

Nevada State Technical Advisory Committee Meeting

3/22/2021

Attendees

STAC Members:

Bureau of Land Management (BLM)	Kim Dow
Department of Conservation and Natural Resources (DCNR)	Melanie Aten for Dominique Etchegoyhen
Farm Service Agency (FSA)	Marilyn Jones
Nevada Association of Conservation Districts (NVACD)	Maggie Orr
Nevada Department of Agriculture (NDA)	Meghan Brown for Jennifer Ott
Nevada Division of Environmental Protection (NDEP)	Charles Schembre for Birgit Widegren
Nevada Department of Wildlife (NDOW)	Jasmine Kleiber for Tony Wasley
Nevada Land Trust (NLT)	Renee Aldrich
The Nature Conservancy (TNC)	Lori Leonard
United States Forest Service (USFS)	Kendall Young, Cheva Gabor
United States Fish and Wildlife Service (USFWS)	Susan Abele for Marc Jackson

The following members of the STAC Committee had no representative present:

UNR Cooperative Extension Service

Members of the Public in attendance:

Mark Damron, Conservation District of Southern NV (CDSN); Gerry Miller, DCNR Northern NV; Lauren Williams, DCNR White Pine Conservation District; Jake Tibbitts, Eureka Conservation District/State Conservation Commission; Kim Rigdon, NDEP; Cheryl Mandich, USFWS; Silas Adams, Walker Basin Conservancy; Beverly Rave

Heather Emmons, Public Affairs Officer, opened the virtual meeting and had participants introduce themselves.

Ray Dotson: A change to agenda has been made and we will not review the December 9, 2020 STAC minutes. They were sent out multiple times and we received a couple items to correct and then a final copy was emailed. The minutes are posted to our website and if anything else remains to be corrected please contact anyone from our agency and they will get the information to- who can do that.

December 9, 2020 STAC Action Items Reviewed

1. NRCS will contact Susan Abele regarding the ALE ranking items.

Susan was contacted and is actively participating in ALE ranking development.

Susan Abele: Thank you for the opportunity to learn about your programs. I've been involved in two productive meetings and am learning the processes.

2. NRCS to follow up regarding pipe fencing at the next STAC Meeting (refer to Winnemucca LWG – Concern for STAC consideration).

Jim Gifford: Nevada wildlife has given us great information on pipe-rail fencing in specifications and the costs; thank you Tori Cernoch and Jasmine Kleiber for getting us this information. We still need to check if we can request the variance expenses before we get everything else lined up. We are looking at the options of the actual mechanics on how to adopt this style of fence into our Field Office Technical Guide with specifications and standard drawings. We also need to adopt the information into our payment schedules. This action item is still in progress. **action**

3. Follow up with Susan Abele regarding beaver dam analogs.

Jim: I spoke with Susan and we discussed the actual costs on projects that are on our payment schedule. We compared a Fish and Wildlife Service project cost with our payment schedule and it aligned well.

Susan: We visited a project that had just wrapped up and were able to do all the measurements to make the comparisons. We had come up with estimates based on the contractor's proposal and when we measured them out it was super close. It's only one project but I'm very encouraged.

4. Involvement of local staff at LAWG-Sage Grouse Group meetings (refer to Elko/Eureka LWG)

Ray: If we are given notice of these meetings we will attend and participate. This action is on-going and NRCS will attend in the future.

5. Ranking questions regarding the conservation district involvement at the planning level. This is an Elko/Eureka concern.

Ray: One of the questions this has to do with is junior water rights holder vs senior water rights holder and the issues within the water basin. In addition, the potential mitigation factors that are going to happen with water rights. The ask was in our ranking process for EQIP can we make it a little more difficult for junior water right holders to get ranking points towards irrigation practices because if the basin is closed then a center pivot, for example, has a lifespan of 15 years and if we have invested those dollars and we've spent past tax payer dollars and now we can't address that resource concern. Right now this is a big maybe because in our working lands conservation program manual, part 530, it says, "an example screening criteria include but are not limited to actions

outside a producer's control such as the ability for NRCS to develop a conservation plan or provide a completed conservation practice activities, designs, or hardship." From the hardship piece, as a producer perspective, everybody has a right to sign up for NRCS programs; are we providing a hardship to them based on a future event that may or may not happen, stopping them from actually qualifying at the highest level of the program. We know there is advancement with the aggressiveness of closing the basement as we perceive it. We will talk with national headquarters (NHQ) to see exactly how far we can go and trying to meet what the local demands are but not violating our own policy. Next step we will send the circumstances up to NHQ and try to get an opinion from a national perspective and we will get back to the STAC committee to let you know whether or not we can or can't do or what we can do legally. **action**

