NV Fence Guidance

NRCS Nevada will issue this guidance to the Field Offices in response to a change on Part 530 – Working Lands Conservation Programs Manual, specifically on section 530.403 EQIP Planning (H) (new and old language listed below).

The example of ineligible fence or exterior fence (old language) was removed, which would imply that NRCS is currently paying for exterior fences. However, all other provisions listed below (new language) must be considered in addition to all applicable Nevada state, local, or other regulations as mentioned in contract appendix language "Obtain the authorities, permits, easements, or other approvals necessary for the implementation of the project" (APPENDIX TO FORM NRCS-CPA-1202).

The considerations are complicated, and there is no general instruction on exterior fences currently. As a result, NRCS NV will handle all exterior fence requests on an individual basis, with the field office contacting the appropriate area and state technical specialists before contracting any exterior fences.
### NEW Language

**H. Ineligible Conservation Practices and Activities** include those—

1. For which the sole purpose is to enhance or protect production without addressing a natural resource concern or providing a corresponding conservation benefit.
2. That the applicant previously implemented unless the applicant will achieve a higher level of conservation benefit as documented through the conservation planning assessment.
3. That were commenced or implemented prior to contract obligation by the NRCS approving official, unless the State conservationist approved an early start waiver according to subpart C, “Application for Assistance,” of this manual.
4. Water conservation or irrigation-related conservation practices on land that has not been irrigated at least 2 out of the last 5 years unless the participant receives an approved waiver or exception per section 530.402C above.
5. Where the primary purpose is renewable energy production (e.g., generation of electricity or biofuel practices that do not support onsite farm activities).
6. That defeat the purpose of EQIP or other conservation program contracts including those practices that would create or cause a negative onsite or offsite impact.
7. That do not address a resource concern directly tied to eligible land, such as a conservation practice implemented entirely within a water area that does not address a resource concern related to the submerged land (e.g., application of a chemical in a pond or reservoir solely for the purpose of eliminating an invasive or undesirable fish species).
8. Used for improvements to residential buildings or other non-agricultural operation-related structures.

### OLD Language

**H. Ineligible Conservation Practices and Activities** Include Those—

1. For which the sole purpose is to enhance production without addressing a natural resource concern. Examples include:
   - Conservation Practice Standard (CPS) Water Well (Code 642) used to bring new land under irrigation or to replace an existing irrigation well, unless the criteria above in section 530.403F are met.
   - Domestic wells to provide water to a residence are prohibited.
   - CPSs Fence (Code 382) or Access Control (Code 472) when the sole purpose is to—
     - Function as a boundary fence, separate ownership, or exclude domestic livestock from transportation networks or residential, commercial, or industrial areas.
     - Exclude pests, including species such as deer, feral hogs, wild animals, predators, rodents, or other animals from cropland.
   - CPS Fence (Code 382) may be eligible if used for—
     - Expired or expiring CRP land to establish a grazing operation. Refer to section 530.402E above for additional information.
     - To protect, restore, or enhance environmentally sensitive areas, such as a riparian areas or wetlands.
     - To facilitate a beneficial change in production system per section 530.403C, “Expected Resource Concerns,” above.

### Changes to Production Systems and Land Uses.

Producers may be eligible for conservation practices and activities that facilitate an environmentally beneficial change if all the following criteria are met:

- The change results in a higher level of conservation benefit as documented on Form NRCS-CPA-52, “Environmental Evaluation Worksheet.”
- The conservation practices or activities will treat expected resource concerns associated with the change in production system or land use, and without which the planning criteria cannot be met.
- To help ensure the change results in sustained conservation benefit, NRCS may include a corresponding management practice in the contract.