

TITLE 155. OKLAHOMA CONSERVATION COMMISSION
CHAPTER 12. LAND MANAGEMENT
SUBCHAPTER 1. GENERAL PROVISIONS

155:12-1-1. Purpose

This Chapter sets forth provisions and requirements related to the different programs and projects of the Land Management Division pursuant to authority in Title 27A, Sections 3-1-101 et. seq. of the Oklahoma Statutes.

155:12-1-2. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"AEMS" means Agricultural Environmental Management Services division within the Oklahoma Department of Agriculture, Food, and Forestry dedicated to working with producers and concerned citizens in protecting the state's soils, air, and waters from animal waste.

"Alternate restoration" means the return of lands disturbed by human-related activities to a post-land use other than that which existed before the activity. Alternate restoration must be stable and have utility.

"BMPs" means Best Management Practices. These practices are capable of protecting the environment while considering economic factors, availability, technical feasibility, ability to implement, and effectiveness.

"Commission" means the Oklahoma Conservation Commission as created by the Conservation District Act of 1971.

"District" means a conservation district which is a governmental subdivision of this State and a public body corporate and politic organized in accordance with the provisions of the Conservation District Act of 1971.

"Director" means the Director of the Land Management Division of the Oklahoma Conservation Commission.

"DSA" means driving surface aggregate which is a well-graded, unbound mixture of loosely compacted fragments or particles designed for use as a wearing course on unpaved roads and to achieve maximum density to resist erosion and traffic wear.

"Eligible Land and Water" means those lands and waters that are eligible, under the criteria outlined in Section 155:12-3-2, for land restoration.

"Emergency" means a sudden danger or impairment that presents a high probability of substantial physical harm to the health, safety, or general welfare of people before the danger can be abated under normal program operation procedures.

"ESP" means environmentally safe practices which are practices that are put in place to ensure that the surrounding environment is free from hazards that will impact the safety and well-being of the public, as well as prevent accidental environmental damage or erosion.

"ESM" means environmentally sensitive maintenance practices that reduce the impact of road runoff and sediment into local streams, while reducing long-term road maintenance costs.

"Extreme Danger" means a condition that could reasonably be expected to cause substantial physical harm to persons, property, or the environment and to which persons or improvements on real property are currently exposed.

"FEMA" means Federal Emergency Management Agency an agency within the Department of Homeland Security charged with responding to Presidentially declared disasters.

"French mattress" means a structure under a road consisting of clean coarse rock wrapped in geotextile through which water can freely pass. French Mattresses are used in saturated soils, such as in wetlands, to support the roadbed while allowing unrestricted water movement.

"Hard rock mining" means uncovering and extracting non-fuel metal and mineral deposits of solid ores or eroded deposits in igneous or metamorphic terrains or streambeds. Some common hard rock minerals mined are copper, gold, iron ore, lead, molybdenum, phosphate rock, platinum, potash, silver, uranium, zinc, sand, and gravel.

"Land Management" means an activity to preserve or repair the function of previously disturbed land or water channels.

"Logjam" means an accumulation of lodged trees, root wads, or other debris that impedes the ordinary flow of water through a waterway and that is: (1) Causing or threatening to cause flooding on a road or private property. (2) Impeding navigation by a boat. (3) Reducing the capacity of a waterway to transport water. The term does not include the development of sandbars, sedimentation, or accumulations of stone or gravel.

"Mineral" means any metalliferous material extracted from the earth, including gold, silver, copper, molybdenum, zinc, lead, and other materials that are used as feedstocks in producing metalliferous materials.

"NMP" means Nutrient Management Plan which is a plan that is developed to manage the amount or rate, source, placement, method of application, and timing of plant nutrients and soil amendments. The purpose is to budget, supply, and conserve nutrients for plant production.

"ODAFF" means the Oklahoma Department of Agriculture, Food, and Forestry which is an agency of the state of Oklahoma charged with protecting and promoting agriculture, agricultural goods, and natural resources.

"Permanent facilities" means any structure that is built, installed, or established to serve a particular purpose or any manipulation or modification of the site that is designed to remain after the land restoration is completed, such as a relocated stream channel or diversion ditch.

