

United States Department of Agriculture



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CONSERVATION PROGRAMS MANUAL
440-V-CPM
AMENDMENT VA6

SUBJECT: PROGRAMS – Environmental Quality Incentives Program

Purpose: To transmit a Virginia Supplement to the Conservation Programs Manual (CPM), Subpart F (Program Eligibility), Subpart I (EQIP Plan of Operations) and Subpart J (Conservation Practice and Technical Assistance Payments) of Part 515, Environmental Quality Incentives Program.

Effective Date: This amendment is effective upon receipt.

Filing Instructions: Insert page VA-515.F-1 after National page 515.F-2. Insert pages VA-515.I-1 through VA-515.I-8 after National page 515.I-2. Insert page VA-515.J-1 after National page 515.J-4. An electronic version will be posted on the Virginia NRCS website.

W. Ray Durr
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State Conservationist

Acting For

Attachments

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Part 515 – Environmental Quality Incentives Program

Subpart F – Program Eligibility

VA 515.51 Producer Eligibility

C. Determining Eligibility as an Agricultural Producer

Horses

(i) Horse operations in Virginia have the potential for major environmental degradation due to the high numbers in confinement, traffic patterns of the horses in confinement, and water quality problems associated with the handling and storage of animal waste.

(ii) Horse operations are eligible for EQIP assistance if all of the conditions in the EQIP Manual (Section 515.51), as well as in Part 512, Conservation Programs Manual (CPM), Conservation Program Contracting, (Section 512.22) are met. Key items of importance to check during the eligibility determination are:

- Land ownership or operator eligibility
- AGI eligibility
- Producer eligibility

(iii) Producer eligibility is defined in the CPM, Section 515.51C (v). The producer must have an annual minimum of \$1,000 of agricultural products produced and/or sold from the operation. Recreational horse use does **NOT** qualify. The operation has to be a bona fide production facility. Field office staff can request a copy of an IRS Form 1040, Schedule F, to verify that the operation is operating as a farm.

Part 515 – Environmental Quality Incentives Program

SUBPART I – Conservation Practice and Technical Assistance Payments

VA515.81 Eligible Conservation Practices

A. Conservation Practices

(1) Animal Waste Water Quality Concern (by practice number)

<ul style="list-style-type: none"> • 100 Comprehensive Nutrient Management Plan (CNMP) • 313 Waste Storage Facility • 316 Animal Mortality • 317 Composting Facility • 342 Critical Area Planting • 359 Waste Treatment Lagoon • 360 Closure of Waste Impoundment • 362 Diversion • 365 Anaerobic Digester • 380 Windbreak Establishment 	<ul style="list-style-type: none"> • 382 Fence • 393 Filter Strip • 516 Pipeline • 533 Pumping Plant • 558 Roof Runoff Management • 561 Heavy Use Protection • 575 Animal Trails and Walkways • 578 Stream Crossing • 614 Watering Facility • 634 Manure Transfer • 642 Water Well
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- A Comprehensive Nutrient Management Plan (CNMP) (#100) will be scheduled and developed before the establishment date of a waste storage/treatment facility. The conservation plan and contract will include the CNMP when a waste storage or treatment facility is cost-shared with EQIP funds. Components of the CNMP include: a soil and water conservation plan with erosion rates to “T” or less for land receiving material from a storage/treatment facility; a nutrient management plan which addresses waste application; and record keeping.
- The contract payment for a Waste Storage Facility (#313), Waste Treatment Lagoon (#359), or Anaerobic Digester (#365) may not exceed \$200,000 for any one or combination of these practices. Payments for other associated practices included in the EQIP contract may result in a contract exceeding \$200,000.
- A Watering Facility (#614), Water Well (#642), Pipeline (#516), and Pumping Plant (#533) may be cost-shared only if a loafing lot is treated and alternative water is required to address water quality impacts. Water facilities will not be cost-shared in or around livestock buildings.
- Payment rates for Fence (#382) are to be based on the least cost alternative which meets the fencing standard for the situation being treated. Participants may choose a more expensive fence that also meets the standard. However, any increase in cost will be at the participants’ expense. All associated costs for gates, electric chargers, etc. are pro-rated in the payment schedule for fence and are based on average conditions. No additional payments are made for any additional components. All animal waste storage facilities constructed with EQIP assistance are to be fenced for safety concerns.
- Animal Mortality (#316) includes composters for dead poultry and swine incinerators.

