100%	90%	80%
3	95%	80%	50%
4	90%	50%	0%
5	85%	40%	0%
6	70%	30%	0%
7	60%	20%	0%
8	50%	10%	0%
9	40%	5%	0%
10	30%	0%	0%
11	20%	0%	0%
12	15%	0%	0%
13	10%	0%	0%
14	5%	0%	0%
15	0%	0%	0%

Source: *Miss. Code Ann. § 69-27-311*

*Rule 3.6 Performance Maintenance Requirement.* The practice will be maintained in a workable manner so as to accomplish the original intent for which the practice was installed. The NRCS and MFC will make a 5% annual spot check for maintenance of each practice applied with cost share funds. The same procedures, forms, etc., that are used to make spot checks for other

programs will be used. Each practice will remain on the list for potential spot checking for its life span as shown for the practice.

Source: *Miss. Code Ann. §§ 69-27-9, 69-27-307*

*Rule 3.7 Establishing Priorities.* Each district will establish priorities of practices. This priority ranking will serve as the basis for approving eligible applications. By June 1 each year, the district will submit to the Mississippi Soil and Water Conservation Commission the priority rankings of practices for approval. During August, the district will approve applications for those practices with the highest priority. If funds remain unobligated after the approval of applications containing practices of the highest priority, the district will approve applications containing practices of the second highest priority. This process will continue until the district's allocation has been obligated or until all eligible applications have been approved.

If funds remain after all applications have been approved, the district will approve additional applications until November 1. On November 1, any unobligated funds will be withdrawn by the Commission for redistribution to other districts. For this reason, it is in the best interest of the district to encourage early application since applications received after the end of October will probably not be approved until the following year. It is important to remember that applications may be accepted at any time although they will not be approved until unobligated funds are available. See MCSP-1 for example of setting priorities by a district.

Source: *Miss. Code Ann. § 69-27-9*

*Rule 3.8 Cost Share Rates.* At no time will cost share rates for the Mississippi Soil and Water Conservation Cost Share Program exceed rates for the same practice in other cost share programs. The current cost share rates for eligible practices are as follows:

<b><u>Soil Erosion Control</u></b>		<b><u>%</u></b>
SEC-1	Terraces	60
SEC-2	Field Borders	60
SEC-3	Grassed Waterways	60
SEC-4	Conservation Tillage (No-Till)	60
SEC-5	Water & Sediment Control Basins	60
SEC-6	Establishment of Permanent Vegetation	60
SEC-7	Critical Area Planting	60
SEC-8	Tree Planting	60
SEC-9	Grade Stabilization Structure	60
SEC-10	Strip Cropping Systems	60
SEC-11	Reduced Tillage	60
SEC-12	Cover & Green Manure Crops	60
SEC-13	Pasture & Hayland Planting	60
SEC-14	Streambank & Shoreline Protection	60
SEC-15	Chiseling and Subsoiling	60
SEC-16	Heavy Use Area Protection	60
SEC-17	Forest Land Erosion Control System	60

SEC-18	Prescribed Grazing	60
SEC-19	Nutrient Management	60
<b><u>Water Conservation</u></b>		<b><u>%</u></b>
WC-1	Irrigation Land Leveling	60
WC-2	Irrigation System, Tailwater Recovery	60
WC-3	Irrigation Water Conveyance Pipe Line	60
WC-4	Irrigation Storage Reservoirs	60
WC-5	Establishment of Permanent Vegetation	60
WC-6	Tree Planting	60
WC-7	Ponds	60
WC-8	Animal Waste Control Facilities	60
WC-9	Diversions	60
WC-10	Livestock Pond Renovation	75
<b><u>Wildlife</u></b>		<b><u>%</u></b>
W-1	Field Borders	60
W-2	Filter Strip	60
W-3	Prescribed Burning	60
W-4	Wildlife Upland Habitat Management	60
W-5	Wildlife Wetland Habitat Management	60
<b><u>Water Quality</u></b>		<b><u>%</u></b>
WQ-1	Integrated Crop Management	60
WQ-2	Fencing	60
WQ-3	Trough or Tank	60
WQ-4	Agrichemical Mixing Center	60
WQ-5	Structure for Water Control	60
WQ-6	Buffer Zone	60
WQ-7	Check Dam	60
WQ-8	Concrete Grid & Modular Pavement	60
WQ-9	Constructed Wetland	60
WQ-10	Detention Basin	60
WQ-11	Lined Waterway	60
WQ-12	Parking Lot Storage	60
WQ-13	Paved Flume	60
WQ-14	Rock Outlet Protection	60
WQ-15	Slope Drain	60
WQ-16	Sub Surface Drain	60
WQ-17	Water Bar	60
WQ-18	Retention Basin	60
WQ-19	Silt Fence	60
WQ-20	Permanent Seeding	60
WQ-21	Stream Crossing	60

WQ-22	Chemical Container/Used Oils-Lubricants Recycling	0
WQ-23	Cattle Feed & Waste Management Facility	60
WQ-24	Well Decommissioning	60

Two or more individuals may install a "group" practice where the practices benefit each. Applications for group practice must be made by each individual participating. The maximum amount of cost share may be allowed to each applicant.

Source: *Miss. Code Ann. § 69-27-311*

## **Part 903 Chapter 4: Cost Share Procedures**

### *Rule 4.1 Overall Procedures.*

- A. The District will submit a cost share plan that includes:
  - I. Overall objectives;
  - II. Listing of practices to be applied by priority and amount to be applied (goals);
  - III. Maximum cost for each component part of each practice;
  - IV. Amount of cost share funds needed to accomplish goals;
  - V. Action to be taken to implement the program.
  - VI. The plan should be submitted to the Commission by June 1 each year.  
Procedures for developing a cost share plan can be found as exhibit one at the end of Part 903.
- B. The Commission will notify the district of the amount of cost share funds allocated to it by August 1 each year.
- C. Each landowner/operator that requests cost share assistance will submit an application (Form MCSP-2).
- D. Each application will be recorded on MCSP-4. (Summary of MCSP Requests)
- E. Each technician and District will complete application (Form MCSP-2).
- F. Technician will provide needed conservation planning assistance.
- G. The district will notify the applicant by letter that the application has or has not been approved. If the practice was approved, 2 copies of form MCSP-2a (Practice approval and payment application) will be sent with the letter. The letter will provide instructions as to what the participant must do after practice is installed.
- H. The district will enter the obligated amount of cost-share funds on form MCSP-3. (Allocation Balance Ledger)
- I. Technician will provide needed "on-site" technical assistance to apply the practice.
- J. After the practice is installed and the applicant has completed and returned both copies of form MCSP-2a, and cost documents, the technician and the district will complete their portion of the form.
- K. The district will send the original copy of form MCSP-2a and cost documents to the Commission.
- L. The Commission will process the request for payment.
- M. The Commission will send payment with a copy of Form MCSP-2a to the participant. A copy of a letter of transmittal will be sent to the district.
- N. The district will complete Form MCSP-3.

Source: *Miss. Code Ann. §§ 69-27-9, 69-27-313*

*Rule 4.2 Request for Funding and Practice Priority (MCSP-1).* As a basis for determining the areas in which the district sees the greatest need as well as a basis for approving applications for cost share assistance, each district must determine the priorities of practices to be funded within the district. The practices must be listed and follow the order assigned priority by category. Form MCSP-1 can be found at the end of Part 903.

- A. Name of district.
- B. Fiscal year. (Note: Fiscal year beginning July 1, 2011, and ending June 30, 2012, would be the 2012 fiscal year.)
- C. Date form completed by district.
- D. Practice code. (Note: It is not necessary to list all practices that are eligible for cost share.)
- E. Name of practice.
- F. Amount or extent of practice (acres, no. feet, etc.)
- G. Total estimated cost for all practices. Use average cost.
- H. Total funds requested by district.
- I. Signed by district chairperson.
- J. Funding level approved by commission.
- K. Certifying signature. (To be completed by commission)

Source: *Miss. Code Ann. §§ 69-27-9, 69-27-307*

*Rule 4.3 Cost Share Program Application (MCSP-2).* Before cost share assistance can be completed, a landowner or operator must submit an application on form MCSP-2. It is essential that all information and certification requested on this form be supplied. This form is located following Part 903. The form should be completed as follows:

- A. Fiscal year (July 1 - June 30) of application. To be completed by district.
- B. Applicant's name.
- C. Applicant's mailing address.
- D. Applicant's telephone number.
- E. Applicants social security number.
- F. Date application is submitted.
- G. Application number. This is a consecutive numbering system beginning with the district's two digit number, a hyphen, and followed by the consecutive three digit number, i.e., 001, 002, 003. Each district should use their two digit prefix. A list of district numbers is located at the end of Part 903.
- H. SWCD cooperator. (If no is checked, the applicant is not eligible.)
- I. Landowner's name.
- J. District name.
- K. Applicant's description of conservation and/or environmental problem to be solved, such as, erosion, water shortage, and water pollution.
- L. Enter practice number such as SEC-1 and WC-7.



- M. Enter practice title and component parts that are eligible for cost sharing. For vegetative practices the component parts may be shown and columns C, D, & E filled in at any time.
- N. For other practices this will be done after the required on site investigation is made.
- O. When the component parts consist of too many items of purchases which cannot be shown because of space provided, an attached sheet may be used to show the detailed information. In all cases the information should be shown before the SWCD Commissioner signs the application and before practice approval is sent to participant.
- P. If applicant does not fill in, enter the extent of c/s requested (units).
- Q. Enter the extent approved by the SWCD, including both the units and amount for each component part.
- R. Enter the percent (%) cost-rate approved by the commission.
- S. Enter the maximum cost share (\$) approved by the SWCD.
- T. Enter the number of years the practice is to be maintained as set for the practice.
- U. Enter date as agreed to by applicant. Time should be considered in case funds will need to be reallocated.
- V. Applicant sign and date.
- W. 21 and 22 Technician will check yes or no, sign and date.
- X. 23, 24, and 25 SWCD Commissioner will check yes or no. Sign and date.

Source: *Miss. Code Ann. §§ 69-27-9, 69-27-307*

*Rule 4.4 Practice Approval and Request for Payment MCSP-2a*). In order to receive cost sharing funds, form MCSP-2a must be properly executed using the following guidelines. This form is located following part 903.

- A. 1 through 12 are the same as form MCSP-2.
- B. 13. Enter practice title, component parts that are eligible for cost sharing and cost share rate.
- C. 14. If applicant does not fill in, enter the extent of c/s requested (units).
- D. 15. Enter the extent approved by the SWCD (units).
- E. 16. Enter the cost/unit in column D1 and the total cost (unit cost X extent approved) in column D2.
- F. 17. Enter the maximum cost share (\$) approved by the SWCD.
- G. 18. SWCD Commissioner sign and date before issuing approval to applicant.
- H. 19. Enter the extent performed by component parts.
- I. 20. Enter cost share earned to nearest whole dollar.
- J. 21 and 22 the participant checks "yes" or "no".
- K. 23. Participants certification for practices that do not require on-site technical assistance and sign.
- L. 24 and 25 is filled in by technician.
- M. 26 and 27 the technician check "yes" or "no" for practices that required on site technical assistance and sign.
- N. 28 and 29 SWCD Commissioner record the amount of cost share funds earned, sign and date.

Source: *Miss. Code Ann. §§ 69-27-9, 69-27-307*

*Rule 4.5 Procedures for Processing Forms MCSP-2 & MCSP-2a.*

- A. The applicant with assistance from a member of the district staff will complete form MCSP-2 for each practice. The applicant will complete the form through applicant's signature except for columns C, D, & E.
- B. The technician will make field examination to determine the need and practicability and amount of soil loss or water conservation.
- C. The technician will record findings on form MCSP-2. He/she will sign and date for MCSP-2.
- D. For practices that the applicant can apply without additional on site assistance the technician will record component parts of the practice in column B and the amount in column B1.
- E. For other practices that are needed and practical to apply, the technician will provide on-site technical assistance to determine the component parts of the practice that are needed and the extent or amount for each part. This information will be recorded in columns B and B1.
- F. The SWCD Commissioners will fill in columns C, D, and E, complete the application, sign and date.
- G. The SWCD Commissioner will sign in the "approved by SWCD" column and date, for practices that do not require on site technical assistance to apply. Send two (2) copies of Form MCSP-2a, "Practice Approval and Payment Application", with a letter instructing the applicant what he/she must do when the practice is applied. Participant will be instructed to fill in column F for each component part shown in column B and return it to the district office.
- H. For practices that required on site technical assistance to apply, send one (1) copy of Form MCSP-2a with instructions to the applicant. The technician will make final check to determine if practice meets standards and specifications and fill in column F for each component part shown in column B. Complete his/her portion for form, sign and date.
- I. The applicant will notify the district office when the practice has been installed.
- J. The SWCD Commissioner will complete form MCSP-2a, sign and date and send the original copy along with cost information to the Commission for processing.