6. Further research on collars for managing cattle.

Jim: This topic is like the invisible fencing for dogs and applying the same technology for cattle doing an invisible fence to protect riparian areas and things like that. This is a fairly new approach and we haven't adopted it into our Technical Guide or payment schedule. The next step is to address it at the next West Technology meeting to see if anyone else is working on this in other states and we'll see where we can go from there. **action**

7. Ray will contact people one-on-one to be involved with updates on conservation practice standards.

Ray: We only received one person who was interested to be on this subcommittee and that was Agee Smith. We can't do a subcommittee with just one person but moving forward, when we update practice standards, we will provide them at future STAC meetings to try and get the local input internally. We will add a forum on every STAC agenda to go over all practice standard updates. Please contact me if you have any feedback on this matter. **action**

8. Gerry will send Paulette information of who we can get a hold of in Elko and some good pictures of Elko dams filled to the brim in 2017.

Gerry Miller: I provided the information to Jim and Paulette.

Ray: Thank you for the information and your assistance.

STAC Presentation: EQIP Conservation Incentive Contracts (CIC)

Mustapha: CIC is another opportunity to get conservation on the ground and also an opportunity for partners to give their input, recommendations, and feedback.

The history of CIC – originally it was inserted into the 2018 Farm Bill (FB) to replace the Conservation Stewardship Program (CSP). Then there was another bill at the senate that included CSP. So perhaps there was a compromise to include everything in one bill that included EQIP, CSP, and CIC. Everyone was excited however there was no policy or guidelines on how it was to be implemented. It was later determined that CIC would be a combination of both EQIP and CSP.

EQIP CIC - Purpose

NRCS is required to consult with the STAC to select the high priority area(s) (HPA) and identify the high priority resource concern(s) (PRC) within those areas. Producers are required to address at least one priority resource concern to be selected.

The Benefits

Participants can access enhancements previously only available through CSP and this is a chance to implement elements of CSP on a smaller scale, which may inform future interest in applying for CSP on their entire operation. Also, this provides a new opportunity for targeted conservation on their land.

For NRCS, it's another tool to help get conservation on the ground and for targeted conservation. EQIP and CSP aren't specifically targeted, we use them to implement resource concerns. This gives us the opportunity to make sure we target specific resource concerns; specific area(s), specific land uses, specific livestock types, etc. that aren't currently well represented in our state.

Major Features

There is a payment limitation which is like CSP \$200K contract limit and it's separate from the EQIP "classic" which is \$450K contract limit. A joint operation has a \$400K contract limit.

The historically underserved (HU) in the EQIP classic has an additional payment. With the CIC program, the additional payment will only be available for the practice(s) and not for enhancement(s). The difference between enhancements and practices, *for example*: the practice of installing a fence and the enhancement could be either be lowering or raising it for wildlife. Another enhancement would be to put markers in the fence for wildlife to see. Another example of a practice would be brush management and the enhancement could target only invasive species which would allow a benefit to wildlife habitat. With HU there is also an option of advance payment but again, only available practice and not the enhancement(s).

Allocation

The allocation comes out of our general EQIP allocation, states will reserve 5% or \$200K whichever is greater for Fiscal Year (FY) 2021. About \$415K for Nevada. There is also the flexibility to roll unused funds back to the EQIP general fund.

Crosswalk Matrix

Features	EQIP Classic	EQIP CIC	CSP Classic
Conservation target	Addresses identified resource concerns (RCs)	Targets up to 3 priority resource concerns at the RC category level per relevant land use in each high priority area(s)	Encourages maintenance of existing conservation and adoption of new activities
Minimum Planning Footprint	Planning land unit (PLU)	Planning land unit (PLU)	Operation
Requires existing conservation efforts to be in place at time of application.	N	N	Y
Minimum number of priority resource concerns (No.)	N/A	1	Based on program requirements
Payment Limitation (\$ Amount)¹	\$450K	\$200K	\$200K
Minimum contract Period (No. years)	1	5	5
Maximum contract Period (No. years)	10	10	5

¹ See 530.143C for more information, including payment limits for business types 2 and 3

² HU payment rates and advance payments are only applicable to practices, not enhancements.

This table is a comparison between EQIP, CIC, and CSP.

