EQIP
Contracting Guidance Document – FY 2025

Conservation Practice Payment Methods:

PR – Payment Rate: The Payment Rate is the unit cost rate of compensation to be received by the participant. The Payment Rate for each practice or component has been established at the National and/or Regional level. Payment rates are based on the **average cost** to implement a practice.

Payment based on Payment Rates do not require the participant to submit bills or receipts. However, invoices, receipts, and other supporting documentation may be required to support that the work performed meets practice standards and specifications.

TSP Payments – Actual cost, not to exceed a specified maximum, will be used for technical service provider (TSP) payments, receipts are required. TSP rates are located in Protracts along with all payment scenarios.

EQIP funds may be combined with other funds. EQIP does not pay for the same practice on the same land as any other USDA program. The participant should consult other program rules for maximum payment and other limitations.

FI = Foregone Income - Foregone income includes lost net income from a change in land use or land taken out of production, or the opportunity cost of accepting less farm income, with the aim of improving natural resource conditions for the landowner and the public at large.

Scenario Selection – When selecting the appropriate scenario, select the scenario which best represents field conditions. Reference scenario descriptions on the NRCS Web page or the SharePoint site.

PROGRAM PROVISIONS

1. Conservation Practice Payments are authorized for practices:
    a. Implemented following the contents of the NRCS Field Office Technical Guide & site specific designs.
    b. Implemented following the:
        i. General Provisions, and
        ii. Specific provisions for each practice
    c. Where positive environmental benefits from the benchmark condition can be documented.
    d. Starting Practices – Applicants who start a practice before the contract is approved and final design provided (as applicable) by NRCS, causes the applicant to be ineligible for EQIP financial assistance for that practice. A waiver may be granted, under approved conditions, if the practice has not been started at the time of application and, the practice has not been started until after the waiver is granted 530.403 H (3)
2. Program Rates for 2025 EQIP contract is amount per unit as listed in the cost list. These rates are the amount the participant will receive upon completion of the practice, regardless of the cost of installing the practice. Cost list may be found here:
   https://www.nrcs.usda.gov/getting-assistance/payment-schedules
   FY2025 Cost list is scheduled to be posted in October of 2024.
3. In selecting a treatment option that will address the identified resource concern, planners and engineering staff should work with the participant in selecting a treatment option that will address the identified resource concern in the most cost-effective manner, this does not limit the conservation practice or activity that the participant can select. Treatment options must meet NRCS standards and specifications, address the identified resource concern, and be approved by an individual with NRCS job approval authority. (530.13 A).

4. Payment is limited to installing the conservation practice to the extent necessary to meet the resource concern(s) addressed by the conservation plan. The practice must meet NRCS technical criteria to be eligible for payment. This does not preclude NRCS from working with the applicant or participant to plan a conservation practice or activity that exceeds the minimum requirements. 530.31 C (2)
5. Financial assistance for practices must be on land that is currently within contracted acres. Payments on land outside of the contracted acres are considered an improper payment.
6. The practice scenario selected should be the **best technical match** for what is being installed/implemented under that technical standard. 530.13 A
7. For certified Historically Underserved (HU) participants (Limited Resource Farmers, Beginning Farmers, and Socially Disadvantaged Farmers) the payment rate will be HU rate shown in the cost list. **For Participant who certify as a Historically Underserved participant, field staff MUST select the HU component in the cost list.**
8. For High Priority Practices, designated by the State Conservationist and State Technical Committee, these practices will be noted with "Pr" on the cost list. These rates **will** be used throughout the state within all funding pools.
9. For Source Water Protection Practices, designated by the State Conservationist, Community Water Systems and State Technical Committee, these practices will be noted with a "Wp" on the cost list. These practice rates **will** only be used within the Designated Source Water Protection Areas within all funding pools.
10. Technical assistance (TA) through technical service provider (TSP) may be paid through EQIP contracts for FY 2025.
11. Practices on the EQIP schedule of operations must be based upon an agency approved conservation plan developed using NRCS planning procedures and technical planning. 530.31
12. NRCS is responsible for planning (Needs & Feasibility), NRCS will present CPA, DIA & CEMA as an alternative. 530.31 F
13. Program applicants must comply with the provisions for protecting the interest of tenant and sharecroppers, including the provisions for sharing payments on a fair and equitable basis. Consent must be obtained, in writing, from each identified tenant or sharecropper before excluding them from a contract to ensure that all parties having a share in the agricultural operation receive equitable treatment. 530.22 D (4)
14. Applications crossing state, ranking pool, or servicing area boundaries will be developed and administered within the current FSA recording county. Participants may submit a request, in writing, to the State Conservationist to request a change in location.

