

## 2010 Environmental Quality Incentives Program (EQIP) and Wildlife Habitat Incentives Program (WHIP) Practice Eligibility Criteria

- Conservation practices listed on the 2010 North Dakota Practice and Financial Assistance for EQIP are eligible for financial assistance.
- Local Work Groups have the opportunity to localize the practice list to reflect local resource concerns.
- In order for the contract holder to receive financial assistance for the practice, the *Purpose(s) and Condition(s) Where Practices Apply*, as indicated in the FOTG Standard and Specification for the conservation practice must be met. All practices must be applied according to FOTG standards and specifications.
- Conservation planners will strive to achieve the most cost-effective practice. If the applicant requests a practice that is not needed or feasible for conservation treatment, the practice is not eligible for program assistance. Conservation assistance notes shall document this determination.
- Management practices needed to support the proper operation and maintenance of a financially assisted conservation practice are required in the WHIP contract and in the conservation plan for both EQIP and WHIP.
- Financial assistance will be provided for practices applied in compliance with the applicable standards and specifications. Financial assistance for new and innovative practices must be approved by the State Conservationist in consultation with the State Technical Committee, prior to application.
  - Payments for management practices shall be limited to the number of years necessary for the participant to fully implement the practice, not to exceed 3 consecutive years (management practice financial assistance is not available in WHIP).
- Recurring practices that have been certified as being successfully implemented in prior years will be paid as soon as possible within the next fiscal year. Contract participants may be asked to provide appropriate documentation during the annual contract review to ensure all practices meet specifications.
- If the applicant has or will receive management practice payments by another entity for the same practice, on the same land, they are not eligible for an EQIP payment on this practice.
- Each participant's practice payment cap applies to the separate and distinct individuals or entities. Separate and distinct individuals and entities (Part 515.51(G) and Part 512.21 (A)) of the Conservation Programs Manual shall demonstrate a separate and distinct interest in the land, or the agricultural or livestock production by exercising separate responsibility for such interest and maintaining funds or accounts separate from that of any other individual or entity for such interest. Separate tax ID numbers provide indication of the autonomy of the entity.
- Management practice payments will only be issued to the operator of the land.
- Generally, new materials are to be used to install conservation practices. Used materials may be used if they are suitable for the proposed work, the expected

service life is equal to or greater than the practice designed service life, and they are structurally adequate and environmentally acceptable. Evaluation procedures for used materials are detailed in Section ND512.21(b) of the National Engineering Manual. Used material that has already been “in-service” more than 50 percent of the practice design life will not be eligible. Used materials must not have been previously cost-shared under any Federal program.

## Conservation Practices and Systems

Additional criteria for financial assistance eligibility towards individual conservation practices/systems are listed below. Waivers may be requested from the State Conservationist when local conditions make conformance with the practice eligibility criteria unrealistic.

- **LIVESTOCK WATER DEVELOPMENTS: 516 PIPELINE, 378 POND, 574 SPRING DEVELOPMENT, 614 WATERING FACILITY, ETC.** - Financial assistance is authorized to facilitate a prescribed grazing system on grazing lands and to provide adequate water quality or quantity supplies to meet livestock needs. Portable equipment may be eligible when it will supply water; so cattle may be excluded from a stream or dugout, the area is subject to flooding, or the grazing plan calls for movement of the equipment to another location to allow better grazing distribution. Nose pumps, portable pumps, solar pumps, or pumps associated with windmill installations do not need to be installed by a certified well contractor or water well pump installer.

Water developments will improve grazing distribution if the portion of the pasture that is under-utilized is located farther than 1/4 mile in rough terrain, 3/8 mile in rolling terrain, and 3/4 mile in level terrain from an existing water source, or the existing water is not accessible to the pasture due to existing or proposed cross fencing (National Range and Pasture Handbook).

Water developments, excluding 378 Pond, may be eligible for financial assistance for grazing crop aftermath when they are part of the prescribed grazing system. The forage provided by aftermath grazing is considered supplemental. The grazing system must currently have adequate AUMS on the original grassland to accommodate the herd.

Domestic water sources are not eligible for financial assistance. Pipelines that serve as domestic water at farm headquarters, winter feeding headquarters, and to pastures will be prorated based on water use.

Sediment removal in ponds within the practice lifespan (20 years) will be considered maintenance and will not be eligible for financial assistance.

Gravel is now part of the Watering Facility payment schedule. Heavy Use Area is no longer to be contracted for gravel in conjunction with a tank.

- **IRRIGATION SYSTEM CONVERSIONS** - Financial assistance is limited to the reorganization of existing systems (operating two out of the last five years and holding a current water permit) in which a net water savings will be realized. Activities planned to properly deliver water to the irrigation system shall be scheduled separately under an Irrigation Water Conveyance practice code. Replacements considered to be maintenance on an existing system are also not eligible.

Variable Frequency Drives (VFDs) are eligible for installation on an irrigation pump that supplies water to more than one irrigation system.

Irrigation reservoirs – only available where it is required for a system with total water savings.

Systems used for manure transfer may be eligible if irrigation water will also be applied by the system.

