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April 15, 2013

**KANSAS BULLETIN NO. KS300-13-53**

**SUBJECT: LTP–Environmental Quality Incentives Program—Fiscal Year 2013 Water Quantity and Drought Pilot**

**Action required by:** (Field Offices [FOs])  
May 17, June 21, June 26, July 5, July 24,  
and July 31

**Action required by:** (Area Offices [AOs])  
June 26, July 24, July 12, and August 7

**Action required by:** (State Office [SO])  
June 28 and July 26

**Purpose.** To provide guidance for administering the fiscal year (FY) 2013 Environmental Quality Incentives Program (EQIP) Water Quantity and Drought Pilot (WQDP)

**Expiration Date.** September 30, 2014

**Background**

During the 2012 calendar year, the U.S. Department of Agriculture (USDA) and the Natural Resources Conservation Service (NRCS) have provided assistance through various programs to help producers address the impacts of drought. In December, the Secretary of Agriculture announced a new NRCS pilot effort in Colorado and Kansas that will address water quantity resource concerns using the conservation planning process. This process will identify least-cost conservation alternatives for the producer to address water quantity needs, identify existing practices to address these needs, and when applicable, consider using a new interim practice that may be used to reestablish needed water-holding capacity to structures, as allowed under applicable state and local laws.

**Interim Conservation Practice**

The agency will support this new activity through a pilot effort to establish appropriate technical guidance, assess producer interest, and ensure success in helping producers address drought-related resource concerns.

National headquarters (NHQ) has developed a standard and specification for new interim conservation practice (CP) 758, Structure Sediment Removal, for sediment removal from certain existing water impoundment structures to address water conservation and water quality

(more)

DIST: A, F, S, Volkman, DOC

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resource concerns. The new CP standard is applicable to projects where the existing structure meets the NRCS design standards and addresses removal and disposal of excavated sediment from the specific kinds of impoundments listed below. The CP standard has been adopted by Kansas and is available in the electronic Field Office Technical Guide (eFOTG).

For purposes of this pilot, CP 758 may only be used for removal of sediment from structures which meet one of the following CP standards and is one acre-foot or larger:

- CP 378, Pond
- CP 436, Irrigation Reservoir
- CP 402, Dam
- CP 397, Aquaculture Ponds

CP 758 may not be used for any other water control or impoundment structures including any structure associated with CP 313, Waste Storage Facility; CP 410, Grade Stabilization Structure; CP 350, Sediment Basin; CP 638, Water and Sediment Control Basin; or dams built under authority of the Public Law-534 (Flood Control Act of 1944), Public Law-566 (Small Watershed Program), or resource conservation and development (also know as project dams).

The standard for CP 758 requires the use of CP 572, Spoil Spreading.

### **Conservation Planning**

Although this pilot effort addresses the activity for removal of sediment from water impoundments, it is expected that appropriate conservation planning assistance is provided to identify all potential alternatives for addressing water needs during periods of drought.

**Significant emphasis for consideration of alternative solutions to sediment removal should be provided to producers through the planning process. If other least-cost alternatives are available to address the primary resource concern(s), the alternative(s) should be discussed and offered to the producer.**

Funding sources such as the FY 2013 Drought Recovery Initiative may be available for other alternatives identified during the conservation planning process.

### **Determination of Structural Integrity**

Before approval of applications for funding through the EQIP pilot, the supervisory district conservationist (SDC)/district conservationist (DC) is responsible for ensuring the existing impoundment facility meets the minimum practice design standards and requirements. States must utilize the NRCS technical standards and applicable policy to evaluate and determine if the existing water impoundment meets agency structural requirements. Results will be recorded on the Kansas engineering worksheet for WQDP Quantity Calculations named WaterQuantity\_DroughtPilot.xlsx located on the Kansas SharePoint site under Conservation Programs>EQIP>2013\_Initiatives. Evaluation of the existing impoundment should also include confirmation of water rights, if applicable, prior to approval of the application. Depending upon the determination of structural integrity, one of these two actions may be followed:

- A. **Existing structure meets the NRCS design standards—eligible for pilot:** If the proposed project is supported with evidence, records, or designs, then proceed with appropriate conservation planning, further assessment, and evaluation as outlined in this bulletin.
- B. **Existing structure does not meet the NRCS design standards—not eligible for pilot:** If the applicant cannot provide documentation, design, or other evidence the NRCS can use to evaluate if the structure meets design requirements, the application for the pilot must be deferred for other program opportunities. Discuss findings with program applicant to determine if further assistance is possible and appropriate. Discussion should include (but is not limited to) other CPs available to address the resource needs, feasibility to upgrade existing structure to agency standards, potential costs for improvement, and other technical and programmatic considerations. If the applicant requests assistance to upgrade the existing structures, proceed with conservation planning to determine needed practices and funding opportunities that may be available other than through the pilot.