Source: *Miss. Code Ann. §§ 69-27-9, 69-27-307*

*Rule 4.6 District Allocation Balance Ledger (MCSP-3).* Each district receiving an allocation of cost share funds must maintain a balance ledger (MCSP-3) to insure no more funds are delegated than the amount available. As an application is approved for cost share funding, the average amount of the practice will be subtracted from the district's current balance. This will provide a current running balance of the district's available funds for obligation. It is important that this ledger be kept current on a daily basis. This form is located at the end of Part 903.

- A. Name of district.
- B. Fiscal year.
- C. Page number.
- D. Date of approved application.

- E. Practice priority number.
- F. Application number.
- G. Applicant's name.
- H. Landowners name.
- I. Debit or credit to allocation. Approved applications are subtracted from the balance; original allocations of funds to district, reallocation of funds from commission, or application previously approved which are withdrawn are added to balance.
- J. Balance available for obligation.

Source: *Miss. Code Ann. §§ 69-27-9, 69-27-307*

*Rule 4.7 Summary of MCSP Request (MCSP-4).* All applications received by the district should be entered on the Summary of MCSP Requests form (MCSP-4). They should be entered as received and each time the commissioners meet to approve additional applications, all the applications entered here that have been recommended and certified will be approved in order of practice priority and then date of application until balance of application is obligated. This summary also serves as a tracking system to identify outstanding service needs. These forms are located following Part 903. The form should be completed as follows:

- A. Fiscal year.
- B. District name.
- C. Practice priority number.
- D. Applicant's name.
- E. Application date.
- F. Application number.
- G. Practice number.
- H. Practice name.
- I. Application meets eligibility requirements. (Y=yes; N=no)
- J. Initialed by technician if practice installation is recommended.
- K. Initialed by technician if practice installation is not recommended.
- L. Check only when commissioner approved obligated funds.
- M. Installation of practice certified complete and according to specifications.  
(Y=yes; N=no)
- N. Check when payment notice received from commission.

Source: *Miss. Code Ann. §§ 69-27-9, 69-27-307*

*Rule 4.8 Amendment 1 of the Cost Share Program Handbook.* The "Cost Share Program" handbook that is used to implement the Mississippi Soil and Water Conservation Cost Share Program will be used to implement the EPA Cost Share Land Treatment Program (Section 319 Funds) with the following exceptions:

- A. The best management practices and definitions are shown on Attachment 1. The best management practices that are eligible for cost share are shown on Attachment 2.
- B. There is no limit on the amount of cost share funds that a participant can receive annually.

- C. The cost share rate for all eligible practices is 60% federal funds and 40% local funds. The component parts that are eligible for cost share are set forth in each practice write up in Section 500. (Exception: For EPA 319 funded projects land preparation will be considered a component part and will be included in the total cost of applying the BMP.) In addition, the value of land taken out of production will be considered a component in the installation of structural practices only.
- D. If a participant established a BMP at 100 % his/her cost, this cost can be included to meet 20% of the local cost of another eligible cost share BMP. A minimum of 20% of the cost of eligible BMP's must be in cash contributions. In no instance will a participant receive cost sharing in an amount greater than the cost of implementing a BMP.
- E. The 40% contribution may be considered for a single BMP or an entire farm basis. At the time a cost sharing BMP is applied, the participant must have already contributed or will contribute the 40% local cost at that time.
- F. The "worksheet to determine cost sharing" (Attachment 3) will be used for the farm and filed in the conservation plan folder. The cost of the component parts and/or non cost sharing Best Management Practices will be circled when carried out by the participant. This will document the contribution of the participant.
- G. The cost information shown on Attachment 4 will be used unless otherwise approved by the Soil and Water Conservation Commission.
- H. Although required for other BMPs, the determination, cost and use of component parts is not applicable for BMP Conservation Tillage (No-Till) or Reduced Tillage.

File this Amendment and attachments in back of Section 400 "Cost Share Procedures" in the Cost Share Program Handbook. Make notation on the "Administrative Procedures Update Record", Page VI of the Handbook.

Source: *Miss Code Ann. §§ 69-27-9, 69-27-307*

**Part 903 Chapter 5: Approved Practice Standard, Specifications Component Parts and Maintenance**

*Rule 5.1 Approved Practices.*

**A. Erosion Control**

<u>Practice Number</u>	<u>Practice Name</u>	<u>Cost Share Rate</u>
SEC-1	Terraces	60%
SEC-2	Field Borders	60%
SEC-3	Grassed Waterways	60%
SEC-4	Conservation Tillage (No-Till)	60%
SEC-5	Water & Sediment Control Basins	60%
SEC-6	Establishment of Permanent Vegetation	60%
SEC-7	Critical Area Planting	60%
SEC-8	Tree Planting	60%

SEC-9	Grade Stabilization Structure	60%
SEC-10	Strip Cropping Systems	60%
SEC-11	Reduced Tillage	60%
SEC-12	Cover & Green Manure Crop	60%
SEC-13	Pasture & Hayland Planting	60%
SEC-14	Streambank & Shoreline Protection	60%
SEC-15	Chiseling and Subsoiling	60%
SEC-16	Heavy use Area Protection	60%
SEC-17	Forest Land Erosion Control System	60%
SEC-18	Prescribed Grazing	60%
SEC-19	Nutrient Management	60%

### **B. Water Conservation**

<u>Practice Number</u>	<u>Practice Name</u>	<u>Cost Share Rate</u>
WC-1	Irrigation Land Leveling	60%
WC-2	Irrigation System, Tailwater Recovery	60%
WC-3	Irrigation Water Conveyance Pipe Line	60%
WC-4	Irrigation Storage Reservoirs	60%
WC-5	Establishment of Permanent Vegetation	60%
WC-6	Tree Planting	60%
WC-7	Ponds	60%
WC-8	Animal Waste Control Facilities	60%
WC-9	Diversions	60%
WC-10	Livestock Pond Renovation	75%

### **C. Wildlife**

<u>Practice Number</u>	<u>Practice Name</u>	<u>Cost Share Rate</u>
W-1	Field Borders	60%
W-2	Filter Strip	60%
W-3	Prescribed Burning	60%
W-4	Wildlife Upland Habitat Management	60%
W-5	Wildlife Wetland Habitat Management	60%

### **D. Water Quality**

<u>Practice Number</u>	<u>Practice Name</u>	<u>Cost Share Rate</u>
WQ-1	Integrated Crop Management	60%
WQ-2	Fencing	60%
WQ-3	Trough or Tank	60%
WQ-4	Agrichemical Mixing Center	60%

WQ-5	Structure for Water Control	60%
WQ-6	Buffer Zone	60%
WQ-7	Check Dam	60%
WQ-8	Concrete Grid & Modular Pavement	60%
WQ-9	Constructed Wetland	60%
WQ-10	Detention Basin	60%
WQ-11	Lined Waterway	60%
WQ-12	Parking Lot Storage	60%
WQ-13	Paved Flume	60%
WQ-14	Rock Outlet Protection	60%
WQ-15	Slope Drain	60%
WQ-16	Sub Surface Drain	60%
WQ-17	Water Bar	60%
WQ-18	Retention Basin	60%
WQ-19	Silt Fence	60%
WQ-20	Permanent Seeding	60%
WQ-21	Stream Crossing	60%
WQ-22	Chemical Container/Used oils-Lubricants Recycling	0
WQ-23	Cattle Feed & Waste Management Facility	60%
WQ-24	Well Decommissioning	60%

Source: *Miss Code Ann. §§ 69-27-9, 69-27-307*

*Rule 5.2 Practice Definition, Purpose, Where Applicable, Component Parts and Maintenance.*

## **A. Soil Erosion Control**

### **I. SEC 1 - Terraces**

1. Definition – An earth embankment, a channel or a combination of ridge and channel constructed across the slope.
2. Purpose – Terraces are constructed to reduce erosion damage and improve water quality by intercepting surface runoff and conducting it to a stable outlet at a non-erosive velocity.
3. Where applicable – Cropland subject to erosion from water runoff.
4. Policies:
  - a. Cost sharing is authorized for:
    - i. Terraces and the necessary leveling and filling to permit installation of an effective system.
    - ii. Removal of stone walls or hedgerows if necessary to permit installation of an effective system.
    - iii. Materials and installation of underground pipe outlets and other mechanical outlets.
    - iv. Necessary vegetative protective outlets or waterways.

- v. Converting the present system to a new system ONLY if the present system is not serving its intended conservation purpose. Cost sharing may not be authorized to maintain or if the sole purpose is that of converting because of a change in cropping patterns or equipment used by the farmer.
  - b. A protective outlet or waterway that is installed solely as an outlet for the terrace system and serves no other conservation purpose should be cost shared as a component of this practice. A protective outlet or waterway which, by itself, solves a conservation problem, but also serves as an outlet for a terrace system, should be cost shared under practice SEC-3.
  - c. The system shall be maintained for a minimum of ten (10) years following the calendar year of installation.
5. Specifications – SCS Specification No. 600 will be used.
6. Component parts that are eligible for 60% cost share:
- a. Earth moving
  - b. Pipe (new and used)
  - c. Appurtenances
  - d. Installation of materials (1, 2, & 3)
  - e. Seeds, sprigs or sod
  - f. Fertilizer and
  - g. Lime

## II. **SEC 2 - Field Borders**

1. Definition – A strip of perennial vegetation established at the edge of a field by planting.
2. Purpose – Control erosion, protect edges of fields that are used as turn rows and improve water quality.
3. Where applicable – The edge of a cropland field where turn row has a slope that causes erosion.
4. Policies:
  - a. Cost sharing is authorized for the establishment of perennial grasses or legumes.
  - b. This practice will be maintained for a minimum of five (5) years.
5. Specifications – SCS Specification No. 386 will be used.
6. Component parts that are eligible for 60% cost share:
  - a. Seeds, stolens, clippings, sprigs or sod
  - b. Fertilizer
  - c. Lime

## III. **SEC 3 - Grassed Waterways**

1. Definition – A natural or constructed waterway or outlet, shaped or graded, and established in suitable vegetation for safe disposal of runoff.
2. Purpose – Provide for the disposal of excess surface water from terraces, diversions, or natural concentrations without causing excessive erosion decreasing water quality.
3. Where applicable – All sites where vegetative protection is required to control erosion from concentrated flow of runoff water and a stable grade and outlet can be provided.
4. Policies:
  - a. Cost sharing is authorized for site preparation, grading, shaping, filling and establishing permanent vegetative cover.
  - b. The cover may consist of sod forming grasses, legumes, mixtures of grasses and legumes or other types of vegetative cover that will provide the needed protection from erosion.
  - c. Close sown small grains or annuals may be used for temporary protection if followed by eligible permanent vegetative cover established by seeding or natural re-vegetation.
  - d. The practice shall be maintained for a minimum of ten (10) years following the calendar year of installation.
5. Specifications – SCS Specification No. 412 will be used.
6. Component parts that are eligible for 60% cost share:
  - a. Grading, shaping and filling
  - b. Seed, sprigs, clippings, stolens or sod.
  - c. Fertilizer
  - d. Lime

#### IV. **SEC 4 - Conservation Tillage (No-Till)**

1. Definition – A form of planting and tillage that retains protective amounts of residue on the surface throughout the year.
2. Purpose – Demonstrate no-till systems of farming for erosion control and improving water quality.
3. Where applicable – Cropland fields where excessive erosion is a problem.
4. Policies:
  - a. Cost sharing is not authorized on land eroding at "T" value or less, if the practice is installed to control erosion.
  - b. Cost sharing is not authorized if the farmer has already adopted a satisfactory conservation tillage farming system.
  - c. Cost sharing for conservation tillage practice may be approved for no more than three (3) years with the same person.
  - d. Sufficient residue must be left from the previous harvest or a temporary cover provided



to adequately protect the land until the new planting is able to provide sufficient cover to protect the soil.