If the percentage of conditional soils exceeds the amount allowed using the EQIP screening tool, the area resource soil scientist will be contacted for a field visit to evaluate the site and water quality. Soils should be evaluated on a per irrigation system basis (per pivot, per flood system, etc).

- **POLLINATOR SPECIES HABITAT DEVELOPMENT:** Pollinator habitat may be developed using herbaceous or woody species that provide flowers throughout the growing season. All herbaceous plantings need to have two forb species from each of the three bloom periods. See FOTG Section 1 Reference Subjects - Biology – North Dakota Pollinator Plants for herbaceous and woody plants beneficial to native pollinators.

In order to be paid for pollinator species, the woody planting shall be 100% pollinators.

**Options:**

- Herbaceous Seedings:
  - For Wildlife/Pollinator Purposes
    - 643 Restoration and Management of Rare and Declining Habitats – 5 acre blocks (maximum). Entire block(s) is flowering forbs and is not to be hayed or grazed.
    - 643 Restoration and Management of Rare and Declining Habitats (grass/forb mix) - seeding is not used for grazing or haying except for periodic management (see DIG).
    - 386 Field Border, 390 Riparian Herbaceous Cover (grass/forb mix) - Any haying must be delayed until after first frost. Fall grazing is allowed.
  - For Livestock/Pollinator Purposes - 550 Range seeding(grass/forb mix) - seeding is used for grazing (528) (portions may be hayed annually).
- Woody Plantings enhancement for pollinators:

- 380 Windbreak and Shelterbelt Establishment, 612 Tree and Shrub Establishment, 391 Riparian Forest Buffer – using native woody species beneficial to native pollinators.
- **ANIMAL FEEDING OPERATIONS: Relocations or Facility Modifications** - On-site conditions may merit the relocation or the significant modification of existing facilities to be the most cost and environmentally effective method of treatment. Relocations are not considered a new animal waste system, but a relocation of an existing system. The facility's existing infrastructure that is impacted by the new construction of an animal waste system may be eligible for financial assistance. This does not include the construction or moving of barns. If relocation occurs, the original facility should be abandoned or operated in full compliance with State laws governing animal feeding operations.
- Structural components for barn facilities are ineligible for financial assistance.

Examples of practices eligible due to relocations or modifications of existing systems:

- Segments of fence that have been impacted by the redesign of the animal waste system layout. The eligible extent of the fence to be cost-shared should not exceed the length of fence impacted by the modification or relocation. Feedlot fence for wind protection is available for financial assistance up to the extent that it will provide comparable wind protection as the original feedlot. Portable corral segments may be eligible for assistance if they are required to be temporarily removed in order to manage livestock waste.
- Manufacturer recommended pumping equipment necessary for proper operation of the system. Portable pumps are eligible when equipment is moved to reduce costs by eliminating the need to install more than one piece of fixed equipment.
- NEPA mitigation features necessary for the implementation of the animal waste facility.
- Livestock water source when the design or relocation of the existing facility has reduced the use of the current water source. Financial assistance is not authorized when a new animal waste facility or expansion of an existing facility creates the need for additional water quantity or watering facilities.
- Livestock pipeline when the design or relocation of the existing facility reduces the use of the existing pipeline.
- Tanks when the design or relocation of the new facility has reduced the use of the current water tank. Financial assistance is not authorized when a new animal waste facility or expansion of an existing facility creates the need for an additional water tank(s).

**102 CNMP CONSERVATION ACTIVITY PLAN (CAP)** – This practice is a one-time payment to the producer to hire a TSP to develop a Comprehensive Nutrient Management Plan. The plan will provide practices to address the following: manure and wastewater handling and storage (including site plan and cost estimate), land treatment practices (including residue management and conservation crop rotation), nutrient management, feed management, and other utilization activities. See *Section I, Reference Subjects, Agronomy, CNMP* for more information.

### **118 IRRIGATION WATER MANAGEMENT CONSERVATION ACTIVITY PLAN (CAP)**

- This practice is a one-time payment to the producer to hire a TSP to develop an Irrigation Water Management Plan. This practice will be contracted separately from the structural practices.

**313 WASTE STORAGE FACILITY** – Agricultural waste systems may be designed for up to 365 days of storage. This practice includes solid stacking, concrete liquid storage, excavated pond or embankment pond. Practices such as Diversions, Pond Lining, Pumping Plant, Manure Transfer, Solid Separator, Precision Land Forming, etc., are distinct conservation practices and, therefore, will have separate contract items. (This list is not all inclusive, other practices may be considered.)

**314 BRUSH MANAGEMENT** - Brush management may include financial assistance for mechanical and/or chemical control of woody vegetation. Prescribed burning and Aerators are not eligible. Management or control of noxious weeds is not eligible for financial assistance. When required, assistance may occur up to 3 years.

