

# Dakota County Soil and Water Conservation District

## 2020 Cost Share Policies

### **Staff Credentials**

The Dakota County Soil and Water Conservation District (District) will ensure staff has the necessary skills and training to install and maintain projects according to standards and specifications. Building credentials and maintaining or seeking certifications to retain knowledgeable staff is a high priority of the District. Budget allocations for training purposes have been approved for the calendar year and staff time will be dedicated to building skill sets to the extent practical.

Technical expertise of the District includes:

- 1 Certified Professional in Erosion and Sediment Control
- 1 Certified Professional in Storm Water Quality
- 1 Certified Wetland Delineator – State of Minnesota
- 1 Minnesota Certified Tree Inspector – Minnesota DNR
- 1 Certified Geographic Information Systems Professional
- 5 Staff with USDA – Natural Resources Conservation Service Technical Approval Authority under Ecological and Engineering Sciences

When professional engineering is required or specific conservation practices require expertise above current technical capacity, the District will utilize professional engineers or staff from consultants, Dakota County Environmental Resources, municipalities, Minnesota Board of Water and Soil Resources or the USDA - Natural Resources Conservation Service.

### **Delegation**

Under Board action 14.035, the District Board delegated authorization to assign Technical Approval Authority for staff under both engineering practices and ecological sciences to the District Manager.

Under Board action 14.037, the District Board delegated signing of all State grant contracts or reports to the District Manager. Applicant contracts for the installation of conservation practices and supporting project documents such as cost share vouchers will be signed by the District Board of Supervisors and applicant.

Under Board Action 20.025, the District Board delegated authority to the District Manager to amend cost share contract installation dates if the amendment is not limited by the terms of available funding sources. All other contract amendments must be made by the District Board.

Existing staff with technical background and knowledge of conservation practices will conduct and sign off on follow-up compliance inspections for projects currently under contract. For non-compliant projects that require modifications or if additional expertise is needed to determine compliance, the District will utilize appropriate technical expertise.

## **Noncompliance**

Cost share contract noncompliance will be reviewed by the District Board in consultation with the Dakota County Attorney's Office. The District Board will attempt to address noncompliance issue with the current landowner on a voluntary basis. Unresolved issues that the District Board is not able to address will be forwarded to the Dakota County Attorney's Office for possible legal action as identified in Article 7 of the Joint Powers Agreement between Dakota County and the District Board and Minn. Stat. 103C.321, Subd. 4.

## **General Policies Applied to all Funding Programs.**

- All funding program contracts and requests for payment for projects under contract require the approval of the Dakota County Soil and Water Conservation District (District) Board of Supervisors (Board).
- All funding programs are subject to fund availability and may be discontinued or subject to program policy revisions by the District Board as it deems appropriate.
- The number of contracts approved may be limited by the amount of funding and staff time available. The District Board reserves the right to limit funding at their discretion.
- Other than USDA Programs, the District does not provide technical or administrative assistance to other organizations that implement their own financial incentive programs unless specifically identified in a work plan or contractual agreement.
- At its sole discretion, the Board may consider compliance to the terms of a previous or existing District or USDA Cost Share Contract as a prerequisite to entering into a subsequent Cost Share Contract with an applicant.
- It is District's goal to fund voluntary conservation projects. Projects that are completed to meet regulatory requirements are not eligible for funding. However, portions of a project may be eligible for funding if that portion is voluntary and exceeds regulatory requirements. Verification that the project is voluntary may be required from the applicant or applicable regulatory agency.
- The applicant is responsible for the operation and maintenance of structural practices applied under this program to ensure the conservation objective of the practice is achieved for a minimum of 10 years. For non-structural practices (e.g. cover crops), the applicant is responsible for the operations and maintenance for the term specified in their contract.
- It is the District's goal to support and leverage federal USDA program funding through District technical assistance and funding.
- If USDA project funds or technical assistance are being used on a joint project, the applicant must sign a Freedom of Information Act release form that allows the District access to applicable information within the applicant's project case file in order to be eligible for District funds.
- If the practice has failed prior to the 10 year term due to improper maintenance, the applicant will be responsible for the necessary repairs. If the landowner decides not to repair the practice to the original specifications, they shall be obligated to reimburse funding in accordance with the approved cost share contract.
- If the title to the land where the practice is installed is transferred to another party before the expiration of the life of cost share contract, it shall be the responsibility of the landowner who signed the contract to advise the new owner that the contract is in force.