GENERAL PROVISIONS

(Updates noted with an * under General Provisions)

1. NRCS Wetland Policy as found in the General Manual 190, Part 410 must be followed. This policy provides direction to the agency for compliance with the National Environmental Policy ACT (NEPA). This policy prohibits NRCS from providing technical or financial assistance to participants that will adversely affect wetlands, unless the lost functions are fully mitigated.
2. Land Management Practices – 440-502 A Conservation practices that primarily require site-specific management techniques and methods to conserve, protect from degradation, or improve soil, water, or related natural resources in the most cost-effective manner. Land Management Practices have a lifespan of 1 year.
3. Ineligible Conservation Practices and Activities include those that the applicant previously implemented unless the applicant will achieve a higher level of conservation benefit as documented through the conservation planning assessment. 530.403 H (2)
    a. Producers who have previously treated land with a management practice may be eligible to apply that same management practice to different land units if an identified resource concern exists.
    b. Land management practices may be considered for reapplication IF a resource concern still exists and treatment will achieve a higher level of conservation benefit.
        i. NOTE: If the same resource concern is being treated from a previous contract, the planner must document justification of reapplication and have concurrence from the Resource Conservationist.
        ii. NOTE: Existing or historic practices must be accounted for in CART, once a resource

concern exceeds the threshold, it is no longer eligible for financial assistance through EQIP.

4. When there is a change in the production system (i.e. cropland to grazing land), conservation practices are eligible when the change results in a higher level of environmental benefits and the producer implements management practices that may be written into the contract, to support the change. 530.403 C (1)
5. *In order to address an identified resource concern, management practices will be scheduled a minimum of 3 consecutive years on the same land unit, not to exceed 5 years. For circumstances less than 3 years, review and approval will need to be completed by a Resource Conservationist.
6. Land Management Practice 340-Cover Crops may be planned/scheduled up to 5 years per land unit and does not have to be scheduled consecutively in the contract or on a land unit.
7. *Practices must be planned/scheduled in the appropriate month. Examples: 329 in May, not November; 380 in May, not January.
8. Land enrolled in other conservation programs may be ineligible for EQIP. 530.402 E (1).
9. Conservation Reserve Program (CRP) - Landowners or operators with active CRP contracts may apply for and enroll their land in EQIP beginning on October 1 of the last fiscal year of the CRP contract in order to address the expected resource concerns of the land's return to production. They may begin the establishment of conservation practices under EQIP at that time; however, they cannot receive payment for those practices until after the CRP contract expires. 530.403 C (2)
10. NRCS has the authority to provide payment for the development of CPA's, DIA's and CEMA's. Only certified TSPs may develop CPA's, and DIA's for payment. Under no circumstance shall an NRCS employee develop an EQIP funded CPA or DIA. Certification requirements for TSPs are available on the TSP website. See Roles and Responsibilities for Engineering Technical Assistance to USDA Program Participants document found on the ND NRCS Engineering website.
11. At least one conservation practice or activity must be implemented within the first 12 months of the contract. The State Conservationist may approve a waiver to extend this timeframe if NRCS determines that the participant is unable to complete the conservation practice or activity for reasons beyond their control. 530.41 B(2) (iv)
12. Since program applicants may not modify or change their application once submitted, all applicants must be provided an equal opportunity to make informed decisions regarding their choices for selection of practices prior to ranking of the application.
13. Certain practices may only be eligible under special initiatives.
14. Create only one practice scheduler when applying for EQIP and RCPP in the same funding cycle.
15. Practice waivers and/or variances must be granted prior to contract obligation.
16. Practices are to be maintained for a given lifespan following installation. A complete, up-to-date set of practice lifespans can be found by accessing the National Handbook of Conservation Practices: NHCP Index for CPS (Code) (usda.gov).
17. Management practices needed to support the proper operation and maintenance of a financially assisted conservation practice are required in the schedule of operation (1155) and/or conservation plan.
18. Water developments on cropland are not eligible for financial assistance through EQIP.
19. Eligible land-use for practice 314 – Brush Management includes native rangeland, for only those species listed in the 314 Specification and Appendix A. Applications that include pastureland or associated ag land must have prior approval from the State Rangeland Management Specialist. All other land uses are ineligible.
20. For Windbreak Renovations, Practice 490 (Tree/Shrub Site Preparation) scenario Windbreak/Shelterbelt Renovation-Heavy is available for use.
21. *Boundary Fence is allowed in limited cases: on land to facilitate a change in production systems; on land to protect, restore or enhance an environmentally sensitive area, such as a riparian area or wetland; on grassland not previously included in a grazing system; or adding expired or expiring CRP (see note above for eligible CRP acres) to a grazing system. Adding a boundary fence to land facilitating a change in production will require 528 to be contracted on those land units. Boundary fences will be reviewed and approved by a Resource Conservationist. Replacement fences are NOT eligible.
22. *Virtual Fence scenarios will be allowed for cross fencing only.