**328 CONSERVATION CROP ROTATION** – Available for all funding pools. Crops grown in the rotation as primary crops must contain at least 3 of the 4 crop types (crop types are Cool Season Grass, Cool Season Broadleaf, Warm Season Grass, and Warm Season Broadleaf). Producers who increase the number of crop types in their rotation to at least 3, or from 3 to 4, are eligible to receive payment. Fallow cannot be part of the rotation. Cover crop will not be considered part of your crop types.

### **329 RESIDUE AND TILLAGE MANAGEMENT, NO-TILL/STRIP-TILL/DIRECT SEED -**

If the participant has already adopted the concept of no-till, strip-till, or direct seeding he or she is ineligible to receive the management practice payment. Program payments are available to those who convert from:

- A conventional or mulch till system to a system with a Soil Tillage Intensity Rating (STIR) of 9-30.
- A direct seeding system with an existing STIR greater than 9 to a system less than 9.

**340 COVER CROPS** – Mono-culture cover crops planted at full seeding rates and harvested as a cash (grain) crop are not eligible. Variances for specialty crops will be considered and reviewed by the Area Resource Conservationist and by the State Resource Conservationist prior to contracting.

Contract holders may implement practice 340 on Preventive Planting acreage in order to provide erosion control, improve soil health and/or assist in moisture utilization.

**344 RESIDUE MANAGEMENT, SEASONAL** – Organic or Transitioning to Organic systems only.

**345 RESIDUE AND TILLAGE MANAGEMENT, MULCH-TILL** - If the participant has already adopted the concept of mulch-till, he or she is ineligible to receive the management practice payment. Financial assistance is available to those who convert from a conventional system, where less than 30 percent cover exists after planting, to a system that reduces tillage and maintains 30 percent residue cover after planting.

**362 DIVERSION** - Clean water diversions that are not part of a CNMP will compete for funding under the Local Work Group (LWG) funding pool.

**380 WINDBREAK SHELTERBELT ESTABLISHMENT** – Woody block plantings for wildlife will be contracted under practice code 380. These shelterbelts must meet the planting specifications outlined within practice code 645 Upland Wildlife Habitat Management. In order to be paid for pollinator species, the woody planting shall be 100% pollinators.

Land that has been sodbusted within the last 5 years is not eligible for the 380 (woody block plantings for wildlife) practice.

**382 FENCE** - Financial assistance is authorized to facilitate a prescribed grazing system, to aid in livestock exclusion, or to replace fences that have been impacted by the design of a waste system for an existing animal feeding operation.

Boundary or property line fences may be eligible, as determined by the NRCS designated conservationist, if:

- The fence is an integral part of a planned grazing system that facilitates improved management of grazing land, or protects certain areas from livestock when it is necessary, for proper use of the area (Part 515.91(B) of the Conservation Programs Manual). For example, a fence is used to address AUM deficiency, loss of control of other grazing lands, etc.
- Expiring CRP lands which provide new grazing opportunities.
- The area adjacent to the boundary fence is vital to the success of the grazing system.
- The primary purpose is not to separate ownership or exclude livestock from transportation networks, residential, commercial, or industrial areas.
- Fences determined eligible based on these criteria must have the justification documented in the case file.

Boundary fences serving to primarily facilitate grazing of annual forages or crop aftermath are ineligible. Waivers may be granted when the inclusion of limited annual forage or crop aftermath acreage directly enhances grazing land health and/or provides water quality protection to areas of concentrated livestock. The forage provided by aftermath grazing is considered supplemental. The grazing system must currently have adequate AUMS on the original grassland to accommodate the herd. District conservationists will request the waiver, prior to contracting, via a worksheet that describes how the proposed fence meets the eligibility criteria. In addition, the request will include the proposed grazing system. The waiver request will be reviewed by the

area resource conservationist, who will provide a recommendation to the State Conservationist.

Financial assistance is limited to the fence of a specified type or kind that will serve the intended purpose. Financial assistance for specialized livestock/wildlife fencing will be limited to reflect the cost of a woven wire fence (as appropriate). Energizers will have a minimum output of one joule and meet the minimum specifications as described in the Fence DIG.

A permanent single-strand electric fence is only eligible for financial assistance when used for cross-fencing purposes. These fences are constructed of 12.5 gauge wire and standard posts. Electric fences composed of polywire, polyrope, polytape, or other temporary fence type material and step-in posts are not eligible for cost-share.

Replacement of an existing fence is not eligible for financial assistance (except in the case of fences impacted by ag waste design). If eligibility is questionable, contact the area resource conservationist for further review of eligibility requirements. Exception for wildlife purposes: To facilitate movement of pronghorn; woven wire fence and 5/6 wire fence may be replaced with a pronghorn friendly fence (3 wire fence with bottom strand smooth wire, see 382-DIG). The entire woven wire or 5/6 wire may be replaced only in areas of high pronghorn movement (consult with the Area Resource Conservationist and/or Area Biologist). Financial Assistance is only for 382-Fence.

