

2008 Environmental Quality Incentives Program (EQIP) **Practice Eligibility Criteria**

- Conservation practices listed on the 2008 North Dakota Practice List 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.
- 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 EQIP assistance. Conservation assistance notes shall document this determination.
- Financial assistance will be provided toward practices applied in compliance with the applicable standards and specifications. Financial assistance towards new and innovative practices must be approved by the State Conservationist in consultation with the State Technical Committee, prior to application.
- Incentive payments shall be limited to the number of years necessary for the participant to fully implement the practice. If the applicant has or will receive incentive payments for the same practice by another entity, they are not eligible for an EQIP incentive payment.
 - Each participant's maximum acreage limit applies to the separate and distinct individuals or entity, regardless of the number of participants or entities on each contract. Separate and distinct individuals and entities (Part 515.51(D) 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.
 - Incentive payments will only be issued to the operator of the land.
 - Incentive payments for a given practice will be paid a maximum of 3 consecutive years.
- 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 which 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.
- **LIVESTOCK WATER DEVELOPMENTS: 516 PIPELINE, 378 POND, 574 SPRING DEVELOPMENT, 614 WATERING FACILITY, ETC.** - Financial assistance is authorized to facilitate improved grazing distribution on grazing lands or 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, 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 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 integral parts of the prescribed grazing system.

- **IRRIGATION SYSTEM CONVERSIONS** - EQIP applications under the Ground and Surface Water (GSW) funding pool will be evaluated based on the "Irrigation Planning Workbook". 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 convey water to the irrigation system shall be scheduled separately under an Irrigation Water Conveyance practice code. Items considered to be maintenance on an existing system are also not eligible.

Systems used for manure transfer may be eligible if irrigation water is also to 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.

- **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 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.

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 cost-share up to the extent that 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. Cost-share 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).

Conservation Practices

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

313 WASTE STORAGE FACILITY - District conservationists, with guidance from design engineers, shall determine the most cost-effective animal waste system. Systems may be designed for up to 365 days of storage. This practice includes solid stacking, concrete liquid storage, excavated pond or embankment pond. Diversions, Pond Lining, Pumping Plant, Manure Transfer, Solid Separator, Precision Land Forming, etc., will be 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 is not eligible. Management or control of noxious weeds is not eligible for financial assistance. When required, assistance may occur up to 3 years.

362 DIVERSION - Diversions, dikes, and surface or subsurface drainage systems necessary to collect, divert, or convey natural drainage away from or around the animal waste facilities. Clean water diversions that are not part of an ag waste system will compete for funding under the Local Work Group (LWG) funding pool.

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/she is ineligible to receive the incentive payment. Incentive payment rates are based

on the extent of reduced tillage that will occur. Incentives 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.

345 RESIDUE AND TILLAGE MANAGEMENT, MULCH-TILL - If the participant has already adopted the concept of mulch-till, he/she is ineligible to receive the incentive payment. Incentives are 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.

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. Examples: to address AUM deficiency, loss of control of other grazing lands.
- 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 (Part 515.91(H) of the Conservation Programs Manual), 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. District conservationists will request the waiver via a worksheet which 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 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 and step-in posts are not eligible for cost-share.

Replacement of existing fence is not eligible for financial assistance.

449 IRRIGATION WATER MANAGEMENT - An incentive 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 incentive payment is also available for irrigators wishing to monitor irrigation induced soil salinity and sodicity. This higher level incentive is available to those producers that are willing to perform additional soil testing. 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 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 in a feedlot and to control erosion within a feedlot.

472 USE EXCLUSION - Practice is authorized for an incentive payment 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 incentive rate applies to this scenario.
- Exclude grazing on establishing permanent vegetation. The incentive payment is limited to:
 - one year for introduced grass and
 - two years for rangeland plantings.

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 - Incentive payments are 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 that 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 for an incentive payment.

Expired or expiring CRP 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 incentive payment.

Incentives are 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 incentive if all of the criteria under that practice are met.

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.

516 PIPELINE - Financial assistance for a rural water system hookup, a pitless well adaptor or a vault with pressure tank are included in this practice. Payment will be limited to one appurtenance payment per pipeline. Pitless units, 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.

528 PRESCRIBED GRAZING - This incentive 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 incentive will ensure that the individual will implement a grazing rotation that incorporates appropriate rest/recovery periods, changes season of use on native pastures and utilizes suitable stocking rates to meet participant's goals. 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 an incentive payment.

The two levels of payments refer to a **single herd** utilizing:

- 3-6 pastures: \$2.00/ac
- 7+ pastures: \$4.00/ac

Some examples of when an incentive may be warranted:

- The rancher goes from a system that is not meeting 528 (i.e., continuous season-long grazing) to a rotational system that meets 528.
- Rancher goes from a set pattern of rotating through the same pastures the same time every year to changing his/her season of use on all pastures, with the possible exception of a cool season tame pasture designed for spring/fall grazing that meets 528. (Note: The rotation will provide different seasons of use and, therefore, appropriate recovery time.)
- Rancher incorporates an additional pasture(s), such as CRP into his/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 an incentive 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 any 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 do not need to be installed by a certified well contractor or water well pump installer. Electric power sources which address multiple resource concerns and utilize a renewable power source are eligible when other power sources are impractical or energy conservation measures are in place. This includes solar powered pumps.

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. Financial assistance is limited to a 20 foot wide roadway. Geo-textile fabric, when required to increase bearing capacity of foundation soils, may also be an eligible component of the roadway.

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, 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).
- 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.
- Concrete pads (maximum of 6 inch depth) surrounding livestock watering/feeding facilities where livestock concentrations cause resource concerns. Financial assistance is available up to a 12 foot by 12 foot slab for an individual waterer and a 12 foot perimeter width around tanks or feed troughs.

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 incentive payment. Incentive payment rates are dependent upon the type of nutrients applied, organic or inorganic. An incentive payment is only available when a producer makes a change towards improved nutrient management techniques.

The nutrient management plan must contain the Nutrient Management Planner and document the following:

- Soil testing depicting existing soil nutrient content levels.
- Fields where organic and inorganic fertilizers are applied.
- Amount applied per acre.
- Application method and equipment used.
- Crops planted.
- General weather conditions at the time of application.
- Soil test (required for each year the incentive payment is received).

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 ($\frac{1}{2}$ pre-plant, $\frac{1}{2}$ post-emergent).

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

The contract participant will be eligible for either the organic or the inorganic incentive on the same acreage, not both.

595 PEST MANAGEMENT - Producers are eligible for this incentive 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.

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

633 WASTE UTILIZATION - The incentive 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. The incentive payment is only available when remnant wastes are part of the contract holder's operating unit.

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.

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.

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.

608 SURFACE DRAINAGE, MAIN OR LATERAL - Financial assistance is limited to situations where it's a necessary component of other conservation practices or systems. Examples include: Livestock waste system, pond, and wetland restoration. The use of either practice simply to improve drainage to increase agricultural production is not eligible for financial assistance.

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 512, 550, and 645. Participants are offered incentive payments for managing permanent vegetation as specified in the Design, Installation, and Check-out Guide for this practice.

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.

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.

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