

Attachment H

EQIP Public Lands Guidance – NRCS can assist producers with developing and implementing EQIP contracts on public land.

Note: The term “publicly owned land” means all lands managed by a public agency, which includes all Federal, State, or local units of government and their subdivisions.

EQIP contracts which include practices to be implemented on public lands require the following (see included Public Lands EQIP Guide Sheet for additional guidance):

Prior to obligation:

- Acceptable case file documentation in support of the “**participant’s control of the land for the life of the contract.**”
- The EQIP participant will provide written concurrence for any structural or vegetative practice planned on public land from the public agency’s representative as listed:

DOI – Bureau of Land Management (BLM) – Field Manager
USDA Forest Service (USFS) – District Ranger
Idaho Department of Lands - Area Manager
Idaho Department of Fish and Game – Regional Habitat Manager

- The written concurrence must include:

The allotment and permittee name(s)
The practices and locations which are planned for implementation.

NOTE: For all parties signatory to the EQIP contract, the participant name(s) must match the name(s) on the control of land documentation and letter of concurrence.

- The NRCS must receive acceptable documentation from the public agency that the project complies with NEPA, including any requirements associated with Cultural Resources. If an Environmental Assessment (EA) or Environmental Impact Statement (EIS) is required, case file documentation must include a copy of the EA or EIS as well as the decision document Notice of Final Decision (NFD), Finding of No Significant Impact (FONSI), or Record of Decision (ROD).
- The NRCS staff will review the practice standards/specifications and job sheet for all planned practices with the public agency and the participant to determine and incorporate any additional requirements for installation of the practice.
- A complete CPA-52 and all supporting documentation will be sent to the ASTC-TS for approval prior to obligation of funds.

Ineligible Practices

The following practices are not eligible for EQIP financial assistance (FA) on public lands or private land included in the management of a public land allotment:

- Herbaceous Weed Control (315)
- Prescribed Grazing (528)
- Upland Wildlife Habitat Management (645)
- Wetland Wildlife Habitat Management (644)
- Pipeline (516) – When installation does not facilitate improved grazing management activities which will address identified resource concerns and/or threat(s) to sage-grouse as documented on the CPA-52 and sage-grouse threats checklist.
 - Financial assistance will not be provided for the replacement of existing pipelines or new pipelines to existing permanent troughs.
- Watering Facility (614) – When not installed as part of an approved pipeline as described above.
 - Financial assistance will not be provided for the replacement of existing permanent troughs and/or tanks.

All EQIP program participant, land eligibility, and program contract criteria apply.

The conservation practices being implemented through EQIP contracts on public land can be complex. Do not hesitate to elevate issues or questions through your respective Area Farm Bill Programs Specialist.

Public Lands EQIP Guide Sheet

Control of Land Documentation

- Grazing Permit and/or lease with a clearly identified grazing term covering the contract period.
- Documentation identifying all permittees on a given allotment, which stipulates whether those permittees run livestock ‘in common’ or on distinctly separate pastures. (If this information is contained in any other required document, separate documentation is not required.) In the case of the Bureau of Land Management, any field office range staff can produce an “Allotment/Permittee” report listing all facets of allotment use.
- For situations where more than one permittee is authorized to use the allotment or portion of the allotment offered for enrollment during any part of the contract period:
 - A permittee must provide a copy of their grazing permit/lease, indicating what areas they may use. In the case of “in common” use, the contract may include practices installed in any area of the allotment. If the permit indicates only certain pastures or units are available to the permittee, then the contract units are also limited to these areas.

Participant/Contracting Issues

- It is not necessary for all permittees on an allotment to participate in the EQIP contract unless they wish to share in the cost of the planned structural practices, however it is imperative that all permittees agree to the planned practices, therefore either of these two options will be used:
 - Non-participating permittees will sign as “Zero Share” participants in the EQIP contract. **OR**
 - A document will be provided by the applicant that clearly spells out that the other permittees on the allotment fully agree with the installation of the planned conservation practices and that the “group” agrees to maintain the practices. This document must be signed and dated by all permittees
- If multiple permittees wish to participate in one contract, all will sign the EQIP contract with appropriate division of shares designated.
- Joint Agreements may be used when multiple permittees wish to have individual contracts on the same allotment in order to better compete for funding. A joint agreement would allow multiple permittees to work together to complete a large conservation system which if attempted under one contract may not be feasible. Joint agreements can be complicated so before recommending a Joint Agreement Field Office staff should discuss the situation with State Office program staff.

Planning Issues

- Participants will provide a copy of the plans developed by the public agency that documents the grazing decisions or other documents that describe the land unit, conditions, resource concerns, and management of the public lands.