- The conservation target for EQIP addresses at least one identified concern. For CIC we can target up to three but can also target one if we wanted. CSP encourages maintenance of existing conservation and adoption of new activities.
- For EQIP. One planning unit (PLU) is enough to implement it and it's similar for CIC however, for CSP the entire operation is addressed.
- CSP requires existing conservation efforts to be in place at the time of application but EQIP and CIC does not.
- There is a minimum number of priority resource concerns but it is not applicable to EQIP. For CIC there is at least one and for CSP it is based on the program requirements.
- \$450K, \$200K, \$200K is the payment limitation but it is doubled for joint venture.
- The minimum contract years for EQIP could be just one and up to a maximum of ten years. CIC is five years with a maximum of ten years and CSP is five years with the option to renew another five years.

Crosswalk Matrix continued

Features	EQIP Classic	EQIP CIC	CSP Classic
Contract must include practices	Yes	No (but practices may be included)	No (but practices may be included)
Contract must include enhancements	N/A	Yes	Yes
Timing of practice payments	Certification	Certification	FY after completion
Timing of enhancement payments	N/A	FY after completion	FY after completion
Minimum Contract Payment (Annual)	N/A	N/A	\$1500
Includes Existing Activity Payment (EAP)	N/A	N/A	Y
Allows Conservation Activity Plans (Y/N)	Y	N	N
HU Payment Rates apply and Advance Payments permissible (Y/N)	Y	Y ²	N

¹ See 530.143C for more information, including payment limits for business types 2 and 3

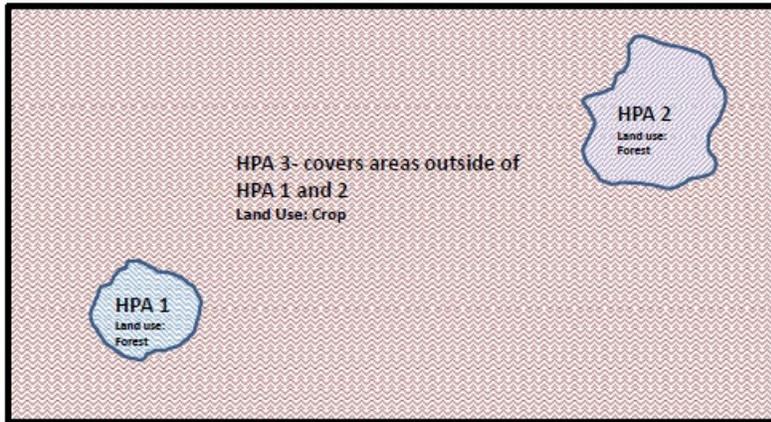
² HU payment rates and advance payments are only applicable to practices, not enhancements.

- For EQIP, we only have practices; the contract must include practices. For CIC, since we have both enhancements and practices, practices are not required to be included. Enhancements for CIC are required.
- Timing of practice payments is at time of certifications, except for CSP - it's the fiscal year after completion.
- Timing of enhancement payments is not applicable to EQIP and is the fiscal year after completion for both CIC and CSP. One of the reasons for this is because enhancements sometimes take the whole fiscal year to implement.
- There is a minimum contract payment only for CSP.
- CIC doesn't include existing activity payments.
- Conservation activity plans are only allowed for EQIP classic.
- HU payment, or historically underserved payments, apply and advance payments are available for EQIP; only available for practice and CIC but not available for CSP.

Here's where we need the advice of the STAC: you will identify high priority areas (HPA) you want to address; there is a maximum of three priority areas. The HPAs must represent significant concern,

encompass every region within the state, and may encompass an entire state or overlap with other HPAs. An example would be source water protection, which we think for our state would be beneficial for us to target. If we divide the state into multiple priorities, we will have to submit the HPAs geospatial boundaries to National Headquarters (NHQ) office.

This is an example of HPAs, the box is the state.



Air quality emissions
Aquatic habitat
Concentrated erosion
Degraded plant condition
Field pesticide loss
Field sediment, nutrient and pathogen loss
Fire management
Inefficient energy use
Livestock production limitation
Pest pressure
Salt losses to water
Soil quality limitations
Source water depletion
Storage and handling of pollutants
Terrestrial habitat
Weather resilience
Wind and water erosion

If the state identified two HPAs, then we would be required to use the rest of the whole state as the third HPA. We can also have the whole state as one HPA which is recommended by NHQ because of this year's timing.

Once we identify the HPAs, the STAC will identify the Priority Resource Concerns (PRCs); we can identify up to three Priority Resource Concerns (PRCs) for each land use within a given HPA. The same PRCs may be used for more than one land use with the same HPAs. Plans must target at least one PRC and for each PRC NRCS will identify the incentive practices and enhancements that address them.

Page 10 on the EQIP CIC presentation gives an example of what resource concerns and what land uses are available in Nevada such as cropland, pastureland, and rangeland, etc.