(2) Forestry Water Quality Concern (by practice number)

<ul style="list-style-type: none"> • 338 Prescribed Burning • 342 Critical Area Planting • 382 Fence • 391 Riparian Forest Buffer • 394 Fire Break 	<ul style="list-style-type: none"> • 490 Forest Site Preparation • 595 Pest management • 612 Tree/Shrub Establishment • 655 Forest Trails and Landings • 666 Forest Stand Improvement
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- EQIP contracts for the Forestry Water Quality Concern are limited to 200 acres land area.
- Prescribed Burning (#338) payment is based upon burns in the following ranges:
 - Less than 15 acres
 - Greater than 15 acres and less than 40 acres
 - Greater than 40 acres
- Fence (#382) is for the exclusion of livestock from currently grazed woodland or where tree seedlings require protection from livestock.
- The payment for Forest Site Preparation (#490), Tree/Shrub Establishment (#612), and Forest Stand Improvement (#666) is based on species and/or the number of trees per acre. Refer to current payment schedule.
- For Tree/Shrub Establishment (#612), no more than 480 Loblolly or White Pine per acre may be planted using EQIP funds.
- Forest Trails and Landings (#655) is for the proper stabilization of log roads, skid trails, and landing and access roads. Erosion is treated with proper grading, water bar installation, and alignment. Vegetative stabilization is not included in this practice, but is addressed with Critical Area Planting (#342).

(3) Grazing Water Quality Concern (by practice number)

<ul style="list-style-type: none"> • 314 Brush Management • 342 Critical Area Planting • 362 Diversion • 378 Pond • 382 Fence • 390 Riparian Herbaceous Buffer • 391 Riparian Forest Buffer • 512 Pasture and Hayland Planting • 516 Pipeline • 533 Pumping Plant • 528 Prescribed Grazing • 574 Spring Development 	<ul style="list-style-type: none"> • 561 Heavy Use Protection • 575 Animal Trails and Walkways • 578 Stream Crossing • 580 Streambank Protection • 595 Pest Management • 612 Tree/Shrub Establishment • 614 Watering Facility • 638 Water and Sediment Control • 642 Well • 717 Livestock Shade Structure • 725 Sinkhole & Sinkhole Area Protection
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- Pond (#378) for livestock water source only where it is the least cost alternative or where there is no other practical alternative. The pond area must be fenced with the water supply and pipe installed at time of construction.
- Fence (#382) payment rates are based on the least cost alternative which meets the fencing standard for the situation being treated. Participants may choose a more expensive fence that also meets the standard. However, any increase in cost will be at the participants' expense. All associated costs for gates, electric chargers, etc. are pro-rated in the payment schedule for fence and are based on average conditions. No additional payments are made for any additional components. Payments for boundary fences are allowed only where a prescribed grazing plan documents the need.
- For Riparian Herbaceous Buffer (#390) and Riparian Forest Buffer (#391), livestock must be excluded from buffer area.
- Pasture and Hayland Planting (#512) may be used to convert cropland to grass or establish pasture where a grazing plan shows the need. A soil test must be used to determine nutrient needs and other amendments.
- Prescribed Grazing (#528) will need a prescribed grazing plan written for the operation addressing the 12 elements in the Virginia Prescribed Grazing Standard (#528), Plans and Specifications. Payment for the implementation of the plan may be made when all planned practices and components of the prescribed grazing plan are in place and livestock have been rotated through the system for 1 year. Payment is allowed for 3 years for acres included in the prescribed grazing plan and limited to \$20,000 per year and \$60,000 per contract.
- Heavy Use Protection (#561) may be needed where there is an erosion and sediment impact from areas where livestock concentrate, such as feeding areas. Roofed structures are authorized under the grazing concern only where there is a water quality concern caused by animal waste. See Part 515, Subpart I; VA515.91, "Virginia Policy on Roofed Structures Regarding Livestock."
- Use Pest Management (#595) for the treatment of Multiflora Rose, Thistle, or other listed noxious or invasive vegetation. The practice is for spot spraying and not to be used for whole field applications.
- Tree/Shrub Establishment (#612) is for planting of trees and shrubs on marginal land too steep or rough for pasture, class V and above.
- Well (#642) is for livestock water use only. Payment shall not exceed \$5,000.
- Steambank Protection (#380) is used for vegetative practices along streambanks and rip rap along the toe of the bank.

