

2006 Environmental Quality Incentives Program (EQIP)

Practice Eligibility Criteria

- Conservation practices listed on the 2006 North Dakota Practice and Cost-share/Incentive List are eligible for cost-share or incentive payments, if appropriate practice components are available in Section I - Cost Data of the Field Office Technical Guide (FOTG). If the component is not listed in Section I, the component may be added with the approval of the contract officer and with the appropriate documentation, i.e., an engineer's estimate.
- Local Work Groups have the opportunity to localize the practice list to reflect local resource concerns.
- 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.
- Cost-share or incentive payments will be issued to practices applied in compliance with the applicable standards and specifications. Cost-share or incentive payments for 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, not to exceed three years. If the applicant has or will receive incentive payments for the same practice by another entity, they may not be eligible for an EQIP incentive payment.
 - Each participant's maximum acreage limit applies to the separate and distinct operation, regardless of the number of participants or entities on each contract. Separate and distinct operations (Part 515.61(d) of the Conservation Programs manual) should use separate and distinct equipment, separate and distinct management, and separate and distinct decision making.
 - Incentive 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 which has already been "in-service" more than 50 percent of the practice design life will not be considered for cost-share. Used materials must not have been previously cost-shared under any Federal program.

Conservation Practices

Additional criteria for cost-share and/or incentive payments for 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.

560 ACCESS ROAD - Cost-share is only authorized for this practice when 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. Refer to Practice 313 in this document for further criteria.

314 BRUSH MANAGEMENT - Brush management may include cost-share for mechanical and/or chemical control of woody vegetation. Prescribed burning is not an eligible component for this practice. Management or control of noxious weeds is not eligible for cost-share under this practice.

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

484 MULCHING - Cost-share is available for conservation practice construction sites, critical area treatments, and synthetic weed barrier for tree plantings. Weed barrier is a stand alone practice and no longer considered a component of tree planting practices.

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 utilizes appropriate stocking rates and rest/recovery periods. 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), livestock number and type of livestock grazed, period of rest, 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 rotational system established.

Some examples of when an incentive may be warranted:

- A. The rancher goes from a system that is not meeting 528 (i.e., continuous season-long grazing) to a rotational system that meets 528.
- B. 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.)
- C. Rancher incorporates a complimentary pasture(s) into his/her rotational grazing system. (Note: All pastures in the rotation will need to meet 528 criteria.)
 - 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:

- A. Pastures are always used during the calving season.
- B. Pastures are always grazed during the winter.
- C. Pastures are over grazed 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.

472 USE EXCLUSION - Practice is authorized for an incentive payment only when the practice will be used to exclude or significantly restrict grazing for an identified period of time from establishing permanent vegetation or environmentally sensitive areas where grazing is historically conducted. In instances where 472 is used to exclude livestock on establishing vegetation, the incentive payment is limited to one year for introduced grass and 2 years for rangeland plantings. Practice may also be used in conjunction with 643-Restoration and Management of Declining Habitats.

329 RESIDUE AND TILLAGE MANAGEMENT, NO-TILL/STRIP-TILL/DIRECT SEED - Incentives are available to those who convert from:

- a conventional or mulch tillage (345) system to a system with a Soil Tillage Intensity Rating (STIR) of 30 or less. Incentive payment rates are based on the extent of reduced tillage that will occur.
- a system with a STIR of between 9.500 and 30 that have a positive Soil Conditioning Index (SCI) that is less than 0.4. This requires
 - a STIR change to 9 or less **and**
 - a SCI change that improves your existing SCI by at least .3 **and**
 - include Nutrient and Pest Management as part of the contract and/or plan. (If the applicant is already practicing either of these practices, they are not eligible for those incentive payments; however, the practices are still required as part of the plan.)

Incentives are not available for:

- a system with a STIR of between 9.500 and 30 that have a SCI that is .4 or greater.
- a system with a STIR of 9 or less, regardless of the SCI.

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.

512 PASTURE AND HAY PLANTING - Cost-share 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.

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.

313 WASTE STORAGE FACILITY, 359 WASTE TREATMENT LAGOON -

Eligible components include items necessary to ensure proper installation, operation, and maintenance of an animal waste system. District conservationists, with guidance from design engineers, shall determine the most cost-effective animal waste system and base cost-share eligibility on this decision. Cost-share assistance is available for up to 365 days of storage.

Examples of eligible components:

- Compaction quality control, concrete quality control, and subsurface investigation, shall be incorporated in all animal waste contracts, if applicable.
- 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.
 - Building features or concrete pads required for proper management of wastes within the animal waste system, for example:
 - Heavy use areas used as scraping pads and scraping lanes. Cost-share is limited to a concrete pad 6 inches thick and 12 feet wide, with a maximum length of 2 feet per animal unit (AU). Additional pad length of 20 feet may be added to accommodate equipment access at feedlot gates.

- Concrete curbs, if the curb serves to confine animal wastes to the animal waste facility. Cost-share is limited to an 18 inch high by 10 inch wide concrete curb. A volume of concrete equivalent to the concrete curb may be cost-shared on formed and poured in-place concrete troughs/heavy use pads when the trough serves the same function as the concrete curb. Curb materials other than concrete may be eligible based on an engineer's estimate and design. Materials must meet requirements of Section ND512.21(b) of the National Engineering Manual.
- Concrete construction for underground tanks, gutters, etc.
 - Cost-share 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. Cost-share 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.
- 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. Access roads with the sole purpose of feed management are not eligible. Cost-share is limited to a 20 foot wide roadway. Surface treatments to stabilize the roadway are cost-sharable up to 9 inches of surfacing material thickness. Geo-textile fabric, when required to increase bearing capacity of foundation soils, may also be a cost-sharable component of the roadway.
- Grading and shaping needed for the animal waste system to ensure proper feedlot runoff management. A borrow area may be developed to satisfy this need.
- Components used in solid waste separation.
- Diversions, dikes, and surface or subsurface drainage systems necessary to collect, divert, or convey natural drainage away from or around the animal waste facilities.
- Critical area seeding to establish vegetation on disturbed areas including, but not limited to, borrow areas, embankments, dikes, diversions, and clean water drainage systems.
- Permanently installed structures that will allow for the agitation and safe evacuation of animal waste from the storage facility or lagoon.
- NEPA mitigation features necessary for the implementation of the animal waste facility.
- Manure transfer system from the point of collection to the point of storage.