There are 17 types of resource concerns and they are also on the fact sheet that was provided with this meeting.

NRCS will create the EQIP CIC ranking pool. Each HPA must have a separate ranking pool. Each relevant land use with an HPA must also have a separate ranking pool. Beginning Farmers (BF) and Socially Disadvantaged Farmer (SDF) fund pools are not required in CIC. We are required to use national instructions to implement these and we will also use geospatial layers if Nevada submits multiple HPAs.

Page 12 on the EQIP CIC presentation provides NHQ guidelines for simplicity because of this year's time constraint. NHQ has requested our HPA(s) in May and that is the reason for this meeting. There is a lot of work ahead of us to effectively get this done this year. The guideline NHQ provides for this year is to make the whole state the HPA with minimum land uses. These are four examples of a recommendation with a HPA that encompasses the entire state:

1. Targets one PRC on one land use
2. Targets two PRCs on one land use
3. Targets one PRC on two land uses

4. Targets one PRC on multiple land uses

We put an NRCS group together that included an Area Resource Conservationist, a District Conservationist, the state's Rangeland Management Specialist, the Programs Manager (myself) and Resource Conservationist, Paulette Balliette, to establish the recommendations. We now provide to you, the STAC and the State Conservationist (STC), our recommendations for your review.

Recommendation 1 - Straight forward approach recommended by NHQ

- High Priority area: 1 area include entire state (due to time constraint as recommended by NHQ (only 1 area))
- Land uses: Use the money for rangeland and pastureland. The justification is because most of our previous EQIP funds in Nevada are used for cropland. The \$415K allocated for CIC can be used for different land uses. The funding could go far if used for rangeland and pastureland practices.
- Priority Resource Concerns: Terrestrial habitat, degraded plant condition and livestock production limitation. We are required to use enhancements and most rangeland and pastureland enhancements target these 3 RCs.

Recommendation 2

We looked at the historical data of previous funding to general and classic EQIP and we selected:

- High Priority area: 1 area to be the entire state due to this years' time constraints (as recommended by NHQ – selecting only 1 area).
- Land uses: Historical data shows cropland as number 1, then rangeland and pastureland, (most previously funded EQIP contracts are under these land uses).
- Priority RCs: The historical data shows pest pressure, livestock production limitation and degraded plant condition for range and pasture. For cropland it was source water depletion, soil quality limitation and field sediment and nutrients loss for cropland.

Closing Remarks

Mustapha: Does the STAC have any other recommendations? This could be a recommendation related to an objective your agency is already working on and would benefit Nevada. Or, since this is the end of the presentation, are there any other questions about this presentation or anything I've said?

Ray– From a partnership standpoint, there are a lot of different efforts happening such as the Sagebrush Ecosystems Council. This could be an opportunity for an area they're interested in where they would like to have more agreements and we can potentially designate the area as an HPA. There is a Shared Stewardship Committee where there could be opportunity for us to designate some areas as an HPR concern. Are there any weed management districts who are anxious for NRCS to do some pest management?

The most important piece is we need eager and willing producers to jump forward and make this happen. 415K doesn't sound like much but understand we also receive an allocation for the technical dollars from national. I try to put as much money into local work group areas so those dollars can address issues they have said are important to conservation districts and communities at the lowest level. We have source water pots that money goes into. We have irrigation entities where irrigation companies can sign up for assistance now. We have so many different pots where we can put money in but the bottom line is to use those dollars and the technical resources to benefit agriculture in a positive

way in the state of Nevada. If funds are not used in other fund pools, for the most part, we have the opportunity to move those dollars around. If together we find an area that needs to be addressed and we get overwhelming demand from this incentive opportunity and dollars aren't being spent in some of the other fund pools, I can make the decisions to put more dollars there. We're really looking for that eager willingness to provide technical and financial assistance for adoption. We have recommendations 1 and 2 here but we want to give the STAC an opportunity to inform us on what else we can do in the state. Please help us to determine the right place to go and provide us some feedback.

Meghan: What is the timeframe if we pick a recommendation over the other, does it hold us accountable for a year or for this Farm Bill; can we adjust later or are we locked in?

Mustapha: This is for this fiscal year which ends September 30. Then next year, we can keep the same recommendation or update it.

Meghan: That's helpful, thank you. One follow-up question on how adaptive can we be in the future because one of these recommendations is very broad and the other is very specific so understanding the implications of these are very helpful.