Sage Grouse Fence - Sage Grouse friendly fences will be available within areas of sage grouse habitats. Financial assistance is available to add reflectors to a fence within  $\frac{1}{4}$  mile of a known lek (active or inactive), known high use feeding areas, observed sage grouse fence strike areas, or new fence installations within sage grouse habitats. Reflectors will be added to the fence up to  $\frac{1}{4}$  mile in both directions from the previous mentioned areas. For new fence installations, reflectors can be installed on the entire fence. Reflectors will be spaced according to the directions on the following web site. For three and four wire fences, reflectors will be installed on the top two wires; on 5 wire fences, on top and third wires. Electric fences are not eligible for this practice. For instructions and materials on how to install reflectors refer to the following web site: [http://www.suttoncenter.org/fence\\_marking.html](http://www.suttoncenter.org/fence_marking.html)

**386 FIELD BORDERS** – Field Borders are authorized to meet a resource concern as identified in the practice standard. Field Borders should include the entire length or side of the field; they are not intended to put small fields into permanent vegetation. Refer to the 512, 550 or 645 standard and Herbaceous Vegetation Establishment Guide for permanent establishment guidelines. Field Borders will have a minimum width of 30 ft and a maximum width of 100 ft. This practice may be used in conjunction with the 511 if haying is delayed until after July 15<sup>th</sup>.

**394 FIREBREAK** – Financial assistance is available for implementing the components of a firebreak required to suppress fire danger to homes and farmsteads. In addition, assistance is available to contract holders that acquire an evaluation of the wildfire hazards that may impact rural living by a Certified Firewise Assessor. The assessment

will identify risk factors in the home ignition zone and recommend wildfire mitigation methods and techniques.

**449 IRRIGATION WATER MANAGEMENT** - A payment is authorized when the producer implements a change in the management of the irrigation system. Refer to the process documented in the "Irrigation Planning Workbook" for developing the Irrigation Water Management (IWM) plan. An additional payment scenario is available for irrigators that demonstrate a need to monitor irrigation induced soil salinity and sodicity. This higher level is available to those producers who are willing to perform additional soil testing for the establishment of a benchmark condition. Approximately 1 sample site per every 40 irrigated acres and 1 sample site per irrigation system from an adjacent non-irrigated area will be required. Actual sampling site locations will be based on the recommendations from the Area Resource Soil Scientist. Each sampling site will be 6 feet in depth with samples being taken in 1 foot increments. This sampling should be performed in the first year of the contract and reported with the first year's IWM documentation.

**462 PRECISION LAND FORMING** - Financial assistance is allowed for the reshaping of land to allow for improved surface drainage and to control erosion. For example: feedlot shaping and shaping/grading field gullies. (This list is not all inclusive.) The use of this practice simply to improve drainage to increase agricultural production is not eligible for financial assistance.

**472 ACCESS CONTROL (FORMERLY USE EXCLUSION)** - Practice is authorized for financial assistance only when the practice will be used to:

- Exclude, significantly restrict, or control grazing for an identified period of time (up to 3 years) on environmentally sensitive areas where grazing is historically conducted.
- Exclude, significantly restrict, or control grazing for an identified period of time (up to 3 years) on riparian areas of intermittent and permanent streams and water bodies (dotted or solid blue lines and lakes), the higher payment rate applies to this scenario.
- Exclude grazing on establishing permanent vegetation. The payment is limited to:
  - one year for introduced grass.
  - two years for rangeland plantings.
- Chemical and mechanical weed control is allowed if recommended by the District Conservationist.

Practice may also be used in conjunction with 643 Restoration and Management of Declining Habitats.

**484 MULCHING** - Financial assistance is available for conservation practice construction sites and critical area treatments.

**511 FORAGE HARVEST MANAGEMENT** – Financial assistance is available to those who maintain expiring or expired Conservation Reserve Program (CRP) grass/legume acreage in a grass based forage harvest management system. Any CRP that has expired within the last 2 years and has not been converted to cropland would qualify.

Former CRP acreage that is managed as hayland and meets the 511 Forage Harvest Management standards and specification will be eligible. (Organic or Transitioning to Organic applicants are not required to have expiring CRP under this scenario).

Acreage that is planned and managed as 511 Forage Harvest Management that meets the 645 Upland Wildlife Habitat Management criteria is eligible for an increased level of payment. (Expiring CRP is not a requirement under this scenario)

Forage Harvest Management is also available for financial assistance through practice code 386 – Field Borders. All requirements of practice 386 must be met to receive financial assistance for 511.

Financial assistance is not available for existing hayland or cropland that is seeded to annual or perennial forages.

Expired or expiring CRP managed as pastureland would be eligible for the 528 Prescribed Grazing if all of the criteria under that practice are met.

Aerators are not eligible for 511.

**512 PASTURE AND HAY PLANTING** - Financial assistance is authorized on cropland that does not have an immediate history (within 5 years) of being native grassland. Renovation of declining, introduced pastures is also eligible. In situations where a high percentage of the seed mixture is legumes, the participant must be reminded of the programmatic requirement to maintain the planting for its service life of 10 years. Practice 512 may also be used to establish wildlife herbaceous cover. These plantings must meet the planting specifications outlined within practice code 645 - Upland Wildlife Habitat Management.