ENGINEERING PROVISIONS

General Notes

- Generally, new materials are to be used to install conservation practices. Used materials may be used if they are suitable for the proposed work, the expected service life is equal to or greater than the practice designed service life, and they are structurally adequate and environmentally acceptable. Evaluation procedures for used materials are detailed in the ND Amendment to Part 512, Subpart C of the National Engineering Manual. Used materials must not have been previously cost-shared under any Federal program. The determination of the eligibility of the used material shall be made prior to practice installation.
- Scenarios where the payment unit is measured by the cubic yard are based on the in-place estimated embankment volume. Use the largest of either the excavation or embankment total volume estimate. Earth-fill practice payments with units of cubic yard is calculated from designed stripping limit or NRCS approved stripping limit to the designed top of topsoil or NRCS approved finished elevation. Excavation practice payments with units of cubic yard is calculated from designed excavation limit or NRCS approved excavation limit to original ground. Also, the scenarios for earthwork or earth-fill do not include the cost of establishing permanent vegetative cover; 342 – Critical Area Planting should be used.
- 351 – Well Decommissioning. A Shallow scenario should be utilized instead of "Drilled less than 300 feet" in the following situations:
    - "Shallow, Greater than 15 in dia" scenario should be utilized when the well is less than 20 ft deep.
    - "Shallow, less than 15 in dia" scenario utilized when the well is between 80 feet deep and 20 ft deep. If the well is greater than 15" diameter and between 80 ft deep and 20 ft deep then use the "Shallow, Greater than 15" diameter".
- 460 Land Clearing - If more than 0.1 acres of trees are proposed for removal, prior approval by the SRC is required to ensure adequate consideration of Northern Long Eared Bat habitat implications.
- 500 – Obstruction Removal should not augment most typical structural practices, as the base payment rates assume typical regional costs for clearing and grubbing. The practice should be utilized only for sites that require an unusually high construction costs for clearing, grubbing, or debris removal. Use 460 – Land Clearing or 314- Brush Management for removal of trees or vegetation outside the immediate installation area. Fence removal scenario is applicable to animal feeding operations or sage grouse areas only. If more than 0.1 acres of trees are proposed for removal, prior approval by the SRC is required to ensure adequate consideration of Northern Long Eared Bat habitat implications.
- 560 - Access Roads and associated 578- Stream Crossings are authorized in the following situations:
    - To directly address a natural resource concern, such as streambed erosion, sedimentation, or aquatic habitat connectivity.
    - When needed to facilitate other conservation practices, for example access roads associated with an animal waste project or road relocation needed to install a stabilized stream crossing.
    - When needed due to the fact that another conservation practice will damage or render useless an existing access road or restrict access to land.
    - The payment scenario includes gravel and geotextile, therefore for constructed seasonal roads that will not be surfaced, substitute 462- Precision Land Forming
- 642 Water Well -
    - Financial assistance may not be used for an irrigation well, domestic wells to provide water to a residence, a dry hole, or for purpose of winter feeding on a pasture grazing system.

Energy Notes

- Type 2 ASABE S612 Energy Audit must be completed for the applicable portion of the operation, prior to planning any individual energy practice. The energy audit will be developed by a Certified Energy Auditor (CEA), a Certified Energy Manager (CEM), or a Professional Engineer licensed in North Dakota. For electric motor drive irrigation pumps 25 hp or larger, an evaluation by an NRCS engineer which documents energy savings payback time period to be less than or equal to the 15 year practice lifespan may substitute for the formal energy audit. Use the NRCS CNTC VFD evaluation spreadsheet in combination with either a field pump test or a pump curve.

Remember that ND NRCS owns a clamp on flow meter and ultrasonic steel pipe thickness gauge which, in combination with a functioning pressure gauge, allows for development of a field pump curve; this is much preferred over a manufacturer pump curve on an older pump (which likely has performance characteristics different than the published curve).

- A CEMA 228 -
    - A CEMA 228, which results in an energy audit, is available on any type of agricultural operation. Implementation of energy practices in North Dakota, are restricted to confined feeding operations, commercial greenhouses, or irrigation systems.
    - Agricultural Energy Assessment must be completed by a certified TSP energy auditor and approved by the SCE prior to payment. If a producer wishes to move more quickly to implementation of energy practices, they can hire an energy auditor to complete a Type ASABE S612 Energy Audit at their own expense. Note that an energy audit simply determines whether or not future implementation of energy practices are warranted at the site. Final design for the energy practices is done through a second contract at a later date for implementation. Scenarios refer to the production categories of farms per ANSI/ASABE S612 definitions and table 1:
        - Small- <300 acres, <300 AU, or up to 2 irrigation pumps
        - Medium- 301 to 2500 acres, 301 to 1000 AU, or 3 to 6 irrigation pumps
        - Large- >2500 acres, >1000 AU, or more than 7 irrigation pumps
- DIA 120 – Contact the State Office for planning and contracting. Agricultural Energy Design would be utilized for final design, if a TSP will be utilized rather than a NRCS engineer, within a contract for practice implementation.
- 374 – Farmstead Energy Improvement scenarios for: Automatic Controller System, Heating, and Ventilation are applicable to indoor confined animal feeding operations only.
- 670 – Energy Efficient Lighting System is applicable to indoor confined animal feeding operations only.