- e. Cost sharing is authorized for:
  - i. Planting directly into old crop residue, annual cover crops, or chemically killed sods.
  - ii. Applying necessary herbicides and insecticides to eliminate the need for tillage. This shall not include herbicides and insecticides normally used in producing the crop.
- f. All tillage operations must be performed as nearly as practical on the contour or parallel to terraces, except where SWCD in consultation with SCS determines that this is not necessary.
- g. Chemical used in performing this practice must be Federally, State and locally registered and must be applied strictly in accordance with authorized registered uses, directions on the label and other Federal or State policies and requirements.
- h. Cost sharing is not authorized for designated conservation use acres.

5. Specifications – SCS Specification No. 329-2 will be used.

6. Components Eligible and Cost Share Rates.

- a. Chemicals and planting - per acre (flat rate) as follows:
  - i. Cotton.....\$40.00
  - ii. Soybeans...\$25.00
  - iii. Corn.....\$23.00
  - iv. Grain Sorghum...\$23.00
- b. Annual cover crop seed where applicable. (60%)

## V. SEC 5 - Water And Sediment Control Basins

- 1. Definition – A short earth embankment or combination ridge and channel generally constructed across the slope and minor watercourses to form a silt or sediment basin.
- 2. Purpose – Trap sediment, reduce erosion and reform the land surface and improve water quality.
- 3. Where applicable – Any field where concentrated runoff is causing erosion that cannot be controlled by vegetation or residue cover alone.
- 4. Policies:
  - a. Cost sharing is authorized:
    - i. For sediment detention such as erosion control dams, de-silting reservoirs, sediment basins, debris basins, or similar structures.
    - ii. For vegetative cover and for leveling and filling to permit the installation of the structure.
    - iii. For installing sediment retention structures on public roadsides only where such structures are essential to solve a farm based pollution or conservation problem.
    - iv. Only if measures will contribute significantly to maintaining or improving soil or water quality.
  - b. Consideration must be given to the needs of wildlife when establishing the protective

measures.

- c. The system shall be maintained a minimum of ten (10) years.
5. Specifications – NRCS Specification No. 638 and No. 521-B will be used.
6. Component parts that are eligible for 60% cost share:
  - a. Earth moving
  - b. Pipe riser, connector bands, anti-seep collars and appurtenances
  - c. Concrete
  - d. Sealer
  - e. Installation of material (1, 2, 3 & 4)
  - f. Seeds, clippings, stolens, sprigs or sod
  - g. Fertilizer
  - h. Lime

#### VI. **SEC 6 - Establishment of Permanent Vegetation**

1. Definition – Establishing long term stands of adapted perennial plants.
2. Purpose – Reduce erosion and pollution from agricultural non-point sources.
3. Where applicable – Any open field where erosion from the lack of cover is occurring.
4. Policies:
  - a. Cost sharing is authorized for minerals and eligible seed.
  - b. Cost sharing is not authorized for:
    - i. Land eroding a "T" value or less.
    - ii. Clearing of rocks or other obstructions from the area to be seeded.
    - iii. Fencing.
    - iv. Converting land from a stand of merchantable or partially merchantable timber or pulpwood to a grass or legume cover.
  - b. The acreage seeded must be protected from grazing by domestic livestock until the stand is well established.
  - c. Cost sharing shall be limited to the minimum minerals and seed(s) needed to establish adequate cover to control erosion.
  - d. Adequate vegetative cover shall be maintained for five (5) years.
5. Specifications – NRCS Specification No. 512 will be used.
6. Component parts that are eligible for 60% cost share:
  - a. Seed, clippings, stolens or sod
  - b. Sprigs and planting
  - c. Fertilizer
  - d. Lime

#### VII. **SEC 7 - Critical Area Planting**

1. Definition – Planting vegetation on highly erodible or critically eroding areas.

2. Purpose – Control heavy erosion from water and improve water quality.
3. Where applicable – Open land where erosion cannot be controlled with special effort in land preparation.
4. Policies:
  - a. Cost sharing is authorized:
    - i. For measures needed to stabilize a source of sediment, such as grading, shaping and filling, the establishment (including minerals) of grasses (including filter strips) trees or shrubs, and similar measures that the SWCD determines are practical for the solution of the problem.
    - ii. Only if the measures will significantly reduce erosion and maintain or improve the quality of water in a stream, lake, pond or other water source.
    - iii. For measures performed on public roadside only where such measures are essential to solve a farm based pollution or conservation problem.
  - b. Consideration should be given to wildlife and enhancing the appearance of the area when establishing the protective measures.
  - c. The acreage shall be maintained for minimum of five (5) years for herbaceous vegetation and fifteen (15) years for woody plants following the calendar year of installation.
5. Specifications – NRCS Specification No. 342 will be used.
6. Component parts that are eligible for 60% cost share:
  - a. Herbaceous vegetation
    - i. Smoothing and shaping
    - ii. Seeds, sprigs, clippings, or sod
    - iii. Fertilizer
    - iv. Lime.
  - b. Woody plants
    - i. Cost of seedlings and planting

#### VIII. **SEC 8 - Tree Planting**

1. Definition – Set tree seedlings in the soil.
2. Purpose – Provide long time cover for erosion control and improve water quality.
3. Where applicable – Any open field where excessive water erosion is occurring.
4. Policies:
  - a. Cost sharing is authorized for the establishment of a plantation that will provide both forest product and improved protection from wind or water erosion.
  - b. Cost sharing is not authorized for fencing, firebreaks, fuel breaks, fire lanes or roads.
  - c. Cost sharing is not authorized for planting orchard trees, for plantings for ornamental

purposes, or for Christmas tree production.

- d. Planting must be protected from destructive fire and destructive grazing.
- e. Chemicals used in performing this practice must be Federally, State, and locally registered and must be strictly applied in accordance with authorized uses, directions on the label, and other Federal or State policies and requirements.
- f. Consideration must be given to preserving and improving the environment.
- g. The practice shall be maintained for a minimum of ten (10) years following the calendar year of installation or establishment.

5. Specifications – NRCS Specification No. 612 will be used.

6. Component parts that are eligible for 60% cost share:
- a. Seedlings
  - b. Planting

#### **IX. SEC 9 - Grade Stabilization Structures**

1. Definition – A structure to stabilize the grade or to control head cutting in natural or artificial channels.
2. Purpose – Control erosion by reducing grade and to improve water quality.
3. Where Applicable – The concentration and flow velocity of water requires a structure to stabilize the grade in channels or side inlet laterals where the over fall from the field level or side inlet channel bottom is 1.5 feet or more unless an active erosion problem exists that cannot be controlled by vegetative means.
4. Policies:
  - a. Cost sharing is authorized for vegetative cover for the structure and other areas directly associated with the installation and successful operation of the structure.
  - b. The structure will be maintained for a minimum of ten (10) years.
5. Specifications – NRCS Specification No. 410 will be used.
6. Component parts eligible for 60% cost share:
  - a. Earth moving - fill and excavation
  - b. Pipe and appurtenances
  - c. Concrete
  - d. Installation of materials (1, 2, & 3)
  - e. Seeds or springs
  - f. Fertilizer

#### **X. SEC 10 - Strip Cropping Systems**

1. Definition – Growing crops in a systematic arrangement of strips or bands to reduce water erosion. The crops are arranged so that a strip of grass or close growing crop is

alternated with a strip of clean tilled crop or fallow or a strip of grass is alternated with a close growing crop.

2. Purpose – Establish a contour or field strip cropping system to protect soil from wind or water erosion and to reduce the pollution of water, air, or land from agricultural non-point sources.
3. Where applicable – Cropland subject to erosion or soil movement that constitutes a pollution hazard.
4. Policies:
  - a. Cost sharing is limited to establishment of the systems.
  - b. On acreage devoted to row crops, one of the following must apply:
    - i. The crop stubble or residue must be left on the land during the winter.
    - ii. A winter cover crop must be established.
    - iii. Adequate protective tillage operations must be performed.
  - c. For contour strip cropping systems, cultural operations must be performed as nearly as practical on the contour.
  - d. Cost sharing is not authorized for repeating any approved measures under this practice with the same person the same acreage.
  - e. The system shall be maintained for minimum of five (5) years following the calendar year of installation.
5. Specifications – NRCS Specifications "Strip Cropping, Contour" (acres) No. 585 and Strip Cropping, Field No. 586 will be used.
6. Component Parts that are eligible for 60% cost share:
  - a. Seeds
  - b. Fertilizer
  - c. Lime
  - d. \$10.00 flat rate for the acres in the strip cropping systems that are not seeded to perennial vegetation and benefited by the strips.

#### **XI. SEC 11 - Reduced Tillage**

1. Definition – A form of planting and tillage (other than no-till) that leaves at least 30% of the soil surface covered after planting.
2. Purpose – Demonstrate reduced tillage systems of farming for erosion control and improving water quality.
3. Where applicable – Cropland fields where excessive erosion is a problem.
4. Policies:
  - a. Cost sharing is not authorized on land eroding at "T" value or less, if the practice is installed to control erosion. It is not necessary to use soil loss rates to determine

- eligibility if the practice is being installed primarily to improve water quality.
  - b. Cost sharing is not authorized if the farmer has already adopted a satisfactory conservation tillage farming system.
  - c. Cost sharing for conservation tillage practice (reduced tillage) may be approved for no more than three (3) years with the same person.
  - d. Sufficient residue must be left from the previous harvest or a temporary cover provided to adequately protect the land until the new planting can provide sufficient cover to protect the soil.
  - e. Cost sharing is authorized for:
    - i. Chisel plowing with other limited operations.
    - ii. Plow - plant
    - iii. Light tillage with implements that do not invert the soil.
    - iv. Application of necessary herbicides to reduce the need for tillage. This shall not include herbicides normally used in producing the crop.
  - f. All tillage operations must be performed as nearly as practicable on the contour or parallel to terraces, except where the SWCD in consultation with NRCS determines that this is not necessary.
  - g. Chemicals used in performing this practice must be Federally, State, and locally registered and must be applied strictly in accordance with authorized registered uses, directions on the label, and other Federal or State policies and requirements.
  - h. Crops qualifying for cost-share under this practice shall be limited to corn, cotton, soybeans and grain sorghum.
  - i. Cost sharing is not authorized for designated conservation use acreage.
5. Specifications – NRCS Specification No. 329 will be used.
  6. Component parts that are eligible for cost-share:
    - a. Chemicals - 60% of cost per acre not to exceed \$19 per acre.
    - b. Annual cover crop seed where applicable. (60%)

## **XII. SEC 12 - Cover and Green Manure Crop**

1. Definition – A crop of close growing grasses, legumes, or small grain grown primarily for seasonal protection and soil improvement. It usually is grown for one (1) year or less, except where there is permanent cover as in orchards.
2. Purpose – Control erosion during periods when the major crops do not furnish adequate cover; add organic material to the soil; and improve infiltration, aeration and tilth.
3. Where applicable – Cropland; certain recreation and wildlife areas; and orchard, vineyard and small fruit areas.
4. Policies:
  - a. Cost sharing is authorized for the establishment of close growing grasses, legumes or small grains.
  - b. Cost sharing is not authorized for chemical herbicides used to kill vegetation prior to

- planting.
5. Specifications – NRCS Specification No. 340 will be used.
  6. Component parts eligible for cost-share:
    - a. Seed (60%)
    - b. Planting

### **XIII. SEC 13 - Pasture and Hayland Planting**

1. Definition – Establishing and reestablishing long-term stands of adapted species of perennial, biennial, or reseeding forage plants. (Includes pasture and hayland renovation. Does not include grassed waterway or outlets on cropland.)
2. Purpose – Reduce erosion, to produce high quality forage, and to adjust land use.
3. Where applicable – Existing pasture and hayland or on land that is converted from other uses.
4. Policies: Same as for SEC 6 - Establishment of Permanent Vegetation.
5. Specifications – NRCS Specification No. 512-1 will be used.
6. Component parts that are eligible for 60% cost share:
  - a. Seed, clippings, stolens or sod.
  - b. Sprigs and planting
  - c. Fertilizer
  - d. Lime

### **XIV. SEC 14 - Streambank and Shoreline Protection**

1. Definition – Using vegetation or structures to stabilize and protect banks of streams, lakes, estuaries, or excavated channels against scour and erosion.
2. Purpose – Stabilize or protect banks of streams, lakes, estuaries, or excavated channels for one or more of the following purposes:
  - a. To prevent the loss of land or damage to utilities, roads, buildings, or other facilities adjacent to the banks.
  - b. To maintain the capacity of the channel.
  - c. To control channel meander that would adversely affect downstream facilities.
  - d. To reduce sediment loads causing downstream damages and pollution, or
  - e. To improve the stream for recreation or as a habitat for fish and wildlife.
3. Where applicable – This practice applies to natural or excavated channels where the stream banks are susceptible to erosion from the action of water, ice, or debris or to damage from livestock or vehicular traffic. It also applies to controlling erosion on

shorelines where the problem can be solved with relatively simple structural measures, vegetation, or upland erosion control practices and where failure of structural measures will not create a hazard to life or result in serious damage to property.