Mechanical Disturbance (WHIP only): Mechanical Disturbance using an aerator for the purpose of pasture/hayland renovation is authorized with a variance from the State Resource Conservationist (routed through the Area Resource Conservationist). Benchmark conditions of the area to be manipulated must be noted through written and photographic documentation and sent in with the variance request. Written documentation will include a pasture condition score using form ND-CPA-32. Monitoring after the manipulation must also be conducted as a condition of the variance. All variances should be routed through the Area Resource Conservationist. Mechanical Disturbance can be achieved using an aerator, light disking or heavy harrow. This practice is only eligible on tame grass.

Interseeding: Interseeding legumes into existing introduced grass stands is eligible for the practice payment rate (1-2 specie mix). Follow the 512 standards and specifications.

Land that has been sodbusted within the last five years is not eligible for the 512 practice.

**516 PIPELINE** - Financial assistance for a rural water system hookup and a vault with pressure tank are included in this practice. Vaults and pressure tanks shall be eligible for financial assistance only when installed or approved by a certified well contractor or water well pump installer.

Domestic water sources are not eligible for financial assistance. Pipelines that serve as domestic water at farm headquarters or winter feeding headquarters and to pastures, will be prorated based on water use.

Pipeline-laid on the surface and anchored: Seasonal pipelines may be laid on the surface when cultural, historical, soils, or other physical land features preclude burial (ex: extreme rocky conditions). PVC pipe is not allowed. See standard for further clarification. District Conservationist will provide an approval request to the Area Resource Conservationist. The approval request will be reviewed by the Area Resource Conservationist, who will provide recommendation to the State Conservation Engineer.

**528 PRESCRIBED GRAZING** – Financial assistance shall be limited to the number of years necessary for the participant to fully implement the practice. Payments for will be paid a maximum of 3 consecutive years regardless of the number of herds. Financial assistance is available only when an individual, currently not meeting the requirements of 528, will implement 528 as a result of the EQIP contract. The prescribed grazing will ensure that the individual will implement a grazing rotation that incorporates appropriate rest/recovery periods (as outlined in 528), changes season of use on native pastures and utilizes suitable stocking rates. Practice certification for payment will be based on the participant providing an appropriate recordkeeping log detailing dates and length of grazing cycle for each pasture (cell), number and type of livestock grazed, recovery periods, monitoring data (example: photos), and other pertinent practice documentation. Appropriate degree of use and the applied grazing schedule as outlined in the Prescribed Grazing Design and Installation Guide are required for certification of practice regardless of the type of prescribed grazing system established.

Any CRP that has expired within the last 2 years that has not been converted to cropland would qualify. Former CRP acreage that is managed as pastureland and meets the 528 Prescribed Grazing standard and specification will be eligible for payment.

The two levels of payments for a single herd rotation are as follows:

- 3 to 6 pastures grazed annually by a single herd; and
- 7 or more pastures grazed annually by a single herd.

Some examples of when a payment may be warranted:

- The producer goes from a system that is not meeting 528 (i.e., continuous season-long grazing) to a rotational system that meets 528.

- The producer goes from a set pattern of rotating through the same pastures at the same time every year, to changing his or her season of use on all pastures, with the possible exception of a cool season tame pasture designed for spring or fall grazing that meets 528. (Note: The rotation will provide different seasons of use and, therefore, appropriate recovery time.)
- The producer incorporates an additional pasture(s), such as CRP into his or her rotational grazing system.
  - Adds a tame pasture(s) for early spring grazing to delay grazing native rangeland.
  - Establishes additional perennial forage to relieve pressure on native rangeland at other times during the year.

Some examples of when a payment is not warranted:

- Pastures are always used during the calving season.
- Pastures are always grazed during the winter.
- Pastures are overgrazed because the stocking rate is too high for resources available and no adjustments are made.

*These scenarios are not all inclusive. If you have different situations that you need guidance on, contact your area rangeland management specialist or area resource conservationist.*

**533 PUMPING PLANT** - Pumps shall be eligible for financial assistance only when installed or approved by a certified well contractor or water well pump installer. Portable pumps, solar pumps, or pumps associated with windmill installations do not need to be installed by a certified well contractor or water well pump installer. Solar pumps and on-site solar panels are only eligible when other electric power sources are impractical. This practice is available on existing water sources that are feasible.

Variable Frequency Drives (VFDs) are eligible when they are the most cost effective alternative for a pressure system.

**550 RANGE PLANTING** – Practice 550 may also be used to seed native herbaceous wildlife cover. These plantings must meet the planting specifications outlined within practice code 645 Upland Wildlife Habitat Management.

Land that has been sodbusted within the last five years is not eligible for the 550 practice.

**560 ACCESS ROAD** - Financial assistance is only authorized when this practice is installed for the operation and maintenance of an animal waste system or when installation of conservation practice damages or renders useless an existing access road. Access roads, travel lanes, and equipment turn-around areas, required for management of the waste generated by the animal confinement and for the proper operation and maintenance of the components of the waste management system are eligible. Access roads with the sole purpose of feed management are not eligible.