Irrigation Notes

- Financial Assistance for irrigation-related practices with a purpose of water conservation must have a documented history of being irrigated two out of the last five years prior to date of application or have been granted a waiver. Irrigation history applies to the following practices:
    - 320 – Irrigation Canal or Lateral (must deliver to a field with irrigation history)
    - 430 – Irrigation Pipeline (must deliver to a field with irrigation history)
    - 436 – Irrigation Reservoir (must deliver to a field with irrigation history)
    - 441 – Irrigation System, Micro-irrigation (with the exception of shelterbelts)
    - 442 – Irrigation System, Sprinkler
    - 443 – Irrigation System, Surface and Subsurface
    - 449 – Irrigation Water Management
    - 464 - Irrigation Land Leveling
- Irrigation practices must result in a minimum 10% water savings, as modeled by the NRCS Farm Irrigation Rating Index spreadsheet version 2019.1 (2/12/19).
    - 441 Irrigation System, Micro-irrigation are excluded from this requirement if they are an Urban Ag/Small Farm scenario.
- Planning for 441, 442, 443, or 464 requires the following (excluding the microirrigation in a high tunnel standard drawing):
    - Evaluation of soil suitability for irrigation, see ND NRCS Engineering Website for further guidance. The NRCS State Soil Scientist must provide written approval during planning of an engineering practice where “conditional” or non-irrigable” soils make up over 10% of the irrigated area.

- Evaluation of water quality suitability for irrigation, see ND NRCS Engineering Website for further guidance. For irrigation systems whose source is groundwater, testing is required for EC and SAR within the irrigation season. A Lead Engineer will evaluate and approve suitability of water sources in consideration of long-term salinity impacts.
- Evaluation of water supply for irrigation. Planning documentation must show that 1) the ND Department of Water Resources permitted annual water volume is adequate to meet the IWR computed seasonal crop water requirement for the highest water use combination of crops in the rotation, and 2) the ND Department of Water Resources permitted maximum flow rate is adequate to meet the IWR computed peak consumptive use requirement in a 80% dry year, for the highest water use combination of crops in the rotation, or a variance may be granted for site specific scenarios.
- 441 Microirrigation in a high tunnel standard drawing – use the supporting form for additional criteria for soils and water quality requirements.

- 320 – Irrigation Canal or Lateral is appropriate to utilize for relocating canals or laterals to address a natural resource concern. New land may not be brought into irrigation as a result.
- 430 – Irrigation Pipeline may not be contracted for the sole purpose of increasing the capacity of an existing system to meet crop water needs only When being utilized for the purpose of replacing an existing ditch or canal, estimated reduction in seepage must meet a minimum 10% annual water savings as modeled by the NRCS Farm Irrigation Rating Index spreadsheet version 2019.1 (2/12/19) or substantiated through flow measurements or seepage testing upstream and downstream of the proposed lining section.
- 436 – Irrigation Reservoir may not be utilized to increase the area of land under irrigation.
- 442 – Sprinkler System
    - The linear foot of sprinklers includes only the span length of the mainline (not the end gun coverage area). The length of swing arms may be included only if they irrigate at least 15% of the overall sprinkler area.
    - System Renovation:
        - Re-nozzle with Drops is based on the number of nozzles in the proposed design, not on the number of existing nozzles.
        - Re-nozzle with drops (non VRI) are a conversion from high pressure to low pressure. Water savings from this practice may be calculated by FIRI, energy savings would be calculated based on pump performance.
    - VRI System Retrofit Zone is applicable to retrofitting existing sprinklers to zone control variable rate irrigation in any of the following situations: 1) at least 15% of the currently irrigated area under the main span will be placed in shut off areas in average climatic condition years, 2) for two individual soils each making up at least 10% of the irrigated area under the pivot and the difference between the cumulative AWC of the two soils is 2 inches or greater for the deepest crop rooting zone 3) the site contains rolling topography with low areas that don't drain such that at least 15% of irrigated area under the main span is on convex slopes at least 10 feet above adjacent concave slopes. System Renovation, Re-nozzle should be contracted in association with this scenario if nozzles are at least 7 years old or their CU is less than 90.
    - A flowmeter (through 587- Structure for Water Control) must be installed on each individual sprinkler system.
    - EQIP financial assistance may not be provided solely for the purpose of installing a sprinkler system to spread liquid manure or wastewater.
    - Incidental lands are minor inclusions of land to allow an irrigation to function properly and efficiently. For example, installing a pivot on a flood irrigated field may require the inclusion of small areas to allow the irrigation of a circular field instead of a square or odd shaped field. This is

not meant to significantly convert currently non-irrigated to irrigated land, but to make the pivot or linear move fit as much as possible on land already having the required irrigation history.

    - Incidental lands may include up to 5% of acres to be irrigated that do not meet the irrigation history requirement.
    - For proposal to achieve a net of 5% via a "trade" of newly irrigated acreage for land to be taken out of irrigation, obtain approval prior to ranking from the ASTC-Programs.