4. Policies:
  - a. Cost sharing is authorized for vegetative cover for the structure and other areas directly associated with the installation and successful operation of the structure.
  - b. The structure will be maintained for a minimum of ten (10) years.
5. Specifications – NRCS Specification No. 580 will be used.
6. Component parts that are eligible for 60% cost-share:
  - a. Earth moving - fill and excavation
  - b. Heavy stone
  - c. Filter blanket
  - d. Installation of materials (1, 2, & 3)
  - e. Seeds or sprigs
  - f. Fertilizer

#### XV. **SEC 15 - Chiseling and Subsoiling**

1. Definition – Loosening the soil, without inverting and with a minimum of mixing of the surface soil, to shatter restrictive layers below normal plow depth that inhibit water movement or root development.
2. Purpose – The purpose of this practice is to conserve soil moisture by using mechanical measures that retard runoff, improve water penetration and reduce soil loss.
3. Where applicable – On suitable soils, chiseling is applicable if restrictive layers are less than sixteen (16) inches deep. On suitable soils, subsoiling is applicable if restrictive soil layers are more than sixteen (16) inches deep.
4. Policies:
  - a. Cost sharing for chiseling is authorized on cropland or pastureland where restrictive soil layers (plow pans) are less than sixteen (16) inches deep.
  - b. Cost sharing for sub-soiling is authorized on cropland only where restrictive soil layers (plow pans) are more than sixteen (16) inches deep.
5. Specifications – NRCS Specification No. 324-2 will be used.
6. Components Eligible and Cost-share Rates.
  - a. Chiseling - 60% not to exceed \$5.00 per acre
  - b. Subsoiling - 60% not to exceed \$10.00 per acre

#### XVI. **SEC 16 - Heavy Use Area Protection**



1. Definition – Protecting heavily used areas by establishing vegetative cover, surfacing with suitable materials, or installing needed structures.
2. Purpose – The purpose of this practice is to stabilize urban, recreation, agricultural, or facility areas frequently and intensely used by people, animals, or vehicles.
3. Where applicable – Urban, recreation, and agricultural areas or other frequently and intensely used areas that require special treatment to protect them from erosion or other deterioration.
4. Specifications – NRCS Specification No. 561 will be used.
5. Components parts that are eligible for 60% cost share:
  - a. Earth moving
  - b. Pipe and appurtenances
  - c. Concrete/ Fly ash
  - d. Geo-textile material
  - e. Gravel or stone
  - f. Installation of materials
  - g. Seeds or sprigs
  - h. Fertilizer and lime

#### **XVII. SEC 17 - Forest Land Erosion Control System**

1. Definition – Application of one or more erosion control measures on forest land. Erosion control system includes the use of conservation plants, cultural practices, and erosion control structures on disturbed forest land for the control of sheet and rill erosion, gully formation, and mass soil movement.
2. Purpose – The purpose of this practice is to protect the resource base by reducing erosion and sedimentation and by protecting and improving water quality on forest land disturbed by silvicultural or other activities.
3. Where applicable – Applies to untreated disturbed forest land areas including logging roads, skid roads, and loading areas; buffer or filter strips; slash disposal areas; site preparation; and burned and overgrazed areas.
4. Specifications – NRCS Specification No. 408-1 will be used.
5. Components parts that are eligible for 60% cost share:
  - a. Earth moving; grading, shaping, smoothing
  - b. Pipe and appurtenances
  - c. Concrete
  - d. Geo-textile material
  - e. Gravel or stone
  - f. Installation of materials

- g. Seeds or sprigs
- h. Fertilizer and lime
- i. Water bars

**XVIII. SEC 18 - Prescribed Grazing**

1. Definition – The controlled harvest of vegetation with grazing or browsing animals, managed with the intent to achieve a specified objective.
2. Purpose – This practice may be applied as part of a conservation system to accomplish one or more of the following purposes:
  - a. Improve and maintain the health of the desired plant community.
  - b. Provide or maintain food, cover and shelter for animals of concern.
  - c. Improve or maintain animal health and productivity.
  - d. Maintain or improve water quality and quantity.
  - e. Reduce accelerated soil erosion and maintain or improve soil condition for sustainability of the resource.
3. Where applicable – This practice may be applied on all lands where grazing and or browsing animals are managed.
4. Criteria:
  - a. General criteria applicable for all the purposes stated above.
  - b. Removal of herbage will be in accordance with the production limitation, plant sensitivities and management goals using Section I and II of the NRCS FOTG and other references as guidance.
  - c. Application of this practice will prescribe the rest period, intensity, frequency, duration and season of grazing to promote ecologically and economically stable plant communities that meet client and resource objectives.
5. Polices and Planning Guidelines:
  - a. This practice will be planned and applied by site specific recommendations. Needed documentation includes utilization heights, rest periods, grazing period, grazing sequences, key grazing plants and area.
  - b. Consideration shall be given to wildlife habitat improvement and/or Wildlife Upland Habitat Management as an objective.
6. Specifications – NRCS Specifications No. 528A will be used.
7. Components Eligible and Cost Share Rates:  
 An incentive payment will be made for documented management practices on the following per acre basis. (Limited to three (3) years)
  - a. Cross Fence Planned.....\$11.00
  - b. Cross Fence Not Planned.....\$5.00

**XIX. SEC 19 - Nutrient Management**

1. Definition – Managing the amount, source, placement, form and timing of the application of nutrients and soil amendments.
2. Purpose:
  - a. To budget and supply nutrients for plant production.
  - b. To properly utilize manure or organic by-products as a plant nutrient source.
  - c. To minimize the risk of agricultural non-point source pollution of surface and groundwater resources.
  - d. To maintain or improve the physical, chemical and biological condition of soil.
3. Where applicable – This practice applies to all lands where plant nutrients, either organic or inorganic, and soil amendments are applied.
4. Criteria: General criteria applicable for all the purposes stated above. All criteria listed in NRCS Specification No. 590 shall apply.
5. Policies and Planning Guidelines: Plans and specifications will be in keeping with the above mentioned standard and will describe the requirements for applying the practice to achieve its intended purpose(s), using nutrients to achieve production goals and to prevent or minimize water quality impairment.
6. Specifications - NRCS Specifications No. 590 will be used. **(NRCS Specification 595 “Pest Management” may be followed and applied in conjunction with 590)**
7. Components Eligible for 60% Cost Share:
  - a. Fertilizer
  - b. Lime
  - c. Chemicals

## **B. Water Conservation**

### **I. WC 1 - Irrigation Land Leveling**

1. Definition – Reshaping the surface of the land to be irrigated to planned grade and to improve water conservation.
2. Purpose – Land leveling is done to permit uniform and efficient application of water.
3. Where applicable – Where land is suited for use as irrigated land and soil is deep enough to allow shaping while maintaining sufficient root zone.
4. Policies:
  - a. Cost sharing is authorized only for permanently installed irrigation system.
  - b. Cost sharing is not authorized for:
    - i. Portable pipe, cleaning a ditch, or installations primarily for the farm operator's

- convenience.
- ii. Installations to convert an existing sprinkle or overhead system to a gravity system.
- iii. Restoring a system which has deteriorated due to lack of maintenance during periods of nonuse (such as a rotation cycle for rice crops).
- iv. Short sections of pipeline used in connection with surface irrigation ditches or canals in crossing roadways, drainage ditches, natural drains, or other obstructions.
- c. Consideration must be given to the needs of wildlife, preserving or enhancing the appearance of the area, and potential pollution hazards.
- d. Cost sharing is authorized for land smoothing as the sole component.
- e. The system must be maintained for a minimum of ten (10) years following the calendar year of installation.

5. Specifications – NRCS Specification No. 464 will be used.

6. Component parts that are eligible for 60% cost share:

- a. Earth Moving - Reshaping surface

## II. **WC 2 - Irrigation System, Tailwater Recovery**

1. Definition – Ability to collect, store and transport irrigation tailwater for reuse in the farm irrigation system.

2. Purpose – Conserve farm irrigation water supplies, improve water quality and water conservation.

3. Where applicable – Where irrigation is performed on sloping lands by surface application.

4. Policies:

- a. The system must be needed as an integral part of an irrigation system.
- b. Certifications and guarantees must be furnished prior to installation by vendor for the materials and must certify that the materials meet the required standard and specifications.
- c. Cost sharing is not authorized for restoring a system which has deteriorated due to lack of maintenance.
- d. The system will be maintained for minimum of ten (10) years.

5. Specifications – NRCS Specification No. 447 will be used.

6. Component parts that are eligible for 60% cost share:

- a. Earth moving
- b. Concrete

## III. **WQ 11 - Lined Waterway**

1. Definition – A waterway or outlet having an erosion-resistant lining of concrete, stone, or other permanent material. The lined section extends up the side slopes to a designed depth. The earth above the permanent lining may be vegetated or otherwise protected.
2. Purpose – Provide for safe disposal of runoff from natural concentrations of flow or from constructed practices without damage by erosion or flooding, where unlined or grassed waterways would be inadequate.
3. Where applicable – This practice applies when any of the following or similar conditions exist:
  - a. Concentrated runoff is such that a lining is needed to control erosion.
  - b. Steep grades, wetness, prolonged base flow, seepage, or highly erosive soils inhibiting vegetation would make the site susceptible to erosion.
  - c. The location is such that use by people or traffic would damage vegetation of vegetated waterways or outlets.
  - d. High value property or adjacent facilities warrant the extra cost to contain design runoff in a limited space.
4. Policies:
  - a. Criteria found in planning and design manual for the control of erosion, sediment and storm water will be used.
  - b. This practice will be maintained for a minimum of ten (10) years.
5. Component parts that are eligible for 60% cost share:
  - a. Earth moving
  - b. Concrete
  - c. Stone
  - d. Seeds, clippings, stolens, sprigs or sod
  - e. Fertilizer
  - f. Lime
  - g. Installation of materials (2 - 6)

#### IV. **WQ 12 - Parking Lot Storage**

1. Definition – Providing temporary surface storage and controlled release of storm water runoff on paved (impervious) parking areas or within parking lot landscaped islands.
2. Purpose – Reduce the adverse impact of runoff from impervious parking surfaces on receiving waters.
3. Where applicable – This practice applies where portions of large, paved parking lots can be temporarily used for storm water storage without significantly interfering with normal vehicle and pedestrian traffic. Also applies wherever parking lot landscaped islands are required.