**561 HEAVY USE AREAS** - Financial assistance is only authorized when this practice is installed for proper management of wastes within the animal waste system or around livestock watering tanks in AFO's. For example:

- Heavy use areas used as scraping pads and scraping lanes. Financial assistance is limited to a concrete pad 12 feet wide, with a maximum length of 1.5 feet per animal unit (AU).
- Heavy use areas for expanding facilities are limited to the planned AUs that the producer is expected to have on-site within a reasonable timeframe (typically one-year)
- Additional pad length of 20 feet may be added to accommodate equipment access at feedlot gates.
- Financial assistance is only authorized for the portion of the barn floor necessary for the collection and storage of waste materials. Floor space used to house animals is not eligible.

The following items are ineligible:

- The portion of the concrete slab utilized for feeding (as a feed bunk) or to support the feed bunk.
- Concrete curbs or other curb materials.

**590 NUTRIENT MANAGEMENT** - A nutrient management plan must be implemented to receive this payment. Payment rates are dependent upon the type of nutrients applied, organic or inorganic. A payment is only available when a producer makes a change towards improved nutrient management techniques. Producers are required to conduct annual soil tests and present to NRCS for practice certification if requested.

A determination of the environmental risk associated with the implementation of nutrient management will include the following assessments:

- RUSLE2 – sheet and rill water erosion controlled to “T.”
- WEQ – wind erosion controlled to “T.”
- Determine sensitive areas in the fields where nutrient management will be implemented on.

In instances where nutrient management is being applied to sensitive areas, such as high water table sands, the conservation planner can require a split application of nutrients (i.e., ½ pre-plant, ½ post-emergent).

The producer must certify and may be required to provide recordkeeping indicating that applied nutrients/fertilizers meet minimum requirements identified on the soil analysis. Payments will be approved when the designated conservationist certifies that the criteria listed on the nutrient management plan have been completed.

The contract participant will be eligible for either the organic or the inorganic payment scenario (but not both) on the same acreage.

**Precision Application Technology to Apply Nutrients- Implementation of this scenario requires:**

1) The use of the following precision agriculture practices:

- Variable rate technologies (VRT) for nutrient application - Computer-controlled equipment that adjusts fertilizer applications based on soil maps, vegetative indexes, or yield maps, etc., used to create management zones. Nitrogen, phosphorus and potassium fertilizer will be applied according to Land Grant University recommendations in the management zones.
- Yield monitoring systems - Yields in the field are measured using combine-mounted sensors or volume meters. A GPS receiver mounted on the combine is required to correlate field location with yield to create a yield map.

2) Soil samples for nutrient analysis are taken based on soil management zones or on a maximum of a five acre grid.

3) Base nitrogen application rates on a real time analysis of crop nitrogen needs. Examples include in season aerial photography and in field equipment based chlorophyll sensors.

4) Producer must have current soil tests for P and K (and Nitrogen where applicable) that are no more than 3 years old.

5) Nutrient application rates must be within the Land Grant University (LGU) recommendations based on soil testing and established yield goals and considering all nutrient sources.

**Documentation Requirements for Applying Precision Application Technology to Apply Nutrients:**

1) Documentation for each Treatment area (field) and year of this scenario describing these items:

- Treatment acres;
- Crop grown in each treatment area;
- Soil sampling protocol (grid or zone) for each treatment area;
- Number of soil samples taken per treatment area;
- Soil test results;
- Calibration of fertilizer application equipment; and
- Nutrient application rates/amounts and application dates for each treatment area.

2) A map showing where the activities are applied.

**595 PEST MANAGEMENT** - Producers are eligible for payment on this management practice when an assessment of the participant's current pest control system is conducted and the participant makes the required changes to mitigate environmental risk. The participant will be introduced to integrated pest management techniques, see <http://www.ag.ndsu.nodak.edu/aginfo/ndipm/>. A determination of the environmental risk associated with the methods of pest control will include the following assessments:

- RUSLE2 – sheet and rill water erosion controlled to “T.”
- WEQ – wind erosion controlled to “T.”
- WIN-PST3 – pesticide risk assessment.

Determine sensitive areas in the fields that pest management will be implemented on. Refer to the North Dakota Pest Management Mitigation Effectiveness Guide to determine the management techniques and/or conservation practices that are needed to mitigate the risks or sensitive areas that are identified for the field. Provide required documentation for practice implementation.

Organic production systems – will use the same requirements as above. If no pesticides are applied, then document that in the notes. Note: Many of the National Organic Program (NOP) approved pesticides / materials are included in the WIN-PST3 database.

**IPM scenario includes:**

1. A written IPM plan and implementation of activities that include:
  - a. Prevention techniques such as cleaning equipment and gear when leaving an infested area, using pest-free seeds and transplants, irrigation scheduling to avoid situations conducive to disease development, etc.
  - b. Avoidance techniques such as maintaining healthy and diverse plant communities, using pest resistant varieties, crop rotation, refuge management, strip cropping, interplanting, intercropping, multiple cropping, etc.
  - c. Monitoring techniques such as pest scouting, degree-day modeling, weather forecasting, use of economic thresholds, etc. to help target suppression strategies and avoid routine preventative treatments.
  - d. Suppression techniques such as cultural and biological methods to reduce or eliminate a pest population or its impacts while minimizing risks to non-target organisms.