"Program" or "Land Management Program" means the program established by the State for the restoration, repair, reclamation, improvement, modification, or alteration of land and/or water adversely affected by human activity or natural processes (i.e., mining, logjams, erosion)

"Restoration" means measures that are taken on surface disturbances to achieve stability and safety consistent with post-land use objectives.

"Soil" means topsoil, suitable substrate, or other plant growth media that will sustain vegetation.

"Stability" means the condition of land concerning its erosion potential and ability to withstand seismic activity.

"Surface disturbance" means clearing, covering, or moving land using mechanized earth-moving equipment for exploration, development, and production purposes but does not include surveying, assessment and location work, seismic work, maintenance, and other activities that create a de minimis disturbance.

"Unpaved road" means surfaces of natural material or crushed aggregate that have not been incorporated into a bound layer using asphalt, oil, or other such binder.

SUBCHAPTER 3. LAND RESTORATION

155:12-3-1. Land restoration

Land restoration is the ecological process of restoring a natural and safe landscape for humans, wildlife, and plant communities. This process protects our ecosystems, creates

economic development, helps prevent natural disasters such as floods, and increases soil health, productivity, and food supplies.

155:12-3-2. Eligibility

(a) Lands are eligible for restoration that have a continuing condition that substantially degrades the quality of the environment, prevents or damages the beneficial use of the land, natural resources, or water resources, or endangers the health or safety of the public.

(b) In addition to paragraph (a), mined lands including hard rock mining, and associated waters are eligible for land restoration if:

- (1) Mined or affected by mining processes; and
- (2) Abandoned either unreclaimed or inadequately reclaimed; and
- (3) No continuing responsibility for reclamation exists by the operator, permittee, or agent of the permittee under the statutes of the State.

155:12-3-3 Mine restoration objectives and priorities

Land Management projects related to mining shall meet one or more of the objectives stated in this Section. Preference among those projects competing for available resources shall be given to projects meeting higher priority objectives. The following objectives are stated in the order of priority with the highest priority first:

(1) **Priority 1.** The protection of public health, safety, and property from the extreme danger of adverse effects of mining practices, including the restoration of land and water resources and the environment that:

- (A) Have been degraded by the adverse effects of mining practices; and
- (B) Are adjacent to a site that has been or will be addressed to protect the public health, safety, and property from the extreme danger of adverse effects of mining practices.

(2) **Priority 2.** The protection of public health and safety from adverse effects of mining practices, including the restoration of land and water resources and the environment that:

- (A) Have been degraded by the adverse effects of mining practices; and
- (B) Are adjacent to a site that has been or will be addressed to protect the public health and safety from adverse effects of mining practices.

(3) **Priority 3.** The restoration of land and water resources and the environment previously degraded by adverse effects of mining practices, including measures for the conservation and development of soil, water (excluding channelization), woodland, fish and wildlife, recreation resources, and agricultural productivity. Priority 3 land and water resources that are geographically contiguous with existing or remediated Priority 1 or 2 problems will be considered adjacent under paragraphs (a)(1)(A) or (a)(2)(B) of this Section.

155:12-3-4. Land management project evaluation criteria

Proposed land restoration projects and completed restoration work shall be evaluated in terms of the factors stated in this Section. This evaluation will be undertaken by the Director. The factors shall determine whether or not proposed land restoration will be undertaken and to assign priorities to proposals intended to meet the objectives in terms of factors set forth below as a means of identifying conditions that should be avoided, corrected, or improved in plans for future land restoration. The factors for consideration include:

- (1) The need for restoration work to accomplish one or more specific land management objectives.
- (2) The availability of technology to accomplish the land restoration with reasonable assurance of success. In the case of research and demonstration projects, the research

capability and plans shall provide reasonable assurance of beneficial results without residual adverse impacts.

(3) The specific benefits to be considered when evaluating restoration projects shall include but are not limited to eligibility in 155:12-3-2, and the mine restoration objectives and priorities in 155:12-3-3.

(4) The acceptability of any additional adverse impacts to people or the environment that will occur during or after restoration and of uncorrected conditions, if any, that will continue to exist after the land restoration is completed.

(5) Consideration shall be given to both the economy and efficiency of the improvements and to the results obtained or expected as a result of the restoration.