4. Policies:
  - a. Criteria found in planning and design manual for the control of erosion, sediment and storm water will be used.
  - b. This practice will be maintained for a minimum of ten (10) years.
5. Component parts that are eligible for 60% cost share:
  - a. Earth moving
  - b. Concrete
  - c. Pipe and appurtenances
  - d. Seeds, clippings, stolens, sprigs or sod
  - e. Fertilizer
  - f. Lime
  - g. Installation of materials (2 - 6)

#### V. **WQ 13 - Paved Flume**

1. Definition – A small concrete lined channel to convey water on a relatively steep slope to a non-erosive release in a stream or waterway.
2. Purpose – Conduct concentrated runoff safely down the face of a cut or fill slope without causing erosion.
3. Where applicable – This practice applies where concentrated storm runoff must be conveyed from the top to the bottom of a cut or fill slope as part of a permanent erosion control system.
4. Policies:
  - a. Criteria found in planning and design manual for the control of erosion, sediment and storm water will be used.
  - b. This practice will be maintained for a minimum of ten (10) years.
5. Component parts that are eligible for 60% cost share:
  - a. Earth moving
  - b. Concrete
  - c. Appurtenances
  - d. Seeds, clippings, stolens, sprigs or sod
  - e. Fertilizer
  - f. Lime
  - g. Installation of materials (2 - 6)

#### VI. **WQ 14 - Rock Outlet Protection**

1. Definition – A rock lined apron and flow area at the outlet of a conduit, paved flume, lined waterway, or other flow system to control erosion.
2. Purpose – Prevent scour and erosion at the outlet of a channel or conduit by reducing

velocity of flows and dissipating energy.

3. Where applicable – This practice applies where the discharge velocity of a pipe, box culvert, diversion, open channel, or other water conveyance structure exceeds the permissible velocity of the receiving channel or disposal area.
4. Policies:
  - a. Criteria found in planning and design manual for the control of erosion, sediment and storm water will be used.
  - b. This practice will be maintained for a minimum of ten (10) years.
5. Component parts that are eligible for 60% cost share:
  - a. Earth moving
  - b. Concrete
  - c. Pipe and appurtenances
  - d. Seeds, clippings, stolens, sprigs or sod
  - e. Fertilizer
  - f. Lime
  - g. Stone
  - h. Installation of materials (2 - 7)

## VII. **WQ 15 - Slope Drain**

1. Definition – A flexible tubing or conduit extending from the top to the bottom of a cut or fill slope.
2. Purpose – Temporarily conduct concentrated storm water runoff safely down the face of a cut or fill slope without causing erosion problems on or below the slope.
3. Where applicable – This practice applies on cut or fill slopes before permanent storm water drainage structures are installed or before permanent vegetation is established.
4. Policies:
  - a. Criteria found in planning and design manual for the control of erosion, sediment and storm water will be used.
5. Component parts that are eligible for 60% cost share:
  - a. Earth moving
  - b. Pipe and appurtenances
  - c. Installation of materials

## VIII. **WQ 16 - Sub Surface Drain**

1. Definition – A perforated conduit, such as corrugated plastic tubing, tile, or pipe, installed beneath the ground surface to collect and/or convey drainage water to an outlet.

2. Purpose – Improve the soil environment for vegetative growth, reduce erosion, and improve water quality.
3. Where applicable – This practice applies to areas having a high water table where the benefits of lowering the water table or controlling ground water or surface runoff justify installing such a system.
4. Policies:
  - a. Criteria found in planning and design manual for the control of erosion, sediment and storm water will be used.
  - b. This practice will be maintained for a minimum of ten (10) years.
  - c. NRCS Specification No. 606 will also be used.
5. Component parts that are eligible for 60% cost share:
  - a. Earth moving
  - b. Concrete
  - c. Pipe and appurtenances
  - d. Sand and/or gravel
  - e. Installation of materials (2 - 4)

#### **IX. WQ 17 - Water Bar**

1. Definition – A ridge of compacted soil or loose rock or gravel constructed across disturbed rights-of-way and similar sloping areas.
2. Purpose – Shorten the flow length within a long sloping right-of-way, thereby reducing the erosion potential by diverting storm runoff to a stabilized outlet or sediment trapping device.
3. Where applicable – This practice applies where there will be little or no construction traffic within the right-of-way. Gravel structures are more applicable to roads and other rights-of-way which accommodate vehicular traffic.
4. Policies:
  - a. Criteria found in planning and design manual for the control of erosion, sediment and storm water will be used.
5. Component parts that are eligible for 60% cost share:
  - a. Earth moving
  - b. Gravel
  - c. Seeds, clippings, stolens, sprigs or sod
  - d. Fertilizer
  - e. Lime
  - f. Installation of materials (2 - 5)

#### **X. WQ 18 - Retention Basin**



1. Definition – A basin or depression area to temporarily retain storm water on site providing for infiltration, pollution reduction, and downstream water quality improvement.
2. Purpose – Incorporate pollution control and groundwater recharge concepts into the design and construction of storage areas for the percolation of storm water runoff so that the adverse impact of urban type development on receiving waters can be reduced.
3. Where applicable – Applicability of this practice is primarily dependent upon the availability of an adequate site for a retention area or for the creation or modifications of a retention area. The soil and water table conditions must also be such that the system can, within a maximum of seventy-two (72) hours following a storm water event, provide for a new volume of storage through percolation and/or evapo-transpiration
4. Policies:
  - a. Criteria found in planning and design manual for the control of erosion, sediment and storm water will be used.
  - b. This practice will be maintained for a minimum of ten (10) years.
5. Component parts that are eligible for 60% cost share:
  - a. Earth moving
  - b. Seeds, stolens, sprigs or sod
  - c. Fertilizer
  - d. Lime
  - e. Gravel
  - f. Installation of materials (2 - 5)

#### **XI. WQ 19 - Silt Fence**

1. Definition – A temporary barrier consisting of a filter fabric stretched across and attached to supporting posts and entrenched. There are two types. The Silt Fence is a temporary linear filter barrier constructed of synthetic filter fabric, posts, and depending upon the strength of the fabric used, wire fence for support. The Filter Barrier is constructed of stakes and burlap or synthetic fabric.
2. Purpose – Intercept and detain small amounts of sediment from disturbed areas during construction operations in order to prevent sediment from leaving the site. To decrease the velocity of sheet flows and low-to-moderate level channel floods.
3. Where applicable – Below disturbed areas where erosion would occur in the form of sheet and rill erosion.
4. Policies:
  - a. Criteria found in planning and design manual for the control of erosion, sediment and storm water will be used.

5. Component parts that are eligible for 60% cost share:
  - a. Synthetic filter fabric
  - b. Burlap
  - c. Posts, stakes and/or wire fencing
  - d. Installation of materials (1 - 3)

## **XII. WQ 20 - Permanent Seeding**

1. Definition – Controlling runoff and erosion on disturbed areas by establishing perennial vegetative cover with seed.
2. Purpose – Reduce erosion and decrease sediment yield from disturbed areas, and to permanently stabilize such areas in a manner that is economical, adapts to site conditions, and allows selection of the most appropriate plant materials.
3. Where applicable – This practice applies to fine graded areas on which permanent, long lived vegetative cover is the most practical or most effective method of stabilizing the soil. Permanent seeding may also be used on rough graded areas.
4. Policies:
  - a. Criteria found in planning and design manual for the control of erosion, sediment and storm water will be used.
  - b. This practice will be maintained for a minimum of ten (10) years.
5. Component parts that are eligible for 60% cost share:
  - a. Seeds, stolens, sprigs or sod
  - b. Fertilizer
  - c. Lime
  - d. Planting
  - e. Installation of materials (1 - 3)

## **XIII. WQ 21 - Stream Crossing**

1. Definition – A travel-way constructed across a stream to allow livestock, equipment, or vehicles to cross with minimal disturbance to the stream ecosystem.
2. Purpose – Prevent or minimize water degradation from sediment, nutrient, and organic loading. To protect the water course from degradation and adverse hydrological impacts. To protect the land from streambank erosion. To provide a means for animals, equipment, or vehicles to cross a water course.
3. Where applicable – This practice applies to all land uses where an intermittent or perennial water course exists, and livestock are currently crossing the water course.
4. Policies:

1. The structure shall be maintained for a minimum of ten (10) years.
5. Specifications – NRCS Specification No. 728 will be used.
6. Component parts that are eligible for 60% cost share:
  - a. Earth moving - fill and excavation
  - b. Pipe and appurtenances
  - c. Concrete
  - d. Stone, mulch or gravel
  - e. Geo-textile Material
  - f. Fencing
  - g. Installation of materials (1, 2, 3, & 4)

**XIV. WQ 22 - Chemical Container/Used oils-Lubricants Recycling**

1. Definition – Recycling chemical containers, used oils and lubricants so as to reduce pollution of water, land or air.
2. Purpose – Provide an incentive for landowners or land operators to properly dispose of chemical containers used oils and lubricants in a manner that will prevent degradation of natural resources.
3. Where applicable – All agricultural lands.
4. Policies:
  - a. A one-time per year credit will be allowed for the proper disposal of chemical containers, used oils and lubricants.
  - b. The credit will be based on the cost of transportation **one-way** to a disposal area.
  - c. A credit of 36.5 cents per mile will be given.
  - d. This credit can only be used as match towards another cost shareable BMP applied by the landowner or land operator.

**XV. WQ 23 - Cattle Feed and Waste Management Facility**

1. Definition – A facility to allow for the feeding of cattle in a manner that will allow for the collection, storage, and proper utilization of animal waste.
2. Purpose – Prevent or reduce the pollution of water, land or air by animal wastes.
3. Where applicable – This practice applies to areas on farmland where animal waste from the farm constitutes a significant pollution hazard.
4. Policies:
  - a. This practice is designed to provide a facility for the collection and storage of cattle waste in order to permit the recycling of waste onto the land in a way that will abate pollution that would otherwise result from existing cattle operations.

- b. Cost sharing is limited to preventing or solving the pollution problems where the cattle operation already exists and is part of a total farming operation.
  - c. **All necessary permits must be acquired before the facility is erected.**
  - d. **All necessary plans, (i.e. Comprehensive Nutrient Management Plan, Waste Utilization Plan) shall be developed for the facility.**
  - e. The practice shall be maintained for a minimum of ten (10) years following the calendar year of installation.
5. Component parts that are eligible for 60% cost share:
- a. Earth moving - including diversions, ditches or dikes
  - b. Pipe and appurtenances
  - c. Concrete
  - d. Stone, mulch or gravel
  - e. Geo-textile material
  - f. Fencing
  - g. Pressure treated materials
  - h. Building materials
  - i. Trough or tank
  - j. Seed or sprigs, fertilizer and lime.
  - k. Installation of materials

#### **XVI. WQ 24 - Well Decommissioning**

1. Definition – The sealing and permanent closure of a water well no longer in use.
2. Purpose – Prevent entry of vermin, debris, or other foreign substances into the well or well bore hole; eliminate the physical hazard of an open hole to people, animals or farm machinery; prevent entry of contaminated surface water into well and migration of contaminants into unsaturated zone or saturated zone; prevent the mixing of chemically or physically different ground waters between separate water bearing zones.
3. Where applicable – This practice applies to any drilled, dug, driven, bored, or otherwise constructed vertical water well determined to have no further beneficial use.
4. Policies:
  - a. This practice does not apply to wells that were used for waste disposal, or if evidence of contamination still exists. This practice does not apply to wells that contain contaminant levels that exceed state or federal water quality standards. Treatment of contamination source(s) is required before a well is decommissioned.
5. Specifications – NRCS Specification No. 351 will be used.
6. Component parts that are eligible for 60% cost share:
  - a. Disinfection
  - b. Sealing materials
  - c. Fill materials

- d. Concrete
- e. Installation of materials

Source: *Miss Code Ann. § 69-27-307*

**Part 903 Chapter 6: Article 7 (New) Soil and Water Conservation Cost Share Program**

*Rule 6.1 Definitions.* The following words shall have the meanings ascribed herein unless the context clearly required otherwise:

- A. "Commission" shall mean the Mississippi Soil and Water Conservation Commission.
- B. "District" or "soil and water conservation district" means a governmental subdivision of the state and a public body, corporate and politic with the powers and subject to the restrictions hereinafter set forth.
- C. "State" means the State of Mississippi.
- D. "Agency of this state" includes the government of this state and any subdivision, agency or instrumentality, corporate or otherwise, of the government of this state.
- E. "United States" or "agencies of the United States" includes the United States of America, the United States Department of Agriculture, and any other agency or instrumentality, corporate or otherwise, of the United States of America.
- F. "Government" or "governmental" includes the government of this state, the government of the United States, any subdivision, agency or instrumentality, corporate or otherwise, of either of them.
- G. "Landowner" or "owner of land" includes any person, firm or corporation who shall hold legal or equitable title to any lands lying within a soil and water conservation district.
- H. "Land operator" or "operator of land" includes any person, firm or corporation, other than the owner, who shall be in possession of any lands lying within a soil and water conservation district whether as lessee, renter, tenant or otherwise.
- I. "Eligible lands" shall mean lands owned or leased by a private individual, group or association, and lands owned by the State of Mississippi or any political subdivision thereof.
- J. "Cost share assistance" shall mean partial financial assistance in such amounts as the commission, in its discretion, shall determine, subject to the limitations as set by the State Soil and Water Conservation Commission.
- K "Approved practice" means those farming practices or operations that are carried out in a manner that will directly benefit the conservation, development or proper utility of soil and water resources.

