



DRAFT

NRCS Tribal Fencing Policies - Nevada

NRCS offers financial assistance to agricultural producers to install fencing if it addresses a resource concern such as water quality or plant health. In addition to fencing, there are over 400 conservation practices that may be used to address resource concerns. Installing fencing on tribal lands is complicated since it usually, if not always, involves more than just the producer and NRCS. The NRCS in Nevada is attempting to develop a fencing policy for tribal lands that is consistent, equitable, and meets Farm Bill policy.

NRCS Tribal Fencing Policies

- NRCS Financial Assistance Program policies generally prohibit payments for fencing on boundary lines between landowners or land uses, for example, cropland and rangeland.
- With regard to boundaries, NRCS in Nevada will determine that only the boundaries between tribal lands and other lands under private deeded ownership of individuals or federal/state domain meet the definition of a boundary:
 - Example: The boundary between tribal land and BLM would be a boundary that does not qualify for financial assistance and be determined not eligible.
 - Example: The boundary between two tribal member’s allotments would be eligible for financial assistance if a qualified resource concern exists.
- For the fencing practice to be eligible, NRCS must determine that a qualified resource concern exists. NRCS in all instances must demonstrate that the fence project is justified by protecting/enhancing or conserving natural resources.
- The location and placement of the fence between two or more permittees in all instances will be determined by a tribal government representative working in that capacity, a tribal agency responsible for making these determinations, or the Bureau of Indian Affairs (BIA).
- The tribal government and/or BIA must approve the fencing practice prior to funding.
- Environmental Quality Incentives Program (EQIP) funds will be utilized. The title of the fund pool will be Tribal Grazing Management. Other practices besides fencing are eligible for funding in this fund pool including watering facilities, prescribed grazing, pipeline, etc.

Examples of Fencing Scenarios:

1.) The tribe has a rangeland unit approximately 20,000 acres in size. There are 10 permit holders in this unit. Approximately half of the unit is being underutilized due to scarcity of water sources for each permittee. The resource concern is that the grazing distribution across the unit is severely impacting the rangeland health in areas where water is available. Several of the permittees want to fence their allotment boundary to improve their rangeland and control grazing on their allotment. This would be an eligible use for fencing. Other considerations should include an evaluation to determine if additional water sources or distribution is necessary, and a grazing management plan to improve the long term sustainability of the grazing land.

2.) Joe is a tribal member. He has an allotment to grow 40 acres of alfalfa hay on tribal land. He is surrounded by several neighbors who have grazing permits. Cattle belonging to his neighbors are often trespassing on Joe’s property and damaging his yields. Is Joe eligible for a fence around his permit? Generally no, unless the field inventory determines that a resource concern is being impacted negatively.

Selected Resource Concerns (partial list):