(6) Landowner(s) acceptability to the restoration of the land.

(7) The availability of additional mineral or material resources within the project area that:

(A) Indicates a reasonable probability that the desired land improvements will be accomplished during the process of future mining.

(B) Requires special consideration to ensure that the resource is not lost as a result of the restoration and that the benefits of the restoration are not negated by subsequent, essential resource recovery operations.

(8) The acceptability of post-restored or improved land uses in terms of compatibility with land uses in the surrounding area, consistency with applicable State, regional, and local land use plans and laws, and the needs and desires of the community in which the project is located.

(9) The probability of post-land management, maintenance, and control of the area consistent with the improvements once completed.

155:12-3-5. Rights of entry

(a) This Section establishes procedures for entry by the Commission for land restoration purposes.

(b) Written consent from the owner of record and lessee, or their authorized agents, is the preferred means for obtaining agreements to enter lands in order to carry out land restoration activities.

(c) The Commission, its agents, employees, or contractors may enter upon land to perform land restoration, make improvements, or conduct studies or exploratory work to determine the existence of the adverse effects of past mining or land damage, if consent from the owner is obtained.

155:12-3-6. Revegetation standards

The Commission will restore lands that can include a variety of possible uses like production agriculture, wildlife habitat, grasslands, and native wooded areas.

(1) Where surface disturbances result in compaction of the soil, ripping, disking, or other means shall be used in areas to be revegetated to reduce compaction and to establish a suitable root zone in preparation for planting.

(2) Revegetation shall be conducted to establish plant species that will support the approved land use. The establishment of vegetation species, density, or diversity that is different than pre-existing conditions or on adjacent lands shall constitute successful reclamation if any of the following apply:

(A) The post-land use is different from the pre-land use or the use of adjacent lands;

(B) The site-specific nature of the surface disturbance, including soil conditions and topography, is such that the establishment of pre-existing or adjacent conditions is not technically or economically practicable; or

(C) The establishment of different species is preferable for the control of erosion.

(3) Planting shall be conducted during the most favorable period of the year for plant establishment.

(4) Soil stabilizing practices or irrigation measures, or both, may be used to establish vegetation.

(5) This Section only applies if vegetation or revegetation measures are included in the approved restoration plan.

155:12-3-7. Off-site soil

Soil may be brought in from off-site locations, and may include any growth media that will support vegetation, will provide a stable growing surface, and will not create a hazard to public safety.

SUBCHAPTER 5. UNPAVED ROADS PROGRAM

155:12-5-1. Purpose of unpaved roads program

(a) The purpose of the Unpaved Roads Program is to create a better unpaved road system with a reduced negative environmental impact on priority water resources in Oklahoma. The Program focuses on best management practices (BMPs) that reduce the impact of sediment and road runoff into streams, rivers, and drinking water supplies while reducing long-term unpaved road maintenance costs.

(b) The Program is designed to fund work on public roads with unbound road surfaces also known as unpaved roads. For the Program, driving surface aggregate (DSA) is NOT considered “paved” even though the material looks similar to pavement/concrete and is laid with paving equipment, however, it has no binding agent.

(c) Public entities that own and maintain public roads in Oklahoma that are open to public vehicle travel at least eight (8) consecutive weeks a year are eligible to apply for grants for Program funding.

(d) Counties are the primary applicants for Program funding. Other unincorporated areas with public, unpaved roads can also apply for funding as long as the entity has the capacity to implement and manage a Program grant.

155:12-5-2. Program goals

The Commission’s program goals are to:

(1) Fund safe, efficient, and environmentally sound projects for the maintenance of unpaved roads that have been identified as possible contributors of sediment in Oklahoma streams.

(2) Provide training on techniques of unpaved road maintenance that minimize negative impacts to water and on air quality.

155:12-5-3. Application ranking criteria

Applications will be reviewed and ranked with preference given to projects in priority watersheds. The application criteria in order of priority given are:

(1) A water body listed as impaired on Oklahoma’s 303(d) list;

(2) A water body containing an aquatic species listed as threatened, endangered or a candidate species by the Federal Government;

- (3) A water body used as a drinking source for people;
- (4) A water body used as an interstate waterway;
- (5) A water body important to agricultural or pasture land use; and
- (6) A water body important to forestry land use.

