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155:20-1-1. Purpose

The purpose of the Conservation Cost-Share Program is to provide financial assistance through cost-share payments to land users identified as eligible for applying soil and water conservation or water quality best management practices.

155:20-1-2. Definitions

In addition to terms defined in 27 O. S. Ann. ' ' 3-1-103 and 3-3-114, the following words and terms, when used in this document, shall have the following meanings, unless the context clearly indicates otherwise:

"Allocated funds" means funds budgeted through the Commission and the conservation districts for cost-share payments.

"Allocation period" means that period of time established by the Commission in which a conservation district has to obligate the allocated funds received for any program year.

"Applicant" means an eligible person who applies for a cost-share payment from a conservation district.

"Available funds" means monies budgeted, unobligated, and approved by the Commission for cost-share payments.

"Average cost" means the calculated cost, determined by averaging recent actual costs and current cost estimates, considered necessary for a participant to carry out a conservation practice or a designated component of a conservation practice. Actual cost includes labor, supplies, and other direct costs required for installation of a practice.

"Case file" means the collection of materials that is assembled and maintained for each approved application for a cost-share payment.

"Commissioners" means the five members who are appointed by the Governor and confirmed by the Senate that make up the governing board of the state agency known as the Oklahoma Conservation Commission.

"Commission staff" or **"staff"** means employees of the Oklahoma Conservation Commission.

"Conservation Cost-Share Fund" means the fund created by the Oklahoma Legislature and Governor into which appropriations and other monies will be deposited for the purpose of funding activities associated with the Conservation Cost-Share Program. This fund is a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Commission to implement and maintain the Conservation Cost-Share Program.

"Conservation Cost-Share Program" means the assumption by the state of a proportional share of the cost of installing conservation structures, conservation practices or best management practices on land for public and environmental benefits.

"Conservation plan" means the record of decisions approved by a conservation district for applying and maintaining soil and water conservation practices on the land.

"Conservation practice" means best management practice.

"Cost" means the amount actually paid or engaged to be paid by the participant for equipment use, materials, and services for carrying out a conservation practice, identifiable component, or if the participant uses their own resources in carrying out an identifiable component, the constructed value of their own labor, equipment use, and materials.

"Cost-share payment" means a disbursement of money to a participant for

completed and certified cost-share conservation practices.

"Cost-share rate" means the percentage of the total cost of implementing an approved cost-share conservation practice that will be paid by public funds.

"Deobligated funds" means monies from a conservation district's allocated funds that have been obligated to a participant and then subsequently released.

"Designated technical representative" means a qualified technician designated by the conservation district to determine need, design and layout of proposed conservation practices, determine compliance with applicable design standards and specifications, and certify completion of practices.

"Disbursed funds" means funds released by the Commission for payment to participants for completed and certified cost-share conservation practices.

"District cooperator agreement" means a written and signed agreement between a conservation district and any person or entity who owns or controls land within the district. The agreement generally states that the district will provide the cooperator with technical assistance in developing a conservation plan for land under the cooperator's control and that the cooperator will start to implement the provisions of the plan as resources become available.

"Eligible conservation practices" means those conservation practices that have been approved by the Commission.

"Eligible person" means any landowner or land user that is not prevented by law from participating in the Program.

"FSA" means Farm Service Agency.

"Geographic Information System" means an organized collection of computer hardware, software, geographic data, and personnel designed to efficiently capture, store, update, manipulate, analyze, and display all forms of geographically referenced information.

"Identifiable component" means all of an eligible conservation practice, or a part thereof, that when carried out can be clearly identified as a segment in the sequence of carrying out the conservation practice.

"Land user" means any person, firm, corporation, or entity who has control over a tract or tracts of land in Oklahoma such as a landowner, operator, lessee, or tenant.

"Landowner" means any person, firm, corporation, or entity holding title to land lying within an Oklahoma conservation district.

"Legal description" means the section, township, range, and county where a cost-share conservation practice is located.

"Life span" means the period of time specified in the maintenance agreement and/or conservation plan during which the conservation practice is to be maintained and used for the intended purpose.

"Locally Led Conservation Initiative" means a program activity which will address general renewable natural resource conservation issues that are causing or have the potential to cause detrimental effects to the environment.

"Maintenance agreement" means a written agreement between the participant and a conservation district wherein the participant agrees to maintain the applied conservation practices for a period of time as established by the Commission and outlined in the applicable conservation plan.

"NRCS" means Natural Resources Conservation Service.

"Obligated funds" means monies from a conservation district's allocated funds that have been committed to a participant after approval of the application by the district board..

"Participant" means an applicant whose application has been approved and funds have been obligated by the district for funding cost-share conservation practice implementation.

"Performance agreement" means a written agreement between the participant and a conservation district wherein the participant agrees to perform conservation practices for which obligated funds are being paid.

"Priority system" means a system devised by a conservation district, under guidelines of the Commission, for ranking approved conservation practices or for ranking applications for cost-share assistance. The system or systems devised will be used to facilitate the disbursement of allocated funds in line with a district's priorities.

"Priority watershed" means a watershed that has been identified by the Commission as having special properties or conditions that require a watershed management plan to address the maintenance, improvement, or re-remediation of these properties or conditions through intensive nonpoint source management. Procedures that identify a priority watershed will be consistent with other state watershed priority setting systems.

"Priority Watershed Initiative" means a program activity which will address special environmental concerns that exist within a priority watershed. Funds directed to this initiative will be used for cost-share payments to a participant who implements a conservation plan. Special cost-share rates and conservation practices may be available to participants.

"Program" means the Conservation Cost-Share Program.