**Documentation Requirements for utilizing Integrated Pest Management (IPM)**

1. A written IPM system plan for all of the offered acres. This plan should include each of the following items for each crop or forage included in the plan:
  - Pest prevention techniques;
  - Pest avoidance techniques;
  - Pest monitoring (scouting) techniques;
  - Economic pest thresholds;
  - Pesticide environmental risk analysis tool that was used for pesticides selected (e.g., the NRCS Windows Pesticide Screening Tool - WIN-PST3);
  - Approved pesticide application records (NDSU record book, for example) with the specific management techniques that were utilized to reduce pesticide

environmental risk (i.e., spot treatment, banding, pheromone traps, pesticide incorporation, etc.);

Land Grant University guidance, if available, should be followed for acceptable prevention, avoidance, monitoring and suppression techniques;

Map(s) showing locations of:

- fields,
- acreage,
- beneficial insect habitat, e.g. pollinators,
- sensitive areas (water quality concerns, etc.); and

Environmental assessment of non-chemical suppression methods, e.g. cultivation, grazing, and burning.

2. Copies of scouting reports and other IPM records used to monitor and evaluate the plans effectiveness.

3. Other IPM records used to monitor and evaluate the plans effectiveness.

IPM plans for Organic operations will require similar documentation, including WIN-PST3. Reference to the producer's current Organic System Plan (OSP) would be the initial document providing the IPM planning and implementation data.

Invasive species removal: Removal of woody invasive specie(s) in native or introduced herbaceous habitats includes Siberian elm, Russian olive, eastern red cedar, Rocky Mountain juniper, and buckthorn. Approval must be obtained from the State Resource Conservationist (routed through the Area Resource Conservationist). Woody invasive species adjacent to (within 150 ft) may also be included. Herbaceous habitats need to meet 645 Upland Wildlife Habitat Management standard specifications. Other species may be approved on a case by case basis.

**603 HERBACEOUS WIND BARRIERS** - This practice should be used with crops that produce little residual cover after harvest. They include dry edible beans, potatoes, and sugar beets. This practice may be rotated through different fields in a rotation for up to 3 years. The intent of the practice is to provide additional protection from wind erosion on low residue fields within a rotation. It is not intended to allow additional tillage on crops that produce protective amounts of residue. If conservation planners have a use for this practice that does not meet this criterion, or on crops not listed above, please contact your area agronomist.

**610 SALINITY AND SODIC SOIL MANAGEMENT** - Financial assistance is available for seeding permanent vegetation on discharge soils, saline seeps (both recharge and discharge areas), and naturally occurring saline, saline/sodic, or sodic soils utilizing practices that include, but not limited to 512 or 550. Participants are offered a management practice payment for managing permanent vegetation as specified in the Design, Installation, and Check-out Guide for this practice.

**632 SOLID/LIQUID WASTE SEPARATION FACILITY** - Financial assistance is allowed for the installation of a screening device or settling basin used to separate solids from a liquid waste stream.

**633 WASTE UTILIZATION** - Payment is available only when the EQIP participant removes remnant solid or liquid animal waste. In most cases, this practice will be used to prepare the participant for the implementation of an animal waste system. Nutrient Management (590) must accompany this practice. The participant must conduct a test to determine the nutrient level of waste material to aid in the development of the nutrient management plan. Payment is only available when remnant wastes are part of the contract holder's operating unit.

**634 MANURE TRANSFER** - Financial assistance is only authorized for this practice when applied for proper operation and maintenance of the animal waste system. This practice is not eligible when the system transfers manure beyond the point of storage or installations primarily for operator convenience.

**642 WELL** - Financial assistance is authorized to facilitate improved grazing distribution and ensure adequate and reliable livestock water. A well may also be eligible for financial assistance when the installation of a redesigned or relocated animal waste system impacts the availability of the existing water source. This practice is not authorized for financial assistance when a new animal waste facility or expansion of an existing facility creates the need for an additional water source. When the installation of an animal waste system impacts the availability of the existing water source, the most economical water development is an eligible system practice.

Pitless well units shall be eligible for financial assistance only when installed or approved by a certified well contractor or water well pump installer.

Dry wells are not eligible for cost-share.

Financial assistance will be pro-rated if the water development's primary function of grazing distribution is coupled with ineligible uses such as providing water to headquarters, feedlots, and corrals.

**643 RESTORATION AND MANAGEMENT OF DECLINING HABITATS** - This practice can be used to restore native prairie habitats (tall and mixed grass prairie), riparian forest habitats associated with perennial streams, aspen forests, and big sage brush steppe. Native grasses, legumes, forbs, trees, and shrubs must be used. This practice is to be used to restore habitats for species of concern, including grassland nesting birds and species that inhabit riparian forests along streams and numerous aquatic species using the stream itself.