155:12-5-4. Project eligibility

- (a) To be eligible for funding under this program, the applicant's project must focus on:
 - (1) Both unpaved road improvements and sediment reduction that is negatively impacting, or could negatively impact a named, priority water body covered by the program; and/or
 - (2) Worksites (identified pollution sites) and environmentally safe practices (ESP) to reduce pollution while providing a more stable unpaved road.
- (b) The applicant must have at least one person certified in ESM practices on staff.
- (c) Only projects that provide some form of environmental benefit, typically by reducing sediment and concentrated drainage to waterways, will be considered for funding.

155:12-5-5. Ineligible projects

- (a) Projects not eligible for funding consideration under the Unpaved Roads Program include, but are not limited to:
 - (1) Roadways that have bound surfaces including oil, asphalt, concrete, or any mixture of sealed aggregate.
 - (2) Roadways that are not negatively impacting a priority body of water.
 - (3) Public roads that are open to the public for less than eight (8) consecutive weeks.
 - (4) Any and all private roads.
- (b) Applicants are not eligible for an Unpaved Roads Grant if the applicant or county has an Unpaved Roads Grant currently open. Once the grant closes, applicants are eligible to re-apply.

155:12-5-6. Environmentally sensitive maintenance

- (a) An Environmentally Sensitive Maintenance (ESM) certified person must be in charge of work plan development and project implementation for the applying entity. ESM training for the program is a one-day course that covers the road maintenance practices employed by the program.
- (b) ESM training is made available at no cost to potential grant applicants such as county Commissioners, county roads personnel, and other interested parties. It is highly recommended that all persons representing the county who have a significant role in the program attend ESM training, including county administrative staff. ESM training must be taken once every three (3) years to maintain certification and an approved Local Technical Assistance Program (LTAP) course on years when no ESM course is taken.
- (c) Some examples of ESM principles are as follows:
 - (1) **Road/Stream Interactions.** ESM practices for stream crossings focus on reducing the sediment delivery to a river or lake, riverbank stability issues, and the river crossing itself. Practices such as high water bypasses, French mattresses, proper stream crossing sizing, better bridge and pipe design, and in-stream flow control structures can be effectively used to stabilize the unpaved road or stream interface.
 - (2) **Unpaved Road Surface.** ESM practices for the unpaved road surface include drainage control and improved aggregate. Drainage control starts with proper crown and cross-slope but also includes practices such as grade breaks, berm removal, and broad-based dips. Improved surface aggregate focuses on the driving surface aggregate and includes maintenance concerns such as grading and pothole repair.

(3) Unpaved Road Base. Practices that improve the base of a road include mechanical base improvements, underdrains, French mattresses, road elevation increase, and in some cases full-depth reclamation.

(4) Vegetation Management. Practices that manage vegetation in a sustainable manner will reduce erosion from the unpaved road area and save on future maintenance costs associated with tree trimming and cleanup. Practices include selective thinning, proper pruning, seeding and mulching, and managing vegetation for long-term stability.

(5) Unpaved Road Bank Management. Practices that stabilize the upslope or downslope road bank include slope reinforcement, filling the road profile, naturalizing bank shape, and natural or mechanical slope reinforcement.

(6) Unpaved Road Ditch and Outlet Stabilization. ESM practices for ditches include anything that reduces the flow in the ditch. The simplest of these practices is to provide more drainage outlets in the form of new turnouts and cross pipes. Selecting locations to outlet water and choosing the proper outlet stabilization methods is also important. Other practices such as rock check dams, berm removal, and filling the road profile in an attempt to eliminate ditches completely and promote sheet flow. Practices to reduce the effect of subsurface flow such as underdrains are also important.

(7) Bridges. Applying ESM practices to the construction and maintenance of bridges located on unpaved roads.

155:12-5-7. Eligible project expenses

(a) Applicants may apply for the full or partial costs of materials, equipment, and labor required for the implementation of the grant project. Salaries and other associated personnel expenses are not eligible. Eligible grant fund caps, labor expense information, and other specific program requirements will be provided in the program year guidelines issued by the Commission.