"Program initiative" means one or both of the two program activities - the Locally Led Conservation Initiative and the Priority Watershed Initiative.

"Program year" means a consecutive period of time established by the Commission which will be used to identify conservation cost-share practices that have been allocated funds from the Conservation Cost-Share Fund.

"State average cost" is the arithmetic mean of the average cost of a conservation practice or a designated component of a conservation practice as submitted by the districts to the Commission. State average cost may be calculated and applied by geographic region, as determined by the Commission.

"Tracts of land" means all land owned by the applicant/participant in a single parcel or several parcels.

155:20-1-3. Responsibilities

(a) The Commissioners shall:

- (1) Identify problems affecting the state's renewable natural resources and set resource guided goals that the Conservation Cost-Share Program will address.
- (2) Establish, based on Commission staff recommendations, program year guidelines.
- (3) Designate priority watersheds and allocate funds to be used in these watersheds based on recommendations from Commission staff.

- (4) Consider the establishment of a reserve fund to address contingencies that may arise concerning the operation of the Conservation Cost-Share Program within the districts and/or the Commission.
- (b) The Commission staff shall:
- (1) Present to the Commissioners a prioritized list of problems affecting the state's renewable natural resources and recommend a set of resource guided goals in addressing these problems.
 - (2) Recommend program year guidelines to the Commissioners.
 - (3) Recommend to the Commissioners priority watersheds and the amount of funds to be allocated to each priority watershed. Input from the Nonpoint Source Working Group will be used in developing these recommendations.
 - (4) Develop, and make available to districts, guidance including a detailed list of policies, procedures, and forms necessary for the efficient administration of the program.
 - (5) Monitor, evaluate, and assess waters of the state to determine the condition of streams and rivers impacted by nonpoint source pollution and report the results of these studies to the Commission, districts, and appropriate local, state, and federal agencies.
 - (6) Assist districts in identifying and prioritizing nonpoint source problems as well as other problems impacting the state's renewable natural resources.
 - (7) Assist and give guidance to districts in selecting cost-share conservation practices that will be used to address Commission established nonpoint source problems in priority watersheds.
- (c) The conservation district shall:
- (1) Identify and prioritize problems affecting the district's renewable natural resources. If so applicable, the district may identify unique priority areas for focusing the application of conservation practices.
 - (2) Consult with Commission staff concerning the selection of cost-share conservation practices which will be used to address nonpoint source pollution problems in priority watersheds or parts of priority watersheds that exist within the district.
 - (3) Apply to the Commission for an allocation of funds to address the Priority Watershed Initiative and the Locally Led Conservation Initiative.

155:20-1-4. Administration of funds

(a) **Conservation Cost-Share Fund.** The Conservation Cost-Share Fund shall be administered according to 27 O. S. Ann. ' 3-3-115.

(b) **General.**

- (1) The Commission will, upon recommendations from Commission staff, set aside not more than 10 percent of any legislative appropriation for administration of the Conservation Cost-Share Program. This money will be used to fund personnel and operating costs, including technical assistance costs, associated with administration of the Program at both the Commission and conservation district level. In addition, a reserve fund may be maintained to meet contingencies that may arise. The remainder of the appropriation will be allocated to two main program initiatives - the Priority Watershed Initiative and the Locally Led Conservation Initiative.
- (2) Any funds allocated to districts and not obligated during the allocation period for

a given program year will be released by the district and made available for reallocation by the Commission. Additionally, any funds obligated during the allocation period but not disbursed within one year after the end of the allocation period shall be released to the Commission and made available for reallocation. The Commission will reallocate these funds and such funds will be identified as current program year funds.

(3) During any allocation period, should any funds become deobligated within the district, for whatever reason, then these funds are available for re-obligation by the district board within the respective program initiatives.

(4) Nothing in any contract or agreement executed between the district and participant shall be interpreted or construed to constitute a financial or general obligation of the state. No state revenue shall be used to guarantee or pay for any damages to property or injury to persons as a result of the provisions of any contracts or agreements.

(c) **Locally Led Conservation Initiative allocation.** The Locally Led Conservation Initiative will receive funds from the Conservation Cost-Share Fund as allocated by the Commission.

(d) **Priority Watershed Initiative allocation.** The Priority Watershed Initiative will receive funds from the Conservation Cost-Share Fund as allocated by the Commission. Funds will be allocated watershed by watershed by the Commission, based on recommendations prepared by Commission staff with input from the Nonpoint Source Working Group and other interested groups. This money will be available for cost-share conservation practices that address water quality, soil erosion, and animal waste issues in high priority watersheds.

(e) **Reserve fund.** The Commission may administer a reserve fund to be set aside and used only to meet contingencies that occur in the districts or within the Commission. Money for this fund shall come from the Conservation Cost-Share Fund as determined by the Commission.

155:20-1-5. Eligibility for Conservation Cost-Share Program

(a) **Eligible land.** The determination whether land is eligible for cost-share payments shall be pursuant to any restrictions established by the conservation district in whose jurisdiction the land is located and pursuant to 27A O. S. Ann. ' ' 3-3-114.

(b) **Eligible purposes.** Cost-share payments shall be available only for eligible conservation practices.

(c) **Eligible conservation practices.** Conservation practices that the Commission has approved shall be eligible for cost-share payments. A complete listing of the eligible conservation practices will be identified in the Commission's program year guidelines

(d) **Requirement to file an application and conservation plan.** In order to qualify for a cost-share payment, an eligible person shall file:

(1) An application for allocated funds.

(2) A conservation plan approved by the district in which the eligible person's land is located.