- Project inspections will be conducted to meet minimum State requirements, with additional inspections for projects of emphasis. Current inspection schedule includes:
  - Compliance inspections at years 1, 3, 6, and 9 for typical projects under a 10 year contract.
  - Annual compliance inspections for projects that had an installation cost of over \$20,000.
  - Annual compliance inspections for non-structural land management practices.
  - Follow up visits for Landscaping for Clean Water projects at 1 year and 5 years after installation.
- For projects using state funds, additional specific requirements may apply, including but not limited to Minnesota prevailing wage, BWSR Native Vegetation Establishment and Enhancement Guidelines, and project signage requirements.

### **Project Development**

- The landowner and applicant shall allow District staff access to property for which the installed conservation practice is located during the life of the contract. The installed practice will be subject to periodic inspections by District staff.
- District Technical Standards include, but are not limited to, the most current: USDA Field Office Technical Guide, MPCA Stormwater Manual, MPCA Protecting Water Quality in Urban Areas, NPDES General Stormwater Permit for Construction Activity, Minnesota Urban Small Sites BMP Manual, Dakota County Low Impact Development Standards, and applicable local, state and federal regulations.
- The District will consider funding tile installation only for the following purposes:
  - If it is necessary to establish vegetation for an approved practice.
  - If it is necessary to ensure project success for a minimum of ten years.
  - If it is a support practice or part of an approved practice. (I.e. water and sediment control basins or stormwater runoff controls).
- Funding will not be provided for tile installation if the activity will impact a wetland or for the sole purpose of drainage.
- Funding will not be provided to increase tile capacity or size beyond design capacity for the purpose of agricultural drainage. The applicant is solely responsible for costs associated with increased tile capacity. All modifications or connections must have prior approval to ensure that the changes do not negatively affect the success of the approved practice.
- Landowner/Applicant may be requested to obtain two quotes for the proposed conservation work prior to cost share contract approval by the District Board.
- Unless specified otherwise by Minnesota prevailing wage statutes, the value of in-kind labor, equipment, materials and/or services that are proposed to be provided by the applicant to complete the project, shall be estimated at:
  - General Labor rate of \$25 per hour. (Date, times and activity must be documented)
  - Labor rate of \$50 per cubic yard for concrete work.
  - Heavy equipment operation such as skid steers, tractors, backhoes, and scrapers (including labor) at \$60 per hour. (Date, times and activity must be documented)
  - Materials: \$8 per ton for gravel, \$5 per yard for sand.
  - Professional or semi-professional services, such as engineering, labor rate at \$75 per hour. (Date, times and activity must be documented)
  - Other items: Fair market value

## **Application/Contract**

- Applicants are responsible to submit application forms, project plans and cost estimates as requested by the District in sufficient detail for the District to complete its review.
- For projects where construction will occur on adjacent properties or the project will impound water on adjacent properties not owned by the applicant, a group addendum must be signed by all affected landowners. A division of payment schedule, agreed to by all landowners, must be attached to the addendum.
- The application deadlines for individual programs may be extended at the District Board's discretion.
- Applications not approved may be resubmitted for review in following rounds within the calendar year.
- District Staff will prioritize applications based on local and state priorities and the potential to provide water quality benefits.
- With the exception of the Landscaping for Clean Water Program, District staff shall provide a funding recommendation for each application submitted to the District Board. The district reserves the right to review projects by committee if deemed appropriate.
- The funding amount will not exceed the amount specified on the original cost share contract, unless the applicant, prior to completion of the project, obtains a District Board approved contract amendment to increase funding amounts. Contract amendments shall not be awarded solely due to increased project costs and shall be evaluated by the board on a case by case basis.
- Upon approval by the District Board, the applicant will receive a letter with copy of executed cost share contract stating details of the practice that has been approved, the funding amount, and time schedule to start and complete the project, and a copy of the Operations and Maintenance Plan.

## **Project Implementation**

- District staff shall participate in a preconstruction meeting. District staff shall be available to the applicant during construction to answer questions, document installations and provide general construction observation to inform the Applicant of non-compliant project components or conditions.
- Unless otherwise approved by the District Board, a portion of a project becomes ineligible for funding if construction begins on that portion before a cost share contract has been approved.
- The project must be completed in compliance with the terms and conditions of the Cost Share Program Contract and maintained in compliance with the Operation and Maintenance Plan. (See Contract and O&M Plan
- The applicant is responsible for full installation of the project before the project installation deadline listed on the cost share contract. If a deadline extension is required to complete the project, the applicant must make the request prior to the project installation deadline.
- The entire practice shall be installed according to project design requirements, including seeding, mulching, erosion control blanket, or other erosion control devices. Any changes from the approved design requirements shall be agreed to in writing prior to practice certification.