1. Air Quality
2. Adverse Air Temperature
3. Air Quality: Chemical Drift
4. Air Quality: Objectionable Odors
5. Air Quality: Particulate matter less than 10 micrometers in diameter (PM 10)
6. Air Quality: Particulate matter less than 2.5 micrometers in diameter (PM 2.5)
7. Domestic Animals: Inadequate Quantities and Quality of Feed and Forage
8. Domestic Animals: Inadequate Shelter
9. Domestic Animals: Inadequate Stock Water
10. Domestic Animals: Stress and Mortality
11. Fish and Wildlife: Habitat Fragmentation
12. Fish and Wildlife: Inadequate Cover/Shelter
13. Fish and Wildlife: Inadequate Food
14. Fish and Wildlife: Inadequate Space
15. Fish and Wildlife: Inadequate Water
16. Fish and Wildlife: T&E Species: Declining Species, Species of Concern
17. Fish and Wildlife: Threatened and Endangered Fish and Wildlife Species
18. Plant Condition: Forage Quality and Palatability
19. Plant Condition: Noxious and Invasive Plants
20. Plant Condition: Plants not adapted or suited
21. Plant Condition: Productivity, Health and Vigor
22. Plant Condition: T&E Plant Species: Declining Species, Species of Concern
23. Plant Condition: Threatened and Endangered Plant Species
24. Plant Condition: Wildfire Hazard
25. Soil Condition: Compaction
26. Soil Condition: Contaminants - Residual Pesticides
27. Soil Condition: Contaminants - Salts and Other Chemicals
28. Soil Condition: Contaminants-Animal Waste and Other Organics - K
29. Soil Condition: Contaminants-Animal Waste and Other Organics - N
30. Soil Condition: Contaminants-Animal Waste and Other Organics - P
31. Soil Condition: Contaminants-Commercial Fertilizer - K
32. Soil Condition: Contaminants-Commercial Fertilizer - N
33. Soil Condition: Contaminants-Commercial Fertilizer - P
34. Soil Condition: Damage from Sediment Deposition
35. Soil Condition: Organic Matter Depletion
36. Soil Condition: Rangeland Site Stability
37. Soil Condition: Subsidence
38. Soil Erosion: Classic Gully
39. Soil Erosion: Ephemeral Gully
40. Soil Erosion: Irrigation-induced
41. Soil Erosion: Road, Road Sides and Construction Sites
42. Soil Erosion: Sheet and Rill
43. Soil Erosion: Streambank
44. Soil Erosion: Wind
45. Water Quality: Excessive Nutrients and Organics in Groundwater
46. Water Quality: Excessive Nutrients and Organics in Surface Water
47. Water Quality: Excessive Suspended Sediment and Turbidity in Surface Water
48. Water Quality: Harmful Levels of Pathogens in Groundwater
49. Water Quality: Harmful Levels of Pathogens in Surface Water
50. Water Quality: Harmful Levels of Pesticides in Groundwater
51. Water Quality: Harmful Levels of Pesticides in Surface Water
52. Water Quality: Harmful Temperatures of Surface Water
53. Water Quantity: Aquifer Overdraft
54. Water Quantity: Excessive Runoff, Flooding, or Ponding
55. Water Quantity: Excessive Seepage
56. Water Quantity: Excessive Subsurface Water
57. Water Quantity: Inadequate Outlets
58. Water Quantity: Inefficient Water Use on Irrigated Land
59. Water Quantity: Insufficient Flows in Water Courses
60. Water Quantity: Rangeland Hydrologic Cycle

Conservation Practices:

(short list of approx. 425 practices available)

1. Access
2. Control (472)
3. Access Road (560)
4. Brush Management (314)
5. Channel Bank Vegetation (322)
6. Clearing and Snagging (326)
7. Cover Crop (340)
8. Dam, Diversion (348)
9. Dike (356)
10. Diversion (362)
11. Fish Passage (396)
12. Forage Harvest Management (511)
13. Forest Stand Improvement (666)
14. Grazing Land Mechanical Treatment (548)
15. Irrigation Canal or Lateral (320)
16. Irrigation Field Ditch (388)
17. Irrigation or Regulating Reservoir (552)
18. Irrigation Storage Reservoir (436)
19. Irrigation System, Microirrigation (441)
20. Irrigation System, Sprinkler (442)
21. Irrigation System, Surface and Subsurface (443)
22. Irrigation System, Tailwater Recovery (447)
23. Irrigation Water Conveyance, Pipeline, H (430DD)
24. Irrigation Water Conveyance, Pipeline, L (430EE)
25. Irrigation Water Conveyance, Pipeline, S (430FF)
26. Mulching (484)
27. Obstruction Removal (500)
28. Pasture and Hay Planting (512)
29. Prescribed Burning (338)
30. Prescribed Grazing (528)
31. Pumping Plant (533)
32. Range Planting (550)
33. Rock Barrier (555)
34. Sediment Basin (350)
35. Subsurface Drain (606)
36. Tree/Shrub Establishment (612)
37. Vegetative Barrier (601)
38. Water and Sediment Control Basin (638)
Riparian Forest Buffer (391)
39. Riparian Herbaceous Cover (390)
40. Spring Development (574)
41. Stream Crossing (578)
42. Stream Habitat Improvement and Management (395)
43. Streambank and Shoreline Protection (580)
44. Subsurface Drain (606)
45. Upland Wildlife Habitat Management (645)
46. Vegetative Barrier (601)
47. Watering Facility (614)