- Gravity to Pivot conversion may not be used to install sprinkler systems in the corners of existing center pivots.
- The suction pump mounted on the linear move, for a ditch fed system, is included in the payment rate for the linear. Likewise, the HDPE drag hose for a linear move, for hose fed linear system, is included in the payment rate for the linear move.

- 449 – Irrigation Water Management must be contracted for 3 (up to 5) years following installation of any structural irrigation practices, with the exception of small scale systems utilized on high tunnels or gardens- which require only 1 year. The "IWM, Advanced Technique" scenario is required for 3 (up to 5) years in conjunction with the installation of the 442 scenario for "VRI System Retrofit Zone". In addition to record keeping as outlined in their individual IWM Plan, producers are required to provide records and meet with NRCS at the completion of each irrigation system to review. For all scenarios, the payment unit of "each" represents a field covered by a unique portion of the system (each of which will have its own flowmeter). 449 advanced IWM and Soil Moisture Sensors for a Microirrigation in a high tunnel require advanced approval from an NRCS engineer.
- 464 – Irrigation Land Leveling is applicable to fields requiring a minimum of 160 cyds/acre to level. Land planning is considered normal maintenance for surface irrigated fields and is not eligible for EQIP financial assistance.
- 533 – Pump Scenario "Irrigation Variable Frequency Drive" is limited to sites where energy savings payback time period is estimated to be less than or equal to the 15-year practice lifespan. Utilize the NRCS CNTC VFD evaluation spreadsheet in combination with either a field pump test or a pump curve.
- 533 – Pump may not be contracted for the sole purpose of increasing the capacity of an existing irrigation system. Replacement of a pump and motor for energy efficiency purposes requires either: 1) a Type 2 ASABE 6125 Energy Audit completed by a TSP through a CEMA 228 or CSP Enhancement E449144Z or paid for out of pocket by the producer, or 2) analysis by an NRCS engineer showing a payback period less than equal to the practice lifespan of 15 years with the CNTC VFD evaluation spreadsheet in combination with either a field pump test or a pump curve. 372 Combustion System improvement may be used for replacement of a diesel motor in association with the irrigation pump.

Animal Feeding Operation Notes

- Prior to ranking an AFO application, the client will have an approved CNMP and preliminary design with accurate quantities from a TSP or NRCS Engineer. If at the time of ranking, there is no approved CNMP and preliminary design then the client should request to only be ranked for the CPA 102 and DIA 101.
- All large CAFO operations are required to obtain a North Dakota Pollutant Discharge Elimination System (NDPDES) Permit from the ND Dept. of Environmental Quality, Division of Water Quality (EPA on tribal lands) to be eligible to apply for the following practices. Medium AFOs which meet the criteria listed in NDAC Chapter 33-16-01 must either apply for a permit or a "no potential to pollute" determination to be eligible.
- CPA 102/DIA 101 – Comprehensive Nutrient Management Plan and CNMP Design and Implementation must be contracted together. Application type will be conventional.
- 313 - Waste Storage Facility scenario units are based on the required manure storage volume. Utilize 468-

Lined Waterway or Outlet for erosion control features at diversion outlets to protect pond side slopes.