(b) Material expenses on a project include but are not limited to items such as pipe, stone, fill, fabric, aggregate, etc. Products with the potential ability to leach off the road (such as dust suppressants) must meet Oklahoma state standard requirements for non-pollution.

(c) Program projects are often completed with applicant-owned equipment. In most cases, this will be county-owned equipment. Reimbursement of applicant-owned equipment costs may be an eligible expense under the Program as:

(1) Accepted Federal Emergency Management Agency (FEMA) rates if submitted with the grant application;

(2) Legitimate quote or invoice acceptable by the Commission; or

(3) Approved labor expenses as set out in the program year guidelines.

(d) Projects may require equipment that the applicant does not own. It may be an eligible expense for an applicant to rent or lease equipment necessary to complete a project with program funds. Equipment rented or leased with program funds can only be used on the project for which it was rented or donated. Grant funds from the program cannot be used to purchase or maintain equipment.

(e) Some projects may be completed entirely by a subcontractor where no unpaved road work is performed by the applicant. Applicants should follow standard procedures regarding project bidding and working with sub-contractors. The Commission will make payments to the grant recipient, not directly to the grant recipient's sub-contractors.

(f) Most projects will require permits, engineering, or consultant work to design and complete.

(g) Each program year the Commission shall establish and issue program guidelines that specify what practices and expenses shall be approved and covered by the program's funds.

155:12-5-8. Funding availability

Applicants with an eligible project may apply for the program year cap amount in state-matching funds toward a single project. As the grant pool monies are limited, the Commission may award less than the amount requested.

155:12-5-9. Matching requirement

- (a) All proposed and funded projects are required to have at least a 1:1 match contribution.
- (b) In-kind goods and services committed by the county will include without limitation labor, equipment use, materials, and services.
- (c) Donations from private entities and other program stakeholders can be applied to meet or exceed the programmatic matching requirements. Other sources of funds that will benefit a county's grant applications are encouraged.
- (d) All matching funds must be pledged at the time of application submission and be immediately available if an award is received.
- (e) Donated labor cannot count as match if it is executed before the grant is awarded.
- (f) Debt financing of any nature and proceeds from any other state grant programs cannot be used for matching purposes.
- (g) Proof must be shown that the entire project can be funded.

155:12-5-10. Pre-application

(a) Applicants are encouraged to conduct pre-application site visit meetings with Commission staff to discuss the potential project and look at the potential project on-site before an application is submitted for funding in excess of \$25,000. A pre-application meeting aims to work jointly with the applicant to ensure the plan submitted is in the best interest of both entities. The pre-application meeting allows the Commission to provide input on the potential project at an early stage before the applicant has invested a large amount of time and resources in developing a worksite plan. Topics to discuss at the pre-application meeting would include but not be limited to:

- (1) Environmental concerns,
- (2) Permitting requirements,
- (3) Funding availability,
- (4) Potential landowner issues, and
- (5) Scope and design of project.

(b) The Commission, at its discretion, may refuse to accept incomplete applications or applications that do not properly address environmental issues or other program or project requirements.

155:12-5-11. Application

(a) A complete grant application should include the following:

- (1) **Cost estimate.** The cost estimate breakdowns and budget tables should include both the requested grant funds and matching funds. The minimum matching requirement ratio is 1:1. Every grant dollar must be matched with at least one dollar of non-grant funds.
- (2) **Work plan.** A work plan that consists of a hand-drawn or digitally produced sketch of the proposed project. A work plan of the road should include all planned features such as pipes, aggregate, underdrain, surface features, etc. Applicants may use the space provided on the back of the grant application for the work plan.
- (3) **Map.** A map that identifies where the project is located with a clear delineation of the water body that will be impacted by the project needs to be included. The water body must be named.

(4) **Documentation.** The general program agreements, resolutions, and forms must be completed and included.

(5) **EMS practices.** A planned list of ESM practices to be utilized on the project.

(b) Applications that the commission deems complete and potentially acceptable to the Program will be reviewed, ranked, prioritized, and funded accordingly.

(c) All applications for funding must be approved by the Commission.

(d) All applicants shall be notified in writing of the funding decisions of the Commission.