(4) Wildlife Habitat Improvement for at risk species (by practice number)

<ul style="list-style-type: none">• 327 Conservation Cover• 338 Prescribed Burning• 382 Fence – Exclusion	<ul style="list-style-type: none">• 578 Stream Crossing• 595 Pest Management• 612 Tree/Shrub Establishment
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<ul style="list-style-type: none"> • 386 Field Border • 391 Riparian Forest Buffer • 390 Riparian Herbaceous Buffer • 394 Fire Break • 422 Hedgerow • 512 Pasture & Hayland Planting • 516 Pipeline 	<ul style="list-style-type: none"> • 614 Watering Facility • 642 Well • 645 Upland Wildlife Management • 647 Early Successional Habitat Development • 666 Forest Stand Improvement
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- All vegetative practices for the Wildlife Habitat Improvement concern must establish plants beneficial to wildlife.
- Conservation Cover (#327) can be used for the planting of wildflowers and early shrub land.
- Prescribed Burning (#338) for wildlife management may include understory burns and are listed as prescribed burning wildlife management on the payment schedule.
- Fence (#382) may only be used to protect EQIP wildlife-related practices and shall not be used for cross fencing or other practices not directly related to wildlife habitat improvements.
- Refer to Job Sheets for Field Border (#386) plant establishment.
- Pasture and Hayland Planting (#512) is used when establishing warm season grasses which benefit wildlife.
- The Tree Shrub Establishment (#612) choices for wildlife are: 1) Minimum of 4 hardwood species and 2 species that are mast producing; 2) Wildlife Shrubs only; 3) Mixed hardwoods and wildlife shrubs.
- Watering Facility (#614), Pipeline (#516), and Well (#642) are allowed only when livestock access to water is excluded due to the establishment of EQIP wildlife practices.

(5) Ground Water Conservation Concern (by practice number)

<ul style="list-style-type: none"> • 342 Critical Area Planting • 350 Sediment Basin • 351 Well Decommissioning • 362 Diversion • 386 Field Border • 390 Riparian Herbaceous Buffer • 391 Riparian Forest Buffer • 393 Filter Strip • 430AA Irrigation Water Conveyance (Aluminum) 	<ul style="list-style-type: none"> • 430DD Irrigation Water Conveyance (Plastic) • 436 Irrigation Storage Reservoir • 441 Irrigation System – Micro • 442 Irrigation System – Sprinkler • 447 Irrigation System Tailwater Recovery • 449 Irrigation Water Management
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Reminder: “A participant will be eligible for cost-share or incentive payments for irrigation related to structural, vegetative, and land management practices only on land that has been irrigated for two of the last five years prior to application for assistance.” See Conservation Programs Manual 515.52 B. Irrigation History.

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- Irrigation Water Management (#449) will be available in two parts and is available to all producers who have irrigated for 2 of the last 5 years:
 - Part A: Development of an Irrigation Water Management (IWM) plan for the irrigation system currently in use or for a more efficient planned system.
 - Part B: IWM implementation which includes the installation of flow meters, soil moisture instruments and record keeping.

Participants who will be receiving payments for irrigation equipment are required to have and follow an IWM plan. The IWM plan will be developed prior to payment for equipment.