**645 UPLAND WILDLIFE HABITAT MANAGEMENT** – See Practice Codes 512, 550 and/or 380.

**647 EARLY SUCCESSIONAL HABITAT MANAGEMENT** - Early successional habitat management is used to increase plant diversity within herbaceous plantings. Payment is available for mechanical treatments including mowing and raking, heavy harrowing, light disking or roller/aerator. Light disking and roller/aerator is only eligible on

introduced grass. The use of an aerator is authorized with a variance from the State Resource Conservationist (routed through the Area Resource Conservationist). Benchmark conditions of the area to be manipulated must be noted through written and photographic documentation and sent in with the variance request. Written documentation will include pasture condition score using the form ND-CPA-32. Monitoring after the manipulation must also be conducted as condition of the variance. Mowing and raking must be accomplished with a sickle bar type mower and rake that will remove litter. Windrowers will not accomplish desired results. Heavy harrows must be set aggressively to break down residual cover. Two passes may be necessary. Disking and roller/aerator must leave at least a 30 percent residue cover on the soil surface. Refer to 647 standard and DIG for more details.

**798 SEASONAL TUNNEL SYSTEM FOR CROPS** – This pilot practice will be available to Organic and Transitioning to Organic applicants only. A seasonal polyethylene covered structure (at least 6' in height) with no electrical, ventilation, and heating system that is used to cover crops to extend the growing season in an environmentally safe manner. Structure must be planned, designed, and constructed in accordance with manufacturer's recommendation. Financial assistance will be available for tunnels up to 5 percent of one acre in size per farming operation.

## **FY10 EQIP – Soil Quality Initiative – Practice Criteria**

**Cropland (all criteria for all practices must be met within the Conservation Plan to be eligible, payment is available for any “new” practices only; practices must be applied to the same field as a system approach.)**

Practice 328 – Conservation Crop Rotation – 3 years max

Crops grown in the rotation as primary crops must contain at least 3 of the 4 crop types (crop types are Cool Season Grass, Cool Season Broadleaf, Warm Season Grass, and Warm Season Broadleaf). Rotation Diversity must be equal to or greater than 2.25 using the “automated intensity and diversity worksheet.” Producers who increase the number of crop types in their rotation to at least 3, or from 3 to 4, and meet the diversity rating are eligible to receive payment.

Practice 329 – Residue Management, No-till –3 years max

Farm operations are limited such that the only soil disturbing activities are seeding operations and the rotational average STIR rating is less than or equal to 6.0. Fertilizers must be surface applied or applied through the seeding implement. Seeding operation for planting of a cover crop is not to be included in calculation of the rotational average STIR, but seeding of cover crops must be completed with a similar type of seeding implement or be broadcast (as allowable by eFOTG guidelines). Producers who have received, or are receiving, payment for 329 with a STIR higher than 6.0 and agree to reduce their STIR below 6.0 are eligible to receive payment for this higher level.

Practice 340 – Cover Crop –cocktail must occur at least once in 3 years, maximum of 3 years

Cover crop cocktails will be seeded within 21 days after harvest of all short-season crops. Cover crop cocktail will consist of a minimum of 5 species with at least 10 percent of each species in the mixture (unless more than 10 species are used). At least 50 percent of the mixture will be leguminous species. If the primary crop rotation only contains 3 crop types, the cover crop cocktail must contain a species from the 4<sup>th</sup> crop type and must focus on at least 2 of the following additional concerns: biological nitrogen fixation, remediation of restrictive layers, capturing and recycling nutrients, or adequate soil cover. Site specific cover crop cocktail mixtures with less than 5 species may be used with AO approval (ex: barley/sugarbeet mixture on an area with documented salinity). Companion crops may be inter-seeded into row crops (ex: cowpea into corn at V-6 stage) as long as Federal Crop Insurance Guidelines are met. Companion crops inter-seeded into row crops may consist of single-species or mixtures as determined by the conservation planner. Cover crop may be properly grazed (take half, leave half) as long as the primary purposes are not hampered. Cover crop may only be terminated by frost or immediately prior to seeding of the subsequent primary crop, unless prior approval is received from the District Conservationist due to special circumstances (extreme drought, documented soil moisture deficit).

Practice 590 – Nutrient Management –3 years max

Traditional soil test analysis for N, P, K, EC, and SOM will be used to determine crop fertility needs. All 590 criteria must be addressed (sensitive areas, setbacks from water, manure analysis, crop yield goals, nutrient application timing/method, etc), including proper sampling techniques. As stated in criteria for 329, all inorganic fertilizer must be surface applied, or applied through the seeding implement, while seeding the crop. Anhydrous Ammonia will not be allowed due to its negative impacts on soil biology. Producer agrees to allow NRCS to gather soil quality data using the soil quality test kits at the agency's discretion. ***There will also be a one-time payment for conducting soil biological tests (such as Soil Food Web analysis), not to exceed 3 sites.***

Practice 595 – Pest Management –3 years max

Biological control through the use of cover crops as “smother crops” or cover crops chosen for allelopathic characteristics will be the first choice for pest suppression.

**IPM scenario includes:**

**See IPM scenarios on pages 14 and 15 for practice requirements.**