- 316- Animal Mortality Facility is only available for operations that average 100 pounds of daily death loss during operation. Practice scenarios for static pile concrete or wood bins typically require construction of a roof for moisture management, utilize PS 367- Roofs and Covers separately for the roof.
- 317- Composting Facility is not appropriate for use with carcasses, only manure or garden/greenhouse waste.
- 367 Roofs and Covers -
    - Contact the Engineering staff at the State Office for the planning and contracting of this practice.
    - Scenarios are available for sites which meet the ND PS 367 criteria for roofed animal production facilities, i.e. either 1) To replace and/or expand feedlots located above shallow glacial drift aquifers that have been rated by the ND Department of Environmental Quality as highly or moderately vulnerable to surface contaminants, or 2) To replace all, or portions of, outdoor feedlots when an economic analysis supports a confinement barn as being the most cost-effective long-term alternative to bring the current or future expanded operation into compliance with water quality standards.
    - These facilities are defined as roof structures that are used to feed livestock in a confined building where they do not have access to open lots November through July. Loafing sheds, where livestock have access to adjacent open lots are not eligible for financial assistance under this practice. Working Facilities under the bedded pack barn are not available for financial assistance.
    - Listed payment rates which utilize timber or steel trusses, incorporates the cost of the truss supplier providing a North Dakota Professional Engineer stamped truss design containing drawings and supporting computations per the 2015 IBC and ASCE 7-10. The design package will be clearly marked with the correct physical address and producer name for the project.
    - The maximum area for financial assistance on a bedded pack barn will be based the following maximum space requirements for financial assistance.
        - Dairy/Beef bed pack 50 sqft/head
        - Dairy/Beef slatted floor barn 27 sqft/head
        - Sheep 16 sqft/head
    - Designs may be for additional square footage, at the discretion of the producer. Planning for associated waste storage facilities will be based on a minimum manure pack depth of 24 inches.
    - 558 Roof Runoff Structure shall be used for gutters.
    - For bedded pack barns, 313 Bedded Pack barn scenarios will be utilized for payment of the inside components. The 313 bedded pack barn scenarios do not include compacted clay/ soil cement liners therefore 521 Pond sealing or lining geomembrane or geosynthetic clay liner or 520 Pond Sealing or Lining compacted soil treatment shall also be contracted.
    - When addressing an existing Air Quality Resource concern on an ag waste system with a 367 Roof Structure:
        - For each animal moved off the lot, two animals can be under the roof. Typically beef lots are sized at 400 sq ft per animal, therefore at least 400 sq ft would need to be removed from the lot for each animal moved off the lot. This sizing also matches with the FY25 EQIP guidance for space allotment for the payment on a confinement fence on an open lot. The minimum number of animals that must be removed from the lot is 25% of the total animals or 150 animals. (producer will choose). For cow calf operations they are considered 1 animal.
        - The 400 sq ft of lot area per animal will be required to be abandoned. All existing infrastructure must be removed, ie, feed bunks, fencing and waterers and the area seeded back to grass or used for the new building and supporting infrastructure. The amount of lot area abandoned is dependent on how many animals will be moved under the new roof structure. 500 obstruction removal can be utilized for the removal of infrastructure along with other applicable conservation practices to abandon the lot.
        - Example: 200 animals removed from the lot and placed under a roof. New roof structure for 400 animals and 80,000 sq ft of lot would be abandoned and all infrastructure removed.
- 368 – Emergency Animal Mortality is only applicable for special EQIP signups announced in response to a disaster.
- 382 Fence – Financial assistance for the exterior confinement fence of an open lot feedlot is allowed up to 400 square feet per head designed for the lot. Where livestock shelter structures are installed on the fence line, this

cannot be doubled up with confinement fence.

- 533 Pumping Plant Manufacturer recommended pumping equipment necessary for proper operation of the waste transfer, treatment, and/or storage system. Portable pumps are eligible when equipment is moved to reduce costs by eliminating the need to install more than one piece of fixed equipment or are determined to be the most practical alternative from an engineering standpoint.
- 561 – Heavy Use Area Protection may not be utilized for construction of concrete slabs utilized for feeding, feed bunks, or lanes adjacent to feeding areas. Financial assistance is available for the concrete apron adjacent to the feed bunk on the inside of the feedlot for manure management when in conjunction with an ag waste system that includes a 313 Waste Storage facility or a 635 Vegetated Treatment Area. Outdoor lot concrete aprons are limited to a concrete pad 12 feet wide, with a maximum length of 1.5 feet per animal unit (AU). Additional pad length of 20 feet may be added to accommodate equipment access at feedlot gates. Anything above that will be at the producer's own expense. For contracts that will exceed the EQIP payment limitation, planners will use the Cost Share Cap in Protracts to reduce/cap the 561 payment before reducing any other practice payment. 561 for working facility areas under a 367 Roof and Cover for an ag waste system are not eligible for financial assistance. 313 Waste Storage Facility Bedded Park barn scenarios shall be used for concrete under a 367 Roofs and Covers. For 614 Watering Facility, the "Water Fountain" scenario is only available for use in animal feeding operations and includes a 1.6 cy concrete base. If site conditions require more protection than the 1.6 cy will provide below the waterer, then utilize PS 561-Heavy Use Protection for the additional concrete.
- 590 – Nutrient Management related to the implementation of an Animal Feeding Operation must be contracted for three years (not to exceed 5 years). The contracted acres must address the minimum acres required for proper spreading of manure based on the existing herd size not to exceed a maximum payment of $15,000/year. The acres must be operated by the applicant in order to be contracted.
- 632 – Waste Separation Facility units of cubic feet reference the design storage volume, excluding freeboard, of the proposed structure to the inside dimensions of concrete walls or earthen slopes.
- 634 – Waste Transfer scenarios for "Agitator" do not include the cost of a pump for combination units, therefore 533 may be used in conjunction with 634. Scenarios for "Hard-hose reel system" require the producer to fully fund the big gun cart/nozzle or injection bar for a tractor, and a wastewater rated flowmeter with remote readout for the tractor cab. An alternative would be 443 Irrigation System, Surface and Subsurface, gated pipe.
- 635 – Vegetated Treatment Area scenarios do not include seeding or mulching. Earthwork of at least 3000 cyds/ac is considered "major".
- The following are examples of practices that would be eligible for financial assistance due to relocations or modifications to animal feeding operations:
    - Mitigation features necessary for compliance with special environmental concerns for the implementation of the animal waste facility.
    - Livestock water source when the design or relocation of the existing facility has reduced the use of the current water source. Financial assistance is not authorized when a new animal waste facility or expansion of an existing facility creates the need for additional water quantity or watering facilities.
    - Livestock pipeline when the design or relocation of the facility reduces or eliminates the use of the existing pipeline.
    - Tanks when the design or relocation of the facility has reduced the use of the current water tank. Financial assistance is not authorized when a new animal waste facility or expansion of an existing facility creates the need for an additional water tank(s).