Source: *Miss. Code Ann. §§ 69-27-1, 69-27-301 (1972)*

*Rule 6.2 Administration of program.* The Commission shall serve as the administrator of the provisions of this act and shall serve as the disbursing agency for funds to be expended from and deposited to the credit of the Soil and Water Cost Share Program.

Source: *Miss. Code Ann. § 69-27-305*

*Rule 6.3 Rulemaking powers.* The Commission shall adopt and promulgate such rules and regulations as necessary for the implementation of the Mississippi Soil and Water Cost Share Program. The Commission is authorized to conduct public hearings or otherwise seek the advice, counsel and recommendations of interested owners, associations, industrialists or other persons or groups.

Adequate notice of any public hearing must be provided within the general area of the site of the hearing. The commission shall publish such rules and regulations and shall make the same available upon request.

Source: *Miss. Code Ann. § 69-27-307*

*Rule 6.4 Use of funds appropriated for commission.* The commission is authorized to use money appropriated therefore to assist in implementing approved practices on a cost sharing basis on eligible lands in the State of Mississippi.

Source: *Miss. Code Ann. § 69-27-309*

*Rule 6.5 Implementation of program; recovery of improperly used grants.* The commission shall have the following powers and duties to implement the provisions of the Mississippi Soil and Water Cost Share Program:

- A. To determine which approved practices shall be eligible for cost share assistance;
- B. To establish maximum sums and cost share rates which any one eligible landowner or land operator may receive for implementation of an approved practice;
- C. To review periodically the costs of establishing conservation practices and to make such adjustments as, in the discretion of the commission, is necessary.

Upon request of the commission, the Attorney General of the State of Mississippi shall institute proper legal proceedings to recover any or all of the cost share assistance provided an eligible landowner or land operator if the commission shall determine that the landowner or land operator failed to implement any portion of or all of the practice approved by the commission for such landowner or land operator, and if the commission determines that legal proceedings are necessary and proper.

Source: *Miss. Code Ann. § 69-27-311*

*Rule 6.6 Application for assistance; consideration by commission.* Any eligible landowner or land operator who wishes to receive cost share assistance shall file an application with the soil and water conservation district stating the practice to be implemented. Upon the receipt of an application, the district shall:

- A. Make a need and feasibility determination;
- B. Inform the landowner or land operator of the result of the needs and feasibility study and inform the landowner or land operator as to what practice is approved for

installation.

Source: *Miss. Code Ann. § 69-27-313*

*Rule 6.7 Application to state owned lands.* Any agency, department, board, commission or other subdivision of government of the State of Mississippi, or any political subdivision thereof, is authorized to implement an approved practice on any lands owned by such political entity or owned by the State of Mississippi and supervised or managed by such entity. The governing authorities of such entity shall engage the assistance of the county conservation district of the county in which the land is located in the preparation of an application for submission to the district. The district shall treat any such political entity as an individual owner for purposes of considering applications, granting cost share assistance and approving the practice implemented.

Source: *Miss. Code Ann. § 69-27-315*

### **Part 903 Chapter 7: Livestock Pond Renovation Program**

*Rule 7.1 Program Source and Authority.* The Mississippi Soil and Water Conservation Commission administers the Livestock Pond Renovation Program through a cooperative agreement with the USDA Natural Resources Conservation Service.

Source: *Public Law 109-97, House Report 109-266 at 16*

*Rule 7.2 Purpose of Program.* The purpose of the Livestock Pond Renovation Program is to enhance the establishment and demonstration of the most technically advanced best management practices (BMPs) relating to the agricultural conservation and use of surface water; to assist in the continued development of education and training opportunities for short and long-term training needs of NRCS, SWCD and conservation partner personnel; to demonstrate cost effective BMPs for the storage and use of surface water for both irrigation of crops and watering sources for livestock.

Source: *Miss Code Ann. §§ 69-27-303, 69-27-305, 69-27-307*

*Rule 7.3 Administration.* The Mississippi Soil and Water Conservation Commission has developed standards and specifications for a Livestock Pond Renovation best management practice (BMP). Funds are allocated to the Soil and Water Conservation Districts (SWCDs) each year based upon the number of livestock reported through the National Agricultural Statistics Service. Eligible landowners apply for cost sharing assistance through the SWCDs under this program for the renovation of livestock watering ponds that have become silted in. The cost share rate is 75% not to exceed maximums set by the MSWCC. The specifications for this program are located in section 506.02. Application and payment request forms used in this program are located at the end of Part 903.

Source: *Miss Code Ann. §§ 69-27-303, 69-27-305, 69-27-307*

### **Part 903 Chapter 8: Livestock Nutrient Management Program**

*Rule 8.1 Program Source and Authority.* The Mississippi Soil and Water Conservation Commission administers the Livestock Nutrient Management Program through a cooperative agreement with the USDA Natural Resources Conservation Service.

Source: *Public Law 109-97, House Report 109-255 at 16*

*Rule 8.2 Purpose of Program.* The purpose of the Livestock Nutrient Management Program is to enhance the establishment of the most technically advanced best management practices (BMPs) relating to streamside livestock nutrient management; to assist in the continued development of education and training opportunities for short and long-term training needs of NRCS, SWCD and conservation partner personnel; to demonstrate cost effective BMPs for the prevention of livestock nutrient loading in streams.

Source: *Miss Code Ann. §§§ 69-27-303, 69-27-305, 69-27-307*

*Rule 8.3 Administration.* The Mississippi Soil and Water Conservation Commission has developed standards and specifications for certain BMPs that will contribute to the reduction of nutrient loading to streams from livestock. The BMPs that are eligible for 75% cost share under this program are fencing, stream crossings, trough and tank, water and sediment control basin, animal waste control facility and cattle feed and waste management facility. Eligible landowners apply for cost share assistance through the SWCDs under this program after it is announced each year. Application and payment request forms used in this program are located at the end of Part 903.

Source: *Miss Code Ann. §§§ 69-27-303, 69-27-305, 69-27-307*

## **Part 903 Chapter 9: Education Enhancement Program**

*Rule 9.1 Program Source and Authority.* The Mississippi Soil and water Conservation Commission administers the Education Enhancement Program through a grant agreement with the Mississippi Department of Education with funds appropriated by the Mississippi Legislature each year.

Source: *Miss Code Ann. § 69-27-9*

*Rule 9.2 Purpose of Program.* The purpose of the Education Enhancement Program is to provide matching funds to Soil and Water Conservation Districts (SWCDs) for purchasing equipment that will result in reduced energy costs, reduced soil erosion, improved water quality, improved irrigation water management or will be used for conservation education activities.

Source: *Miss Code Ann § 69-27-9*

*Rule 9.3 Administration.* The Mississippi Soil and Water Conservation Commission receives requests from the SWCDs each year for equipment they wish to purchase under the program. The Commission approves eligible requests, purchases the equipment and provides it to the



SWCDs. Education Enhancement funds are used to pay for 50% of the equipment at the time of purchase. The remaining balance of purchased equipment is paid by the SWCDs through a loan acquired under the Revolving Loan Fund as discussed in Chapter 4.

Source: *Miss Code Ann. § 69-27-9*

### **Part 903 Chapter 10: Watershed Repair and Rehabilitation Program**

*Rule 10.1 Program Source and Authority.* The Mississippi Watershed Repair and Rehabilitation Cost Share Program is administered by the Mississippi Soil and Water Conservation Commission (MSWCC) through the Soil and Water Cost Share Program. The Legislature may appropriate such funds as it may deem necessary to a special funds for the MSWCC to expend on this program. The MSWCC is authorized to receive and expend any funds appropriated by the federal government for the purposes of this program. The MSWCC has been authorized to receive and expend proceeds from bonds issued under Sections 1 through 14 of House Bill No. 1783 of the 1998 Regular Session.

Source: *Section 1 through 14; House Bill No. 1783 (1998 Regular Session)*

*Rule 10.2 Purpose of Program.* The purpose of the Watershed Repair and Rehabilitation Cost Share Program is to assist local watershed districts in the repair, rehabilitation or removal of water impoundment structures constructed with financing from the United States of America under Public Law 534 and Public Law 566. A “watershed district” includes and “watershed district, soil and water conservation district, drainage district, flood control district, or water management district authorized by the Mississippi Legislature which has the management responsibility for any Public Law 534 or Public Law 566 water impoundment structure.”

Source: *Public Law 534 and Public Law 566*

*Rule 10.3 Administration.* The MSWCC and its staff, shall, as often as is practicable, and in accordance with state and federal law, coordinate its watershed structure rehabilitation and repair efforts with the USDA’s Natural Resources Conservation Service. The Commission provides cost sharing assistance with an accountable sponsor for the repair, rehabilitation or removal of watershed structures. The MSWCC staff determines what board, agency, person, persons or political subdivision shall be considered an accountable sponsor to participate in the cost shared repair or rehabilitation of a watershed structure. In order to be considered for acceptance as an accountable sponsor, the applicant must have the willingness, authority and financial resources (or ability to obtain necessary finances) to maintain the particular watershed structure once the repair and/or rehabilitation has been completed. As a requirement for participation in the Watershed Repair and Rehabilitation Cost Share Program, an accountable sponsor must agree to submit annually a report containing a summary of the annual inspection of the subject structure and a summary of the revenues and expenses associated with the maintenance of the subject structure. The MSWCC has adopted the following three (3) tiered cost share schedule:

- A. 90% cost share / 10% match
- B. 80% cost share / 20% match

C. 70% cost share / 30% match

The cost share rate shall be determined by the reference number assigned to the county in which the structure is located. The reference number shall be determined by the total assessed valuation of the county as currently reported to the State of Mississippi State Tax Commission at the time of approval of the cost share application. The reference numbers shall be:

- A. Less than \$60,000,000.00
- B. Greater than \$60,000,000.00 but less than \$120,000,000.00
- C. Greater than \$120,000,000.00

In those watersheds which cross county lines, the cost share rate shall be determined by the lowest reference number of any county in the watershed. An accountable sponsor may use in-kind work, services or materials for its required match. The work, service or materials may be provided by the sponsor or any other entity on behalf of the sponsor. Any form of match provided by, or on behalf of a sponsor which exceeds the required amount may be carried over and used as match on another qualifying structure within the watershed or county. The MSWCC staff is authorized to commit funds from the Mississippi Watershed Repair and Rehabilitation Cost Share Program on any amount up to One Hundred thousand Dollars (\$100,000.00) per structure for repair, rehabilitation or removal. Any expenditure of more than One Hundred thousand Dollars (\$100,000.00) per structure must receive specific approval of the Mississippi Soil and water conservation Commission.

Source: *Miss Code Ann.* §§ 51-37-3, 69-27-9

## GUIDELINES FOR PREPARING A SWCD COST SHARE PLAN

The district is required to submit a cost share plan to the Commission. The following guidelines will be used:

### I. Program Objectives

List objectives in general terms that are expected to be accomplished or progress made toward accomplishing through the cost share program. Objectives should relate to the prevention or solution of soil and water conservation problems.

### II. Priority Conservation Practices

List the conservation practices according to priority that will make maximum contribution toward accomplishing objectives. It is not necessary to list all practices that are eligible for cost sharing. These will be recorded on Form MCSP-1 (Request for Funding and Practice Priority).

### III. Program Goals

List the individual practices and the amount to be accomplished through the cost share program on Form MCSP-1.

### IV. Maximum Cost

Show the maximum cost for each component for each practice shown on MCSP-1.