## **Reimbursement**

- The technician with the proper Technical Approval Authority shall verify if the practice is complete and meets standards and specifications before final payment is issued.
- The Landowner/Applicant is responsible to pay, in full, all receipts and invoices directly to the contractor or vendor.

- The applicant must submit invoices or receipts of actual costs in sufficient detail for the District's review. Requests for reimbursement shall include a Voucher and Practice Certification Summary Form submitted at least two weeks prior to the first of the month to allow for District's review and processing.
- A one-time cost share reimbursement payment will be made by the District Board upon certification that the project has been installed and completed to specifications.

## **Program-Specific Policies**

### **Citizen Conservation Stewards (See CCS Fact Sheet)**

- CCS funds voluntary (non-agricultural) conservation projects on individual properties.
- CCS applications are reviewed on a first come, first served basis.
- CCS amounts are based on a District Board approved percentage range (up to 75%) of the total estimated project costs.
- The final CCS reimbursement amount is determined by applying the approved percentage to the actual documented project cost and shall not exceed \$5,000 or as limited by District Board action.

### **Conservation Initiative Funding (See CIF Fact Sheet)**

- CIF funds voluntary (non-agricultural) conservation projects on commercial and/or properties with multiple owners represented by a single legal entity.
- CIF applications are reviewed on a first come, first served basis.
- CIF amounts are based on a District Board approved percentage range (up to 75%) of the total estimated project costs.
- The final CIF reimbursement amount is determined by applying the approved percentage to the actual documented project cost and shall not exceed \$25,000 or as limited by District Board action.

### **Community Conservation Partnership (See CCP Fact Sheet)**

- CCP funds voluntary (non-agricultural) conservation projects at existing public facilities or properties.
- CCP applications for projects requesting cost share funds are due by March 15, May 15 or July 15 of each year.
- CCP amounts are based on a District Board approved percentage range (up to 75%) of the total estimated project costs.
- The final CCP reimbursement amount is determined by applying the approved percentage to the actual documented project cost and shall not exceed \$50,000 or as limited by District Board action.
- For purposes of this program, public facilities can include, but are not limited to, buildings, property, recreational areas, and roadways, which are owned, leased, or otherwise operated, or funded, by a governmental body or public entity.

### **Landscaping for Clean Water Grants (See LCW Fact sheet)**

- Eligible project types are limited to native gardens, raingardens and native shoreline stabilizations that demonstrate compliance with Landscaping for Clean Water technical recommendations.
- Grant applicants must attend and complete a Landscaping for Clean Water design workshop and submit a grant application, project plan and cost estimate for District staff approval prior to beginning the installation. (Grant is not retroactive)
- District staff will review applications, select grant recipients, verify completed projects and distribute grants in accordance to program policy.

- Applications requesting grant approval will be reviewed in three application rounds. Application must be received by a round's start date and awarded grants automatically expire if the project is not completed by the end date of the round in which it was awarded:

Round #1- Start Date: April 23rd    End Date: July 10th  
 Round #2- Start Date: May 27th    End Date: August 28th  
 Round #3- Start Date: July 15th    End Date: October 16th

- Expired grants and grants not awarded (if any) will be made available to subsequent application rounds or the remaining funds may be reallocated to other cost share programs per approved work plans with partnering organizations. The number of grants awarded shall be limited by the amount of funding available and amount of District staff time available to provide technical assistance. (Application window may be extended at District staff discretion)
- The Landscaping for Clean Water grant amount is limited to \$250.00 per approved application. Only one grant allowed per applicant per year. Applications not approved in a preceding round may be resubmitted for review in following rounds.
- For projects that are estimated to cost less than \$250.00, grant amounts may be adjusted so that grants do not exceed the actual project costs.
- Projects must be a minimum of 100 square feet in size.
- Projects up to 1,000 square feet in size must be planted using live plants with mulch. Projects 1,000 square feet or larger may be seeded.
- District Staff will prioritize grant awards based on watershed location, proximity to water resources and potential to provide water quality benefits.
- The Board shall determine the amount and source of District funding (if any) to be allocated each year.
- Partnering organizations may participate by contributing funds. The District will develop an agreement with work plan and provide an annual report listing projects and funds spent.