Water Management Notes

- A ND Department of Water Resources form SFN 51695 "Application/Notification to Construct or Modify a Dam, Dugout, Dike, Ring Dike, or Water Resource Facility" is required for the following practices. In addition, the U.S. Corps of Engineers and the ND Department of Water Resources should be contacted to confirm the need, and likelihood of future approval, for any additional permitting prior to moving forward

with an EQIP application.

- 348 – Dam, Diversion
- 356 – Dike
- 362 – Diversion
- 436 – Irrigation Reservoir
- 378 – Pond
- 313 – Waste Storage Facility
- 402 - Dam

Some installations of 350- Sediment Basin, 368- Water and Sediment Control Basin, 658- Wetland Restoration, 658- Wetland Creation, and 410- Grade Stabilization could require the SFN 51695 as well.

- Embankment dam practices installed under either 402- Dam, 378- Pond, or 348- Dam, Diversion must be fully brought up to NRCS standards if financial assistance is applied to any portion of an existing structure.
- 356- Dike –
    - May only be applied to Class II structures (dikes 12 ft high or less). Any proposal for raising or using an existing road as a portion of a dike will be approved by the SCE prior to contracting.
    - The scenario "wetland dike" should be utilized when a core trench is not required, and "protective dike" should be used when a core trench is required.
    - Utilize when an embankment is constructed adjacent to a river, wetland, or water body to limit the lateral extents of flooding. Utilize 362- Diversion for embankments built for the purpose of directing surface water runoff.
- 362- Diversion provides a scenario for earthen diversion channels only. Utilize 587- Structure for Water Control for closed conduits that divert water, or 634- Waste Transfer for concrete conduits or pressure pipe related to polluted stormwater at animal feeding operations.
- 378 – Pond –
    - When embankment dams are constructed at sites accessible to livestock, must also include an associated 382- Fence practice to exclude livestock from the embankment and emergency spillway. Site specific consideration of bird mortality, versus improved water quality and reduced sedimentation, should be made when deciding whether to fence the entire pond perimeter.
    - May utilize 468-Lined Waterway for special stabilization measures on the auxiliary spillway and 484-Mulch as needed to promote revegetation.
    - Utilize the scenario for "excavated pond" for impoundments with embankments of less than 3 feet or where principal spillway conduit is less than 24 inches. Sediment removal from existing ponds that have been in place for less than the practice lifespan (20 years) is considered maintenance and is therefore not eligible for EQIP.
- 402- Dam is only applicable to dams that fall under NRCS TR-60 engineering design criteria. All other embankment dams fall under 378- Pond.
- 554- Drainage Water Management is a management practice associated with managing a 587- Structure for Water Control or 533- Pumping Plant for water table control on existing drain tile, should be contracted for 3 years.
- 587 – Structure for Water Control may be utilized for a water control structure on new or existing tile drainage systems to facilitate Drainage Water Management, to convey water for the purpose of

addressing a resource concern or facilitating another conservation practice, or for water measurement. For bioreactors at tile outlets, two separate 587 structures should be contracted (at the inlet and outlet). Units of Dia In Ft should be determined based on the equivalent weir length of the outlet pipe, with a maximum length of 60 ft for buried inline control valves or inline riser structures.

- 606 – Subsurface Drain scenario "Secondary Main Retrofit for DWM" may be used for cropland drainage only for the purpose of retrofitting existing tile mains to improve water quality in conjunction with 554- Drainage Water Management, 604- Saturated Buffers, or 605- Denitrifying Bioreactor. Ensure that conservation provisions of 7 CFR Part 12 are followed, and the producer has obtained all necessary authorizations and permits. Other scenarios are applicable for lowering the water table in association with structural practices such as 313- Waste Storage Facility and 412- Grassed Waterway.