### V. Program Funding

Recording on Form MCSP-1 the amount of cost sharing funds needed to accomplish program goals.

### VI. Program Implementation

1. Set forth some of the actions to be taken to get farmers and/or operators to participate in carrying out priority practices.
2. List what will be done to inform the general public about the program.
3. State what will be done to evaluate the effectiveness of the program toward obtaining objectives and goals.

#### IV. F. District Numbers

Adams . . . . .	SWCD-01	Leflore . . . . .	SWCD-42
Alcorn . . . . .	SWCD-02	Lincoln . . . . .	SWCD-43
Amite . . . . .	SWCD-03	Lowndes . . . . .	SWCD-44
Attala . . . . .	SWCD-04	Madison . . . . .	SWCD-45
Benton . . . . .	SWCD-05	Marion . . . . .	SWCD-46
Bolivar . . . . .	SWCD-06	Marshall . . . . .	SWCD-47
Calhoun . . . . .	SWCD-07	Monroe . . . . .	SWCD-48
Carroll . . . . .	SWCD-08	Montgomery . . . . .	SWCD-49
Chickasaw . . . . .	SWCD-09	Neshoba . . . . .	SWCD-50
Choctaw . . . . .	SWCD-10	Newton . . . . .	SWCD-51
Claiborne . . . . .	SWCD-11	Noxubee . . . . .	SWCD-52
Clarke . . . . .	SWCD-12	Oktibbeha . . . . .	SWCD-53
Clay . . . . .	SWCD-13	Panola . . . . .	SWCD-54
Coahoma . . . . .	SWCD-14	Pearl River . . . . .	SWCD-55
Copiah . . . . .	SWCD-15	Perry . . . . .	SWCD-56
Covington . . . . .	SWCD-16	Pike . . . . .	SWCD-57
DeSoto . . . . .	SWCD-17	Pontotoc . . . . .	SWCD-58
Forrest . . . . .	SWCD-18	Prentiss . . . . .	SWCD-59
Franklin . . . . .	SWCD-19	Quitman . . . . .	SWCD-60
George . . . . .	SWCD-20	Rankin . . . . .	SWCD-61
Greene . . . . .	SWCD-21	Scott . . . . .	SWCD-62
Grenada . . . . .	SWCD-22	Sharkey . . . . .	SWCD-63
Hancock . . . . .	SWCD-23	Simpson . . . . .	SWCD-64
Harrison . . . . .	SWCD-24	Smith . . . . .	SWCD-65
Hinds . . . . .	SWCD-25	Stone . . . . .	SWCD-66
Holmes . . . . .	SWCD-26	Sunflower . . . . .	SWCD-67
Humphreys . . . . .	SWCD-27	Tallahatchie . . . . .	SWCD-68
Issaquena . . . . .	SWCD-28	Tate . . . . .	SWCD-69
Itawamba . . . . .	SWCD-29	Tippah . . . . .	SWCD-70
Jackson . . . . .	SWCD-30	Tishomingo . . . . .	SWCD-71
Jasper . . . . .	SWCD-31	Tunica . . . . .	SWCD-72
Jefferson . . . . .	SWCD-32	Union . . . . .	SWCD-73
Jefferson Davis . . . . .	SWCD-33	Walthall . . . . .	SWCD-74
Jones . . . . .	SWCD-34	Warren . . . . .	SWCD-75
Kemper . . . . .	SWCD-35	Washington . . . . .	SWCD-76
Lafayette . . . . .	SWCD-36	Wayne . . . . .	SWCD-77
Lamar . . . . .	SWCD-37	Webster . . . . .	SWCD-78
Lauderdale . . . . .	SWCD-38	Wilkinson . . . . .	SWCD-79
Lawrence . . . . .	SWCD-39	Winston . . . . .	SWCD-80
Leake . . . . .	SWCD-40	Yalobusha . . . . .	SWCD-81
Lee . . . . .	SWCD-41	Yazoo . . . . .	SWCD-82

(For example, the third application received by the Adams County SWCD would be 01-003.)

MCSP-1  
 Rev. 11-11  
 MISSISSIPPI SOIL AND WATER CONSERVATION COMMISSION  
 COST SHARE PROGRAM  
 REQUEST FOR FUNDING AND PRACTICE PRIORITY

(1) \_\_\_\_\_ SWCD      (2) \_\_\_\_\_ Fiscal Year      (3) \_\_\_\_\_ Date

Priority	Practice Code	Practice Code	Amount	Total Est. Cost
1	(4)	(5)	(6)	(7)
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				

Total Funds Requested \$ \_\_\_\_\_ (8) \_\_\_\_\_  
 \_\_\_\_\_ (9) \_\_\_\_\_

Chairperson SWCD

Total Funds Approved \$ \_\_\_\_\_ (10) \_\_\_\_\_  
 \_\_\_\_\_ (11) \_\_\_\_\_

Mississippi Soil and Water Conservation Commission





MCSP-2  
Rev. 11-11  
APPLICATION FOR COST SHARING

Year \_\_\_\_\_(1)\_\_\_\_\_ Date of Application \_\_\_\_\_(6)\_\_\_\_\_

Name of Applicant \_\_\_\_\_(2)\_\_\_\_\_ Application Number \_\_\_\_\_(7)\_\_\_\_\_

Address \_\_\_\_\_(3)\_\_\_\_\_ Yes \_\_ (8) \_\_ No \_\_\_\_\_ SWCD Cooperator

Telephone \_\_\_\_\_(4)\_\_\_\_\_ Landowner Name \_\_\_\_\_(9)\_\_\_\_\_

Social Security Number \_\_\_\_\_(5)\_\_\_\_\_ \_\_ (10) \_\_ County Soil & Water Conservation District

Conservation and/or Environmental Problem(11)` \_\_\_\_\_

Practice No. A	Practice Title and Component Parts B	Extent Requested (Units) B1	Extent Approved (Units) C	Cost-Share Rate% D	Cost-Share Approved* E	F	G
(12)	(13)	(14)	(15)	(16)	(17)		

I certify that I have used all other cost share payments available to me this year. If approved, I agree to install the practice according to plans and specifications provided to me. I further agree to maintain this practice for as long as I own, lease, or rent this land or for a maximum period of (18) years. If found not to be in compliance with performance or maintenance, I understand that cost share will be denied or refunded. I also agree that I will have the practice installed by \_\_\_\_\_(19)\_\_\_\_\_, 20\_\_\_\_ or cost share will be cancelled.

Applicant Signature \_\_\_\_\_ (20) \_\_\_\_\_

Date \_\_\_\_\_

Is this practice needed and practical to apply? Yes\_\_No\_\_(21) Technician Signature \_\_\_\_\_(22) \_\_\_\_\_  
Date \_\_\_\_\_

Does the applicant meet eligibility requirements? Yes\_\_No\_\_(23) Are the cost sharing funds approved? Yes\_\_No\_\_(24)

Commissioner's Signature \_\_\_\_\_(25) \_\_\_\_\_

Date \_\_\_\_\_

\*May change as result of field studies.



MCSP-2a  
Rev. 11-11  
**PRACTICE APPROVAL AND PAYMENT APPLICATION**

Year \_\_\_\_\_ Date of Application \_\_\_\_\_  
 Name of Applicant \_\_\_\_\_ Application Number \_\_\_\_\_  
 Address \_\_\_\_\_ Yes \_\_\_ No \_\_\_ SWCD Cooperator  
 Telephone \_\_\_\_\_ Landowner Name \_\_\_\_\_  
 Social Security Number \_\_\_\_\_ \_\_\_ County Soil & Water Conservation District

Conservation and/or Environmental Problem (11)

Practice No.	Practice Title and Component Parts Cost Share Rate _____%	Extent Requested (Units)	Extent Approved (Units)	Unit Cost (\$)	Total Cost (\$)	Cost Share Approved (\$)	Extent Performed (Units)	Cost Shares Earned (?)
A	B	B1	C	D1	D2	E	F	G

Approved by SWCD \_\_\_\_\_ Date \_\_\_\_\_ TOTAL \_\_\_\_\_

Instructions to participant:

To receive payment for any cost-share earned on this practice, report performance and complete items below. Date and sign certification and file with the district office by the reporting date.

Did you bear all the expenses (except for program cost-sharing) for performing this practice? (If no, report name(s) and address(es) of either person(s) or agency who bore any part of this expense. Also show kind, extent, and value of their contribution. ) Yes ( ) No ( )

During the current fiscal year (July 1 – June 30), have you received or will you receive a cost share payment on this or any other farm for a practice other than on this farm? (If yes,, report name of state or county for each such farm.) Yes ( ) No( )

Applicant Signature \_\_\_\_\_  
Date \_\_\_\_\_

Is this practice needed and practical to apply? Yes \_\_\_ No \_\_\_  
Technician Signature \_\_\_\_\_  
Date \_\_\_\_\_

I certify that the cost does not exceed the maximum cost for component parts established by the district. I recommend payment in the amount of \$ \_\_\_\_\_

Commissioner's Signature \_\_\_\_\_

Date \_\_\_\_\_

Soil Loss (Tons/AC/Yr)			Water Conservation	
Before	After	No. Acres	AC-in/ac Saved	Number Acres

MCSP-2  
Rev. 11-11  
**LIVESTOCK POND RENOVATION PROGRAM**  
**APPLICATION FOR COST SHARING**

Program Year \_\_\_\_\_ Date of Application \_\_\_\_\_

Name of Applicant \_\_\_\_\_ Application Number \_\_\_\_\_

Address \_\_\_\_\_ Yes \_\_\_ No \_\_\_\_\_ SWCD Cooperator

Telephone \_\_\_\_\_ Landowner Name \_\_\_\_\_

Social Security Number \_\_\_\_\_ \_\_\_\_\_ County Soil & Water Conservation District

Conservation and/or Environmental Problem (11)

Practice No.	Practice Title and Component Parts	Extent Requested (pond size) B1	Extent Approved (pond size) C	Cost-Share Rate 75% D	Cost-Share Approved* E	F	G
WC-10	Livestock Pond Renovation						

I certify that I have used all other cost share payments available to me this year. If approved, I agree to install the practice according to plans and specifications provided to me. I further agree to maintain this practice for as long as I own, lease, or rent this land or for a maximum period of \_\_\_ years. If found not to be in compliance with performance or maintenance, I understand that cost share will be denied or refunded. I also agree that I will have the practice installed by \_\_\_\_\_, 20\_\_\_ or cost share will be cancelled.

I also acknowledge that no guarantee is made by any party that this pond will hold water after the renovation is applied.

Applicant Signature \_\_\_\_\_

Date \_\_\_\_\_

Is this practice needed and practical to apply? Yes \_\_\_ No \_\_\_

Technician Signature \_\_\_\_\_

Date \_\_\_\_\_

Does the applicant meet eligibility requirements? Yes \_\_\_ No \_\_\_

Are the cost sharing funds approved? Yes \_\_\_ No \_\_\_

Commissioner's Signature \_\_\_\_\_

Date \_\_\_\_\_

\*May change as result of field studies.

<p><b>Livestock Nutrient Management Program #0086.</b></p>
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MCSP-2  
Rev. 11-11  
LIVESTOCK NUTRIENT MANAGEMENT PROGRAM  
APPLICATION FOR COST SHARING

Program Year \_\_\_\_\_

Date of Application \_\_\_\_\_

Name of Applicant \_\_\_\_\_

Application Number \_\_\_\_\_

Address \_\_\_\_\_

Yes \_\_\_ No \_\_\_ SWCD Cooperator

Telephone \_\_\_\_\_

Landowner Name \_\_\_\_\_

Social Security Number \_\_\_\_\_

\_\_\_ County Soil & Water Conservation District

Conservation and/or Environmental Problem(11)

Practice No.	Practice Title and Component Parts	Extent Requested (Units)	Extent Approved (Units)	Cost-Share Rate 75%	Cost-Share Approved*		
A	B	B1	C	D	E	F	G

I certify that I have used all other cost share payments available to me this year. If approved, I agree to install the practice according to plans and specifications provided to me. I further agree to maintain this practice for as long as I own, lease, or rent this land or for a maximum period of \_\_\_ years. If found not to be in compliance with performance or maintenance, I understand that cost share will be denied or refunded. I also agree that I will have the practice installed by \_\_\_\_\_, 20\_\_\_ or cost share will be cancelled.