The following components are ineligible:

- Power sources.
- Manure transfer systems beyond the point of storage or installations primarily for operator convenience.
- Feedlot or holding pond lighting.
- Automatic waterers.
- The portion of the concrete slab primarily utilized for feeding or feed bunks.
- Construction or relocations of buildings or barns.

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 components eligible due to relocations or modifications of existing systems:

- Segments of fence, which 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.
- 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. Cost-share is not authorized when a new animal waste facility or expansion of an existing facility creates the need for an additional water tank(s).

633 WASTE UTILIZATION - 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.

464 IRRIGATION LAND LEVELING - Measures constituting floating, land planning, or system maintenance are eligible only if there is a net water savings from the existing irrigation system (in operation in two out of the last five years). Land Smoothing (466) is not authorized for cost-share assistance.

IRRIGATION SYSTEM CONVERSIONS - Cost-share 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. Cost-share is based on a cost-per-acre basis not to exceed a specified maximum (AM). (See current cost tables.) Cost-shareable components include any equipment or materials required for installation or operation of the system conversion. Activities planned to properly convey water to the irrigation system shall be scheduled separately under an Irrigation Water Conveyance practice code and will not be part of the irrigation system conversion AM rate. Power

supplies, water supplies, end guns, and components included only for the convenience of the operator are not eligible for cost-share. Items considered to be maintenance on an existing system are also not eligible. When component costs for items used for conversion are provided in the FOTG Cost List, they must be awarded cost-share towards (AM) costs provided in the FOTG Cost List. Acres irrigated by an end gun are not eligible for cost-share.

449 IRRIGATION WATER MANAGEMENT - Incentive payment is authorized only when the producer implements a change in the management of the irrigation system. The producer must develop and implement an irrigation water management plan to be certified for payment. The plan shall include:

1. Statement of Purpose or Goal and controlling factors of the irrigation method being used.
2. Erosion inventory.
3. Conservation Plan Map (with locations, field numbers, symbols, legend, and, pump and pipe locations).
4. Soils.
5. Crop data.
6. Gross application determination.
7. Description of scheduling.
8. Operation and maintenance.

LIVESTOCK WATER DEVELOPMENTS: 516 PIPELINE, 378 POND, 574 SPRING DEVELOPMENT, 614 WATERING FACILITY, etc. - Cost-share 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.

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 cost-share assistance for grazing crop aftermath when they are integral parts of the prescribed grazing system.

Pumps, vaults, pitless units, and pressure tanks with switches and controls, shall be eligible for cost-share only when installed by a certified well contractor or water well pump installer. Nose pumps and portable pumps installed in streams do not need to be installed by a certified well contractor or water well pump installer.

Hookups to rural water systems for livestock water developments are also eligible for cost-share. This component is eligible under 516-Pipeline or 614-Watering Facility.

642 WELL - Cost-share is authorized to facilitate improved grazing distribution and ensure adequate and reliable livestock water. A well may also be eligible for cost-share when the installation of a redesigned or relocated animal waste system impacts the availability of the existing water source. Cost-share for this practice is not authorized 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.

Pumps are eligible components for installation of a well. Pumps, vaults, and pitless units shall be eligible for cost-share only when 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 windmills and solar powered pumps.

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

382 FENCE - Cost-share is authorized to facilitate improved grazing distribution, 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 conservation management system, such as 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.
- The area adjacent to the boundary fence is vital to the success of the conservation management 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 or to enhance productivity (Part 515.101(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. Waiver requests shall be addressed to the State conservationist, fully document the justification for the waiver, and be routed through the appropriate assistant State conservationist (FO) for concurrence.

Cost-share is limited to the most economical fence of a specified type or kind that will serve the intended purpose. Cost-share for specialized livestock/wildlife fencing will be limited to reflect the cost of a woven wire fence (as appropriate).

A permanent single strand electric fence is only eligible for cost-share 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.

680 SURFACE DRAINAGE, MAIN OR LATERAL - Use of this practice for cost-share purposes is limited to where they are required as a necessary component of other conservation practices or systems. Either may be necessary as part of a livestock waste system, pond, wetland restoration, or other similar action. The use of either practice simply to improve drainage to increase agricultural production is not eligible for cost-share assistance.

558 ROOF RUNOFF STRUCTURE - Eligible components include roof gutters, downspouts, and outlet features.

610 SALINITY AND SODIC SOIL MANAGEMENT - Cost-share is allowed for seeding permanent vegetation on discharge soils, saline seeps (both recharge and discharge areas), and naturally occurring saline, saline/sodic, or sodic soils. 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 - Cost-share is only authorized for this practice when applied for proper operation and maintenance of the animal waste system. Refer to Practice 313 in this document for further criteria.

603 HERBACEOUS 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. Maximum acreage for the 3-year period is 480 acres. 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.

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.

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:

1. RUSLE2 – sheet and rill water erosion controlled to “T.”
2. WEQ – wind erosion controlled to “T.”
3. WIN-PST – 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.