Susan: Here are a couple thoughts and I am not volunteering others because I'm not personally involved in either one of these efforts. We have some local groups who would be poised to act on something like this. Two that come to mind would be Lincoln County who are about to hire a coordinator so they may have some capacity to help implement some projects quickly. I'm also thinking about the SARE group. I see Gerry's on, and I'm not sure if Jasmine's on, whether they have practices that could be implemented expeditiously as well. I do agree with those other prioritized areas that Ray mentioned. The question is where do we have people who are ahead of the curve to get on top of this quickly versus trying to rally new landowners to come together.

Heather: Mustapha, we have some questions in the chat and the first one asks, when would NRCS like to have official feedback on recommendations? Is there a deadline we can give people to get back to us by on this topic?

Mustapha: Last week National headquarters wanted us to wait until May but as soon as possible is always good. Maybe Ray would like to make a timeframe on this?

Ray: A deadline that makes sense to me is April 9, that gives 3 weeks to go back to and talk amongst your agencies and figure out if something works that we can take into consideration. *Deadline was changed from April 10 to April 9.*

Another question in chat asks if Ray provides recommendation?

Ray: If three recommendations come back before the 10th, as the State Conservationist, I will have to look at resources where we have people, technical expertise partners, see if there are willing participants who qualify for our programs. I appreciate Mustapha for going over the qualifications so we can make sure we can deliver. There's always going to be the NRCS perspective that needs to be taken into consideration as we move forward. A determination will be made and we will get the program implemented and provide feedback next year. If we want to change it, we can always do that.

Meghan: What is the current funding amount Nevada has for EQIP this year and/or for last fiscal year? How much normally gets awarded and does any get sent back and how much is sent back for the last couple of years?

Ray: I will get our allocation pulled up and get that to you Megan.

Charles Schembre: Does this CIC have an adjusted gross income cap of 900K?

Mustapha: Yes, this similar with EQIP.

Charles: It sounds like the funding is available to public lands too or is it just for private lands?

Mustapha: As long as the producers have control of it – it's available. Like the public on regular EQIP, if they have control of it for the duration of the contract which is 5-years in the case of CIC.

Mustapha: What we are looking for by the April 10 deadline is to tell us if you support recommendation 1 or recommendation 2 or give us another recommendation by April 10.

Meghan: I would like to know what the other STAC members submit for recommendations since we will not know because it won't be in a group format like this. I appreciate the extra time to talk to our leadership about this but I would like to get a general understanding by what everyone else's recommendations are. Would this be too much of an ask to get a quick report out from each of the STAC members on what their recommendations are so we can get a sense of where everyone else is at?

Mustapha: I guess the best way to do that is to reply all to the STAC email group or post on this chat.

Heather: We can also put it into an email that Jonnie can send to STAC members once they're compiled; this might be the easiest to make sure everyone sees it.

Also, where should we have people send their recommendations, should they send them to you Mustapha?

Mustapha: Yes, they can send them to me, I will type my email address in chat now.

Ray: Meghan, I have some numbers for you. In 2016, financial assistance for all programs which is EQIP, CSP, every financial assistance program in the state such as easement programs, was 12 million dollars. These are round numbers so these aren't specific numbers. In 2017, it was 13 million, in 2018 it was 9.6, in 2019 it was 8.7, in 2020 it was 9, and this year it is 10 million. For respect for everybody's time, I didn't go all the way back for EQIP but in 2021 it's 6 million dollars but that's for all EQIP, that's EQIP general. Last year it was 7 million dollars for EQIP. I will have to get back to you on dollar amounts that were sent back. Some programs are national programs, mandatory, you can't change those dollars; either you spend them or they go back. Some programs where we get money and give them to local work groups, if one can't use it, we can push it around to different pots to try and spend the money. So those restrictions govern how things go but we definitely want to give you guys more of that stuff so you can get a feel on how we operate. *(action)*

Meghan: That's great! A follow-up email on the other rest would be fine. And one other follow-up. Is EQIP one of those that you can move around to other programs or is it pretty solid?

Ray: Within EQIP, there all these different things; there's sage grouse initiative, source water, smart water, there's all these different pots and each pot comes with its own restrictions. The local work groups we can move those around but sage grouse initiative is one we can't move. Either dollars are spent or sent back and it goes to another state.

Are there any other questions? *Pause.* Is there any other feedback? *Pause.*

Okay, April 9th is the timeline for you to give us some feedback. What we will do is take everybody's feedback and we'll get it out in an email to all the STAC members and put it on our state's website. When we get the final decision, we will post it and send it out to all of you for transparency and communication. And also with the decision making factors as to why the final determination was made. *(action)*

Thank you for taking the time out of your day to attend. Please share this information and help us make the most informed decision where we can target these dollars and a technical assistance to have a benefit at the local level.