**Note:** Under no circumstance will program financial assistance be provided to any producer until the existing structure is determined to meet the NRCS design standards.

### **Identification of Hazardous or Contaminated Sediments**

Before approval of applications for funding through the EQIP pilot, the SDC/DC is responsible for evaluation of the existing facility to determine if further assessment and study is needed to identify potential hazardous materials or contaminants in the sediment proposed to be removed. FOs must complete the Hazardous or Contaminated Sediments Checklist (Attachment 5) for each application to determine the need for further assessment of sediments.

**Note:** Sites suspected of containing hazardous materials or contaminated sediments that require special treatment or handling are not intended to be supported through this pilot effort.

### **Eligible Land Uses, Resource Concerns, and CPs**

The eligible land uses, resource concerns, and CPs are available in Attachment 1.

Contracts developed under WQDP will include the core CP 758.

### **State Allocation**

The NRCS in Kansas has requested funds from NHQ for the WQDP. One statewide account will be used for funding decisions by the SO.

### **Processing Applications**

Attached is the WQDP Instructions (Attachment 4). These instructions should be used by FOs to aid in the process of application screening, the field visit, and the determination of quantities for removal of sediment as well as contract implementation related to CP 758.

If an application did not rank high enough for funding selection in one account, it may then be moved to another subaccount for ranking. It is not necessary for applicants to complete a

separate application form for each subaccount in which they wish to compete. Refer to National Bulletin 440-13-9 for additional information.

### **Screening Criteria**

FOs must utilize the national screening criteria (Attachment 3) to support WQDP to manage workload associated with application evaluation and ranking. Use of this screening worksheet is required and all eligible applications must have an assigned priority of "HIGH" or "LOW" recorded in the Program Contracts System (ProTracts).

Applications not meeting screening criteria for priority HIGH shall not be funded through WQDP.

### **ProTracts Ranking Tool**

ProTracts fund code for this EQIP initiative is "Sediment Removal Pilot."

National ranking questions are consistent for all EQIP applications; however, only questions 2a, 2b, 2c, 3a, 3b, 3c, 9a, 9b, and 9c apply to the WQDP. All other national questions shall be answered "no." Refer to Bulletin KS300-13-19 for additional guidance on answering national questions.

A copy of the state and local ranking questions are provided in Attachment 2.

WQDP does not offer Conservation Activity Plans (CAPs); therefore, any ranking question referring to the use of a CAP shall be answered so that no additional ranking points are awarded.

All eligible "HIGH" priority applications shall be entered into the Conservation Programs Geographic Information System Interface (CPGI). All answers available on the CPGI report will be used to answer the corresponding question on the ProTracts Application Evaluation and Ranking Tool (AERT). The application identification number in CPGI will match the application identification number from ProTracts.

### **Payment Schedules**

To support the new interim CP 758, NHQ has developed and approved payment schedules. All other practices associated with the pilot effort will use the [Kansas Practice Payment Schedule- Fiscal Year 2013](#).

A new separate practice payment schedule list will be uploaded to ProTracts and Toolkit and associated with the "Sediment Removal Pilot" subaccount.

### **Application Periods and Deadlines**

Although applications for EQIP are accepted continuously, there will be two FY 2013 application evaluation period cutoff dates (May 17 and June 21, 2013) for this pilot.

- **Application Period 1:**
  - All eligible "HIGH" priority applications received by the deadline of May 17, 2013, will be ready for funding decisions no later than June 26, 2013.
  - AOs will ensure that conservation plans, application ranking, and reviews of ranking have been completed prior to funding decisions.

- Funding decisions will be made by the SO no later than June 28, 2013.
- All approved applications and documentation will be entered in electronic contracts (eContracts) by July 5, 2013.
- Assistant state conservationists for field operations (ASTCs-FO) will ensure that all contracts have been obligated in ProTracts by July 12, 2013.
- **Application Period 2:**
  - All remaining eligible “HIGH” priority applications received by the deadline of June 21, 2013, will be ready for funding decisions no later than July 24, 2013.
  - AOs will ensure that conservation plans, application ranking, and reviews of ranking have been completed prior to funding decisions.
  - Funding decisions will be made by the SO no later than July 26, 2013.
  - All approved applications and documentation will be entered in eContracts by July 31, 2013.
  - ASTCs-FO will ensure that all contracts have been obligated in ProTracts by August 7, 2013.

Approved applications over \$150,000 will follow guidance issued in Bulletin KS300-13-50. The ASTCs-FO will need to submit their requests as soon as possible to meet the program deadlines.

**Contact:** Forward questions through established channels to Chad G. Volkman, Resource Conservationist, at [chad.volkman@ks.usda.gov](mailto:chad.volkman@ks.usda.gov) or (785) 823-4580.

*/(Signed) JEFFREY L. GROSS, ACTING FOR*

ERIC B. BANKS  
State Conservationist

Attachments