- Irrigation Storage Reservoir (#436) is available for payment only within the DEQ Groundwater Management Area where there is a well used for irrigation which is drawing from the deep water aquifer. Payment is for expansion of an existing reservoir or new reservoirs where a surface water source is needed to augment aquifer withdrawal. All Irrigation Storage Reservoir projects must have a scope and effect analysis that determines no adverse effect on surrounding wetlands.
- Irrigation System-Micro (#441), Irrigation System-Sprinkler (#442) must have An IWM plan developed prior to payments for any irrigation equipment. The IWM record keeping is required. New or retro-fitted irrigation equipment must be at least 80% efficient. Maintenance of equipment such as worn nozzles is not eligible. Maximum payment for Irrigation System-Micro (#441) and Irrigation System-Sprinkler (#442) is capped at \$50,000 per contract for either system or in combination.

(6) Poultry Litter Transfer (by practice number)

<ul style="list-style-type: none">• 362 Diversion• 380 Windbreak• 382 Fence	<ul style="list-style-type: none">• 393 Filter Strip• 633 Waste Utilization• 749 Waste Field Storage
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- A current soil test must show that phosphorus levels for fields receiving litter is at “Medium +” saturation levels or below according to Virginia Tech criteria. Soil test results from other soil testing labs will be converted to Virginia Tech values to determine eligibility. A current soil test is required for fields enrolled in the Poultry Litter Transfer Concern.
- End users of poultry litter must have and follow a Nutrient Management Plan which addresses the proper application of poultry litter.
- Manure stored for more than 14 days must be put under cover and placed in a manner that runoff will not become a pollutant.
- End users must submit a signed “Poultry Litter Information Form” and receipt before payment may be made.
- Poultry litter must come from one of the following source counties: Augusta, Rockingham, Page, Shenandoah, Prince Edward, Amelia, Nottoway, Accomac, Buckingham, and Cumberland.
- Fence (#382), if needed, is for exclusion and/or safety fence around area where litter is stored.

- Waste Utilization #633 payment may be made for 3 years on fields that meet eligibility requirements. The Nutrient Management Plan must be current and address poultry litter application. Payments for Waste Utilization may not exceed \$3,000 per year.

(7) Small Farm Initiative (by practice number)

<ul style="list-style-type: none"> • 100 Comprehensive Nutrient Management Plan (CNMP) • 313 Waste Storage Facility • 316 Animal Mortality Facility • 342 Critical Area Planting • 359 Waste Treatment Lagoon • 362 Diversion • 378 Pond • 380 Windbreak • 382 Fence • 386 Field Border • 390 Riparian Herbaceous Buffer • 391 Riparian Forest Buffer • 393 Filter Strip • 394 Firebreak • 410 Grade Stabilization Structure • 412 Grassed Waterway • 441 Irrigation System-Micro 	<ul style="list-style-type: none"> • 490 Forest Site Preparation • 512 Pasture & Hayland Planting • 516 Pipeline • 528 Prescribed Grazing • 533 Pumping Plant • 561 Heavy Use Protection • 574 Spring Development • 575 Animal Trails and Walkways • 600 Terrace • 612 Tree and Shrub Establishment • 614 Watering Facility • 642 Well • 655 Forest Trails and Landings • 666 Forest Stand Improvement • 717 Livestock Shade Structure
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- To be eligible for the Small Farm Initiative the following criteria must be met: The farm size must be 200 acres or less and no more than 100 acres of cropland or pasture land; farm sales not to exceed \$100,000; household income is no more than \$70,000; and at least 10% of farm production is in specialty crop or animals.
- Contracts for the Small Farm Initiative are limited to \$25,000 and any one practice may not exceed \$10,000.
- A Comprehensive Nutrient Management Plan (CNMP) (#100) will be scheduled and developed before the establishment date of a waste storage/treatment facility. The conservation plan and contract will include the CNMP when a waste storage or treatment facility is cost-shared with EQIP funds. Components of the CNMP include: a soil and water conservation plan with erosion rates to “T” or less for land receiving material from a storage/treatment facility; a nutrient management plan which addresses waste application; and record keeping.
- Fence (#382) payment rates are to be based on the least cost alternative which meets the fencing standard for the situation being treated. Participants may choose a more expensive fence that also meets the standard. However, any increase in cost will be at the participants’ expense. All associated costs for gates, electric chargers, etc. are pro-rated in the payment schedule for fence and are based on average conditions. No additional payments are made for any additional components. Payments for boundary fences are allowed only where a prescribed grazing plan documents the need.