**Incentive Payment Practices (See IPP Fact sheet)**

- IPP applications for projects requesting cost share funds are due by March 15, May 15 or July 15, or September 15<sup>th</sup> of each year. Cover crop applications are accepted year-round.
- Funding shall not exceed 50% of the documented project cost for the materials and activities required to seal unused wells in accordance with Minnesota Rules Chapter 4725 (Minnesota Department of Health). Total funding award including all other state, federal, or local funding sources is limited to \$2,000 per sealed well. Well sealing costs may be eligible for low-interest AgBMP loans.
- For most projects that use State grant funds, local funds, or both, the combination of state and local funds shall not exceed 75% of the total documented project cost.
- For projects where the applicant submits and application for and is awarded USDA-EQIP funds, the combination of state, local, and federal funds shall not exceed 85% of the total documented project cost.
- For qualifying projects in locations designated as "Priority Locations" by the District Board, cost share funding shall not exceed 90% of the total documented project cost.
- Stormwater Runoff Control (Code 570) practices are not eligible for funding through the IPP program unless otherwise approved by District Board action.
- Conventional Filter Strips:
  - The applicant must enroll in the CCRP with the USDA - Farm Service Agency (FSA) and meet all of their site location and crop history requirements.

- The District will provide up to \$300 per acre per year, in combination with the CCRP, for the establishment of new or existing filter strips.
- The applicant must choose the maximum allowable CCRP contract length to be eligible for the IPP Filter Strip Program.
- The applicant is responsible for the costs of seed, planting, and maintenance. CRP cost share may be available through the CRP program.
- The Conventional Filter Strip Program provides the total contract payment in one lump sum when the filter strip seeding has been completed and certified. The filter strip must be established, operated, and maintained according to USDA-Natural Resources Conservation Service Field Office Technical Guide (NRCS-FOTG) Conservation Practice Standards. All certifications are made by District staff and all payments must be approved by the District Board.
- Total filter strip payments are limited to \$15,000 per contract.

➤ Harvestable Filter Strips:

- The Harvestable Filter Strip Program eligibility requirements are the same as the current FSA Continuous Conservation Reserve Program (CCRP) site location and crop history standards. District staff completes all eligibility determinations.
- The minimum filter strip width eligible for payment is 30-feet. The maximum filter strip width eligible for payment is 120-feet.
- Landowners enrolled in the District's Conventional Filter Strip Program or the Dakota County Farmland and Natural Areas Program are not eligible for the Harvestable Filter Strip Program.
- The District will provide up to \$150 per acre per year.
- The Harvestable Filter Strip Program provides the total contract payment in one lump sum when the filter strip seeding has been completed and certified. All certifications are made by District staff and all payments must be approved by the District Board.
- Total filter strip payments are limited to \$7,500 per contract.
- The filter strip must be established, operated, and maintained according to NRCS –FOTG standards.
- Harvesting within the filter strip is allowed only after August 1 of each year to avoid the primary nesting season unless an earlier harvest date is approved by District staff.
- The minimum remaining vegetation height after harvest is 6-inches for cool season grasses and legumes, and 10-inches for native warm season grasses and forbs.

➤ Cover Crops:

- Cover Crops must meet NRCS Practice Standard 340 (Cover Crop) to be eligible for incentive payments.
- Applications will be competitively ranked to prioritize project funding.
- The District will provide up to \$25 per acre per year for cover crops under a single year contract.
- The District will provide up to \$35 per acre per year for cover crops under a multiple-year contract. To be eligible for a multiple-year contract, cover crops must be planted on the same number of acres and on the same fields for consecutive years.

- The Cover Crop Program provides the total contract payment in one lump sum when the cover crop seeding has been completed and certified. All certifications are made by District staff and all payments must be approved by the District Board.
- Total cover crop payments under a single year contract are limited to \$2,500 per contract.
- Total cover crop payments under a multiple year contract are limited to \$10,500 per contract.
- A field is eligible for a maximum of 3 years of incentive payments.
- Fields that have received or are currently receiving cover crop funding through other cost share programs are not eligible for funding through the IPP program.

**Native Prairie Restoration (See NPR fact sheet)**

- Native Prairie Restoration (NPR) funds the establishment or enhancement of native vegetation.
- Projects must be 1/2 acre in size or greater to qualify for the NPR program.
- Native Prairie Restoration projects must meet NRCS Practice Standard 327 (Conservation Cover), 657 (Wetland Restoration) or 643 (Restoration and Management of Rare and Declining Habitats) to be eligible for incentive payments
- NPR applications requesting funds are accepted all year. Projects will be ranked and prioritized for funding on a monthly basis.
- Funding shall not exceed 75% of the documented project costs and is limited to \$2,000 per acre for the establishment of native grasses and \$1,000 per acre for the enhancement of existing native plantings with pollinator-friendly species such as forbs, sedges, and rushes. Projects that establish native grasses and pollinator-friendly species are eligible for the combined limit of \$3,000 per acre.
- All requests for funding must submit a cost estimate at the time of application.
- Enhancement of existing CRP plantings will require coordination with USDA to ensure compliance with existing CRP contract.