(e) A county cannot begin on any part of the project until they have received their grant approval letter.

155:12-5-12. Project field data

(a) All approved and funded projects shall require site visits by the Commission or assigns.

(b) Roadside erosion predictor data sheets will be completed:

(1) before the project begins, and;

(2) five (5) days after the project completion date.

(c) Roadside erosion predictor analysis will be used to produce sediment reduction yields. Repeatable photo points will be installed during site visits. Approximately one year later Program staff will return to the project site to perform a project walk-through to ensure the project is still operational and reducing sediment. Photo points will be repeated. Program staff will complete a simple project completion report worksheet that will summarize the project implementation to ensure the grant was completed to achieve the grant objectives.

(d) A final inspection must be scheduled on-site involving the Commission and the grant recipient. Final inspections should be completed within five (5) days after work is complete, so any remediation can be done while equipment is still on site. Other entities such as Program stakeholders, and sub-contractors to the grant recipient should be encouraged to participate. The purpose of the final inspection is to verify:

(1) Completion of the project according to program standards and the satisfaction of the Commission;

(2) Completion of all “in-kind services” in accordance with program standards and the satisfaction of the Commission; and

(3) Proper installation of the proposed work elements contained in the work plans.

(e) Once the final inspection is completed the Commission shall summarize the project work elements and include cost documentation provided by the applicant to the Project Completion Report.

SUBCHAPTER 7. LOGJAMS

155:12-7-1. Benefits and harms

Logjams occur naturally and can provide beneficial stream structure and cover for fish and wildlife as well as contributing to nutrient-rich sediment being deposited on adjacent floodplains. In many cases, the ripples caused by obstructions oxygenate the water to improve water quality. However, streams are also expected to function as efficient drainage outlets, conveying water off the land in a timely manner. Logjams may inhibit this drainage function resulting in increased flooding, destruction of property, negative impacts on some wildlife habitats, and increased erosion and sedimentation.

155:12-7-2. Evidence of logjam

Logjams are evidenced by a blockage that does any of the following:

- (1) Traverses the waterway,
- (2) Causes upstream ponding,
- (3) Results in significant bank erosion, or
- (4) Endanger infrastructure.

155:12-7-3. Condition classifications

The Commission recognizes five (5) condition classifications for logjams. They are as follows:

- (1) **Condition 1.** A single log located either in or across the waterway channel.
- (2) **Condition 2.** Two or more logs in or across the channel. The accumulated logs are interlocked, but there is no sediment build-up or debris collecting at the site in the channel.
- (3) **Condition 3.** Two or more logs in or across the channel. The accumulated logs are interlocked and sediment and debris have begun to collect on the jam. There is still water movement through the logjam.
- (4) **Condition 4.** Two or more logs in or across the channel. The accumulated logs are interlocked and sediment and debris have compacted into the logjam. There is no water movement through the logjam. The logjam acts as a dam, holding back water within the channel; water movement is now through the overbank areas rather than the channel.
- (5) **Condition 5.** Logjam is located on a waterway within an area providing significant environmental benefit or within a critical area for fish spawning.

155:12-7-4. Evaluation for removal

Logjams or other in-stream obstructions should be looked at closely and evaluated to determine if the obstruction should be removed by the Land Management Division. Factors to consider include but are not limited to:

- (1) Available Funding,
- (2) Conditions of the logjam,
- (3) Severity,
- (4) Local impacts, and
- (5) Analysis of the benefits.

SUBCHAPTER 9. CONSERVATION PLANNING PROGRAMS

155:12-9-1. Purpose

The purpose of these programs is to assist Oklahoma producers and growers with developing Conservation and Nutrient Management Plans that promote environmental stewardship and meet state regulatory requirements.

155:12-9-2. NMP program perimeters

- (a) The Commission shall assist in the hiring and placement of nutrient management planners in conservation districts where plans are needed.
- (b) The Commission shall review and determine which applications for plans will be accepted and denied. The Commission shall consider, but not be limited to, looking at:
 - (1) available manpower,
 - (2) reasonableness of projected timeframes,
 - (3) scope of the NMP,
 - (4) complexity,
 - (5) type of operation, and

- (6) ability of the Commission's planners to produce a quality NMP.
- (c) NMPs shall be written to expire every six (6) years.