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- Pond (#378) for livestock water source only where it is the least cost alternative or where there is no other practical alternative. The pond area must be fenced with the water supply and pipe installed at time of construction.
- Prescribed Grazing (#528) will need a prescribed grazing plan written for the operation addressing the 12 elements in the Virginia Prescribed Grazing Standard #528, Plans and Specifications. Payment may be made when all planned practices and components of the prescribed grazing plan are in place and livestock have been rotated through the system. Payment is for 3 years for acres included in the prescribed grazing plan. Small farm initiative contract payment limitations apply.
- Heavy Use Protection (#561) may be needed where there is an erosion and sediment impact from areas where livestock concentrate, such as feeding areas. Roof structures are authorized only where there is a water quality concern caused by animal waste see Part 515, Subpart I; VA515.91, Virginia Policy on Roofed Structures Regarding Livestock.

(8) Cropland Resource Concern (by practice number)

<ul style="list-style-type: none"> • 328 Conservation Crop Rotation • 329 Residue and Tillage Management • 330 Contour Farming • 332 Contour Buffer Strips • 342 Critical Area Planting • 350 Sediment Basin • 362 Diversion • 386 Field Border • 390 Riparian Herbaceous Buffer • 391 Riparian Forest Buffer • 393 Filter Strip • 410 Grade Stabilization Structure 	<ul style="list-style-type: none"> • 412 Grassed Waterway • 468 Lined Waterway or Outlet • 512 Pasture and Hayland Planting • 585 Stripcropping • 587 Structure for Water Control • 595 Pest Management • 600 Terrace • 612 Tree & Shrub Establishment • 725 Sinkhole & Sinkhole Area Protection
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- For Conservation Crop Rotation (#328), Residue and Tillage Management (#329), and Pest Management (#595) refer to Virginia Bulletin 440-8-1.
- Conservation Crop Rotation (#328), Residue and Tillage Management (#329), and Pest Management (#595) payments may be combined in the same EQIP contract. However, the combined payment may not exceed \$20,000 per year and \$60,000 per contract.
- Pasture and Hayland Planting (#512) practice is for cropland conversion only. Nutrient and amendment application must be based on soil test recommendations.
- Use Pest Management (#595) for noxious or invasive species control spot treatment only.
- Tree/Shrub Establishment (#612) practice is for cropland conversion only.

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Part 515 – Environmental Quality Incentives Program

SUBPART J – Conservation Practice and Technical Assistance Payments

VA515.91 Establishing Cost Share and Incentive Payments

H. Ineligible Costs

(xviii) Virginia Policy on Roofed Structures Regarding Livestock.

Roofs are allowed in the following situations due to their water quality benefit:

- On or over dry manure storage structures (Virginia Conservation Practice Standard Waste Storage Facility (#313))
- Over hardened areas where manure is routinely deposited, collected, and stored (Virginia Conservation Practice Standard Heavy Use Area Protection (#561))

The following requirements must be met in order for financial assistance to be authorized and paid:

- A pre-existing water quality resource concern must be documented through the use of the VA Water Quality Impact Tool Worksheet. (Copy to be retained in case file as part of the Agricultural Waste Management System (AWMS) Plan.)
- A complete Agricultural Waste Management System Plan must be prepared as part of the planning process prior to practice approval. Refer to the Agricultural Waste Management Field Handbook, Chapter 13 for guidance on developing the AWMS plan.
- A Comprehensive Nutrient Management Plan (CNMP) must be prepared for the entire operation prior to practice approval.