Erosion Control Notes

- 410 – Grade Stabilization Structure scenario quantity computations should be done as follows:
    - Pipe Drop Structure, Metal = Total Area of Metal Walls and Weir
    - Pipe Drop, CMP = Riser Weir Length x Barrel Length
    - Pipe Drop, Plastic = Riser Weir Length x Barrel Length
    - Sheet Pile Weir Drop = Area of Sheet Pile
    - Tied Concrete Block Mat = Square Feet of Map
- 410 – Grade Stabilization Structure installed to stabilize a spillway requires that the entire dam structure be brought up to meet 378- Pond or 402- Dam standards as appropriate to size and hazard class.
- 462 – Precision Land Forming may not be used solely to improve drainage for the purpose of increasing agricultural production. The practice is applicable to situations where average earthwork exceeds 100 cyds/ac; otherwise use 466- Land Smoothing.
- 466 – Land Smoothing is applicable when heavy equipment (scrapers, graders, dozers, etc.) is utilized to address topographic issues that are generating a natural resource concern. Modifications to the slope using tillage equipment are not eligible. Use this practice if the average earthwork is 100 cyds/ac or less; if more earthwork is required utilize 462- Precision Land Forming.
- 468 – Lined Waterway or Outlet scenario for "Turf Reinforcement Matting, High Stress" applies to products rated for 12 psf or more in a fully vegetated condition. Use "Turf Reinforcement Matting, Moderate Stress" for products that have less than a 12 psf rating.
- 558 – Roof Runoff Structure is contracted on the basis of actual gutter length. Buried conduit to route downspout discharge to a stable outlet location falls under 606- Outlet Drain.
- 575 – Trails and Walkways payment scenario units reflect the average fill at the centerline. Scenarios cover earthwork to construct a non-surfaced trail or walkway therefore utilize 342- Critical Area Planting or 561- Heavy Use Protection for surfacing.
- 578 – Stream Crossing may be utilized for either roads (560) or animal trails and walkways (575) to address an existing resource concern. Scenario costs include all necessary earthwork.
- 580 – Streambank and Shoreline Protection "Shaping" scenario assumes 4 cyds/lineal foot of bank excavation. Utilize 462- Precision Land Forming or 466- Land Smoothing for excess. "Bioengineering" scenario assumes 4 cyds/lineal foot of bank plus costs to install encapsulated soil lifts, log cribs, ballasted large woody debris, branch packing, live fascines or other techniques. For bioengineering, do not double contract 612- Tree/Shrub Establishment. "Riprap" scenario may be used for blanket riprap or rock barbs, and includes the cost of sand filter or geotextile, as well as 6 cyds/lineal foot of bank.
- 620 – Underground Outlet -
    - Payment for Underground Outlet is authorized as a supporting practice for Denitrifying Bioreactor (605) and Saturated Buffer (604) if the pipe is needed to transport discharge from the

structure to a stable outlet.
    - Practice is installed in conjunction with terraces, diversions, sediment control basins, waterways or similar practices.
- 638 – Water and Sediment Control Basin -
    - Fill height is measured at centerline using average ground at low point to design height, not including freeboard.
    - The outlet is typically a riser and underground outlet which is contracted through Underground Outlet (620)

Facilitating Practices for Grazing System Notes

- 516 – Livestock Pipeline. Multiple scenarios may be necessary to reflect site conditions for different portions of a pipeline project. The scenario "Standard Installation, 2 inch dia or less" is applicable to any plow-in or trenching method, for any depth, that does not require boring, a backhoe, or an excavator. If a producer chooses to utilize a backhoe or excavator where ground conditions do not require the equipment, this remains the correct scenario for certification. Use of the scenario "Backhoe 2 inch dia or less" is applicable to rocky soils, high water table conditions, or other situations that require the use of a backhoe or excavator for pipeline installation. The scenario for "Rural Water Connection Equipment" includes meter, 500 ft of pipeline from the rural water line to the meter pit, manhole, meter, and valves. The livestock pipeline is measured starting from the meter pit going out towards the tanks. Do not double contract the pipeline length in this scenario (between the meter pit and rural water line).
- 533 - Pumping Plant may not be used in conjunction with a watering system where the existing water well provides water to the residence or for winter feeding.
    - Pressure Tank without Vault - must be utilized if a well pit or pump house will not be constructed in association with the pump installation.
- 576 – Livestock Shelter Structure scenario for "Permanent Wind Shelter" is eligible for use in feedlot relocations or reconfigurations only. The scenario for "Portable Wind Shelter" is eligible for use only within a Sage Grouse Initiative area on cropland, hayland, or pastureland where an existing fence will separate the native rangeland. Producer payment for a portable windbreak will be determined based on existing livestock numbers at the time of application.
- 614 – Watering Facility scenarios include the cost of wildlife escape ramps, as well as gravel surfacing below the tank. Utilize 561- Heavy Use Protection for the course gravel, crushed rock, scoria, or concrete apron around the watering facility. The scenario for "Insulated Tank with Cover" is available on rangeland for winter grazing, not winter feeding, and must be supplied by a pipeline below the frost line (see practice standard 516 requirements). The scenario titled "Fiberglass Tank on Earth" covers fiberglass, rubber tire, rubber, polyethylene, plastic, steel rim with concrete bottom, and steel tanks. The "Water Fountain" scenario is only available for use in animal feeding operations and includes a 1.6 cy concrete base. If site conditions require more protection than 1.6 cy will provide below the waterer, then utilize PS 561-Heavy Use Protection for the additional concrete required.
- 614 – Watering Facility – For contracting purposes, since it is impossible to install watering facilities that will exactly match what is calculated as required storage on the ENG-39, use closest common size available tank which will meet the minimum required storage.
- For feedlots or high intensity grazing systems, where flow rate and perimeter distance govern the watering facility design, the minimum tank volume corresponds to a common tank size that provides the required access for the herd, per the ENG-39.