155:12-9-3. Process

- (a) The NMP request form shall be available online for completion and submission by applicants.
- (b) The completed application will be reviewed by the Director for acceptance or denial.
- (c) If accepted the applicant and ODAFF shall receive an electronic Notice of Intent (NOI) from the Commission and an NMP planner will be assigned to develop and write the NMP.
- (d) If the application is denied, the applicant shall receive an electronic Notice of Denial (NOD) from the Commission.
- (e) The planners shall submit their completed NMP draft to the Director for review and comment.
- (f) The Director shall return the NMP to the planner for corrections and changes if any are required.
- (g) If the Director approves the plan then the plan is sent to AEMS for its approval.
- (h) Once approved by the Director and AEMS, a meeting is set with the grower to review the plan, acquire signatures, and submission of a copy of the signature page to AEMS to meet ODAFF requirements.
- (i) Once the NMP is approved as complete by the Director, the Director shall verify with the District that all requirements are met and the NMP released to the applicant.

155:12-9-4. District partnership

The Commission shall partner with conservation districts to get planners hired, housed, and writing plans. The conservation districts shall be primarily responsible for:

- (1) Keeping and tracking all the NMP funds in a separate bank account from other district funds.
- (2) Keeping the Commission apprised of the funds.
- (3) Following program guidelines.
- (4) Housing planners.

155:12-9-5. Conservation planners

- (a) For many state and federal cost-share programs, a conservation plan is required. However, the state has not had enough conservation planners to meet the needs of producers.
- (b) The Commission shall assist districts in the hiring and placement of conservation planners across the state. These planners will work with producers to develop and write these plans.
- (c) The Commission shall serve as the primary coordinator and overseer for the training and certifications required for these conservation planners.

SUBCHAPTER 11. INVASIVE WOODY SPECIES PROGRAMS

155:12-11-1. Purpose

The Commission shall assist in the managing and reduction of red cedars and other invasive woody species in an effort to protect our water supply, grazing lands, and wildlife habitat, to reduce wildfire risk, and show proof of concept for cedar removal impacts. In addition, the Commission will work to increase public awareness of the impact of these invasive species, increase support for the use of prescribed fire as a management tool, and provide a return on investment that will result in continued funding for the expansion of managing practices across the state.

155:12-11-2. Terry Peach North Canadian Watershed Restoration Act

(a) The Commission shall administer the Terry Peach North Canadian Watershed Restoration Act. Under this Act, the Commission shall:

- (1) Cooperate with landowners, state agencies, and other political subdivisions for the removal of invasive woody species;
- (2) Share costs with landowners for expenses incurred;
- (3) Measure the density of invasive woody species and determine its water usage;
- (4) Establish at least two active project areas; and
- (5) Develop grant programs with districts, rural fire departments, and prescribed burn associations.

(b) The Commission will focus on the following invasive woody species under this project:

- (1) Eastern Redcedar;
- (2) Rocky Mountain Juniper;
- (3) Oneseed Juniper; and
- (4) Salt Cedar.

(c) The Commission shall use the following three (3) prong approach to manage these invasive woody species:

- (1) Data collection and research;
- (2) Increase use of prescribed burns; and
- (3) Wildfire damage prevention.

(d) Under this program the Commission shall partner with conservation districts. The conservation districts shall:

- (1) Serve as the local contact with landowners;
- (2) Conduct outreach;
- (3) Engage additional partners;
- (4) Provide staff support, office space, and homing of equipment;
- (5) Work with the Commission to process payments; and
- (6) Check the maintenance of practices.

155:12-11-3. Program expansion

The Commission will work to implement new and expanding programs to combat the spread of invasive woody species. This could include the expansion of the Terry Peach North Canadian Watershed Restoration Act practices to other watersheds, the creation of a cost-share program, or any other beneficial program. The Commission will develop program year guidelines, standards, and specifications that are ecologically and geographically specific.

155:12-11-4. Cooperation

The Commission and the conservation districts are encouraged to work cooperatively with federal and state agencies, tribes, OSU extension, burn associations, and other entities to reduce the footprint of woody invasion plants and the impacts the plants have on state waters and natural resources.