Applicant Signature \_\_\_\_\_

Date \_\_\_\_\_

Is this practice needed and practical to apply? Yes \_\_\_ No \_\_\_

Technician Signature \_\_\_\_\_

Date \_\_\_\_\_

Does the applicant meet eligibility requirements? Yes \_\_\_ No \_\_\_

Are the cost sharing funds approved? Yes \_\_\_ No \_\_\_

Commissioner's Signature \_\_\_\_\_

Date \_\_\_\_\_

\*May change as result of field studies.

<p>Livestock Nutrient Management Program #0087.</p>
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MCSP-2a  
Rev. 11-11  
**LIVESTOCK NUTRIENT MANAGEMENT PROGRAM  
PRACTICE APPROVAL AND PAYMENT APPLICATION**

Program Year \_\_\_\_\_ Date of Application \_\_\_\_\_  
 Name of Applicant \_\_\_\_\_ Application Number \_\_\_\_\_  
 Address \_\_\_\_\_ Yes \_\_\_ No \_\_\_ SWCD Cooperator  
 Telephone \_\_\_\_\_ Landowner Name \_\_\_\_\_  
 Social Security Number \_\_\_\_\_ \_\_\_(10)\_\_\_ County Soil & Water Conservation District

Conservation and/or Environmental Problem

Practice No.	Practice Title and Component Parts Cost Share Rate _____ 75%	Extent Requested (Units)	Extent Approved (Units)	Unit Cost (\$)	Total Cost (\$)	Cost Share Approved (\$)	Extent Performed (Units)	Cost Shares Earned (?)
A	B	B1	C	D1	D2	E	F	G

Approved by SWCD \_\_\_\_\_ Date \_\_\_\_\_ TOTAL \_\_\_\_\_

Instructions to participant:

To receive payment for any cost-share earned on this practice, report performance and complete items below. Date and sign certification and file with the district office by the reporting date.

Did you bear all the expenses (except for program cost-sharing) for performing this practice? (If no, report name(s) and address(es) of either person(s) or agency who bore any part of this expense. Also show kind, extent, and value of their contribution. ) Yes( ) No( )

During the current fiscal year (July 1 – June 30), have you received or will you receive a cost share payment on this or any other farm for a practice other than on this farm? (If yes,, report name of state or county for each such farm.) Yes( ) No( )

I certify this practice has been completed according to plans and specifications and to the extent shown in Column F. I do hereby apply for payment.

Applicant Signature \_\_\_\_\_

Date \_\_\_\_\_

Technician Signature \_\_\_\_\_

Date \_\_\_\_\_

I certify that the cost does not exceed the maximum cost for component parts established by the district. I recommend payment in the amount of \$ \_\_\_\_\_

Commissioner's Signature \_\_\_\_\_

Date \_\_\_\_\_

Soil Loss (Tons/AC/Yr)			Water Conservation	
Before	After	No. Acres	AC-in/ac Saved	Number Acres

Livestock Nutrient Management  
Program #0087.

Latitude \_\_\_\_\_  
Longitude \_\_\_\_\_

MCSP-2a  
Rev. 11-11  
**LIVESTOCK POND RENOVATION PROGRAM**  
**PRACTICE APPROVAL AND PAYMENT APPLICATION**

Program Year \_\_\_\_\_ Date of Application \_\_\_\_\_  
 Name of Applicant \_\_\_\_\_ Application Number \_\_\_\_\_  
 Address \_\_\_\_\_ Yes \_\_\_ No \_\_\_ SWCD Cooperator  
 Telephone \_\_\_\_\_ Landowner Name \_\_\_\_\_  
 Social Security Number \_\_\_\_\_ \_\_\_(10)\_\_\_ County Soil & Water Conservation District

Conservation and/or Environmental Problem

Practice No.	Practice Title and Component Parts Cost Share Rate _____ 75%	Extent Requested (pond size)	Extent Approved (pond size)	Unit Cost (\$)	Total Cost (\$)	Cost Share Approved (\$)	Extent Performed (pond size)	Cost Shares Earned (?)
A	B	B1	C	D1	D2	E	F	G

Approved by SWCD \_\_\_\_\_ Date \_\_\_\_\_ TOTAL \_\_\_\_\_

Instructions to participant:  
 To receive payment for any cost-share earned on this practice, report performance and complete items below. Date and sign certification and file with the district office by the reporting date.

Did you bear all the expenses (except for program cost-sharing) for performing this practice? (If no, report name(s) and address(es) of either person(s) or agency who bore any part of this expense. Also show kind, extent, and value of their contribution. ) Yes ( ) No ( )

During the current fiscal year (July 1 – June 30), have you received or will you receive a cost share payment on this or any other farm for a practice other than on this farm? (If yes,, report name of state or county for each such farm.) Yes( ) No( )

I certify this practice has been completed according to plans and specifications and to the extent shown in Column F. I do hereby apply for payment.

Applicant Signature \_\_\_\_\_

Date \_\_\_\_\_

Practice meets standards and specifications. Yes \_\_\_ No \_\_\_

Technician Signature \_\_\_\_\_

Date \_\_\_\_\_

I certify that the cost does not exceed the maximum cost for component parts established by the district. I recommend payment in the amount of \$ \_\_\_\_\_

Commissioner's Signature \_\_\_\_\_

Date \_\_\_\_\_

GPS Coordinates	
Latitude	
Longitude	

Livestock Nutrient Management  
Program #006..

## **Title 2: Agriculture and Commerce**

### **Part 904: MSWCC Surface Mining and Reclamation Program**

#### **Part 904 Chapter 1: Surface Mining Policy and Procedures**

*Introduction.* The Mississippi Surface Mining and Reclamation Act adopted in October of 1977 and effective in April of 1978 provides for the regulation of surface mining within the borders of Mississippi. The Act designates the Mississippi Soil and Water Conservation Commission (MSWCC) to serve as a liaison between Mississippi Soil and Water Conservation Districts (SWCDs) and the Mississippi Bureau of Geology. The Commission reviews all Surface Mining Applications and assists the soil and water conservation districts in making recommendations as to the reclamation portions of these applications. The Commission also reviews the requests of bond releases after reclamation has been completed.

*Rule 1.1 Purpose.* The overall objective of the surface mining program is to review applications for surface mining permits as they pertain to soil and water conservation practices in all efforts to reduce sediment pollution from surface mining activities in accordance with the Mississippi Surface Mining and Reclamation Act.

Source: *Miss. Code Ann. § 53-7-3*

#### *Rule 1.2 Procedures for Initial Applications.*

- A. Upon receipt of a notice of intent or permit application from Bureau of Geology, the commission notifies the commissioners of the soil and water conservation district(s) in which any part of the land to be mined is located, to review the reclamation plan that is part of the application.
- B. Within thirty (30) days after the filing of intent or permit application by the operator, the district(s) make written comments, recommendations and evaluations of the plan and submit to the Soil and Water Conservation Commission.
- C. The commission sends the comments to the Bureau of Geology. The comments and recommendations are made a part of the record and one copy is furnished to the operator by the Bureau of Geology.

Source: *Miss. Code Ann. §§ 53-7-31, 53-7-35, 53-7-53*

#### *Rule 1.3 Procedures for Bond Releases*

- A. Upon receipt of the application for bond release from Bureau of Geology, the MS Soil and Water Conservation Commission notifies the commissioners of the soil and water Conservation district(s) in which any part of the surface mined site is located, to conduct an inspection and evaluation of the reclamation work involved.
- B. Evaluation of site should consider the occurrence of pollution of surface and subsurface water, the probability of continuance or future occurrence of pollution, and the estimated cost of abating the pollution.

- C. A written response concerning the results of the evaluation or inspection are reported to the Mississippi Soil and Water Conservation Commission by the soil and water conservation district and in turn are furnished to the Bureau of Geology.

Source: *Miss. Code Ann.* §§ 53-7-67, 53-7-53

## **Title 2: Agriculture and Commerce**

### **Part 905: MSWCC Revolving Loan Fund Program**

#### **Part 905 Chapter 1: Revolving Loan Policy and Procedures**

*Rule 1.1 Revolving Loan Fund Program Source and Authority.* The Mississippi Soil and Water Conservation Commission is authorized to declare, by resolution, the necessity for issuance of negotiable general obligation bonds of the State of Mississippi to provide funds for the revolving fund. Upon the adoption of a resolution by the commission, declaring the necessity for the issuance of the general obligation bonds, the commission delivers a certified copy of its resolution to the State Bond Commission. Upon receipt of the resolution, the State Bond Commission, in its discretion, will act as the issuing agent, prescribe the form of the bonds, advertise for and accept bids, issue and sell the bonds so authorized to be sold, and do any thing else necessary and advisable in connection with the issuance and sale of such bonds. The amount of bonds issued shall not exceed Five Hundred Thousand Dollars (\$500,000.00) in the aggregate.

Source: *Miss Code Ann. §§ 69-27-343, 69-27-348 - 69-27-365*

*Rule 1.2 Authority to Purchase Equipment.* The Mississippi Soil and Water Conservation Commission is authorized to acquire and to make available, or to assist in acquiring or making available to soil and water conservation districts, heavy or specialized machinery or equipment necessary for installation and implementation of soil and water conservation practices or measures.

Source: *Miss Code Ann. §§ 69-27-331, 69-27-341*

*Rule 1.3 Description of Equipment.* The heavy or specialized machinery or equipment purchased through this program may be either new or used. The commission may purchase used equipment through licensed and authorized public auction of agricultural, heavy or specialized equipment.

Source: *Miss Code Ann. § 31-7-13*

*Rule 1.4 Amortization of Costs.* When the commission acquires or makes available to any district the machinery or equipment as described above, it shall require the district to fully amortize to the commission any amount so expended by the commission for such assistance. The amount of amortization for each piece of equipment purchased under this program is currently at 3.5% interest over a period of five (5) years.

Source: *Miss Code Ann. § 69-27-337*

*Rule 1.5 Title to Machinery and Equipment.* The Mississippi Soil and Water Conservation Commission will retain title to each piece of heavy or specialized machinery or equipment when



purchased. The equipment is made available to any soil and water conservation district until such time as the district fully amortizes the commission's investments in such machinery or equipment. After the machinery or equipment has been fully amortized, the commission is authorized and empowered to transfer the title to the district.

Source: *Miss Code Ann. § 69-27-333*

*Rule 1.6 Record Keeping Requirements by Districts.* Each soil and water conservation district which receives or uses the machinery or equipment purchased through the Revolving Loan Fund Program will maintain its public records to show for each piece of equipment the following information:

- A. The amounts collected from each job in each district.
- B. The expense of repairing, moving, manning, and other usual costs of operation.
- C. The amount paid by each district for the purpose of amortizing the commission's investment in the piece of equipment.
- D. Each district must send a duplicate copy of those records to the commission.

Source: *Miss Code Ann. § 69-27-335*

*Rule 1.7 Rules Regarding Payments of Amortized Rental Fees.*

- A. The commission must retain all equipment records submitted by the districts in its files for public inspection.
- B. The commission shall at all times maintain an account showing each piece of equipment the title to which is vested in it, amount paid by any soil and water conservation district, and the amount remaining to be amortized.
- C. The commission shall maintain a current inventory of all equipment, shall have all equipment marked and identified as being the property of the commission.
- D. The commission shall promulgate rules and regulations which ensure that the use of such equipment within each district is on an equitable basis.

Source: *Miss Code Ann. § 69-27-331*

*Rule 1.8 Rules Regarding Payments of Amortized Rental Fees.* The amount paid by any soil and water conservation district to the commission for amortization purposes shall be made semiannually. When payments are not received by the commission within sixty (60) days of the due date, the commission shall take all necessary actions to collect such delinquent payments. Amounts received or collected shall be credited to the revolving fund created.

Source: *Miss Code Ann. § 69-27-343*

*Rule 1.9 Combination Use of Equipment.* Any two (2) or more soil and water conservation districts may combine with each other for the purpose of obtaining and using the machinery or equipment.

Source: *Miss Code Ann.* §§ 69-27-339, 69-27-331 - 69-27-341