
MEMORANDUM

TO: PROGRAMS PROJECTS AND OPERATIONS SUBCOMMITTEE

FROM: KYLE MADSEN, 319 WATERSHED COORDINATOR

SUBJECT: REVIEW AND RECOMMENDATION OF AMENDMENT TO DISTRICT POLICY 17.3, PAPIILLION CREEK WATERSHED 319 INCENTIVES

DATE: NOVEMBER 25, 2020

The Nebraska Department of Environment and Energy has awarded 319 Water Quality Grant funds to the Papio-Missouri Natural Resource District for the upper HUC's (East Fork, Northwest Branch, and Butter Flat Creek) of the Papio Creek Watershed. These funds are meant to encourage implementation of E-coli load reducing conservation practices on agricultural and rural lands. By partnering with programs offered with the NRCS, FSA, Nebraska Department of Agriculture, and Pheasants Forever the NRD can provide fair and equitable compensation to producers and landowners that would provide ecosystem services through adopting these conservation practices on their lands.

From October through November 2020, outreach and education has been conducted to receive input from landowners and producers on what incentives would be most attractive. This discovery period has been completed, and incentives have been developed accordingly. Collaboration with other programs offered will allow the directed funds to be added as additional incentives to already established practice payments to increase fiscal impact and longevity of awarded funds.

District staff has developed the proposed amendment to District Policy 17.3 (see attached) and is recommending it for approval as acceptable program guidelines to achieve the goals outlined in the Papio Creek 319 watershed plan.

Management recommends that the Subcommittee recommend to the Board that the proposed amendment to District Policy 17.3 be adopted and is hereby approved.

17.2 District Programs -Reserved.

17.3 District Programs - Conservation Assistance Program. The Conservation Assistance Program (CAP) provides cost-sharing funds to encourage the application of soil and water conservation practices. The goal of CAP is to reduce erosion, siltation and the pollution of our lakes and streams. Technical assistance for design, layout and inspection of CAP practices is provided by the U.S.D.A. Natural Resources Conservation Service (NRCS). The District has adopted the NRCS Technical Guide as the District's Guide.

A. APPLICATION PROCEDURES AND POLICIES:

1. Applicants are required to apply for cost-sharing assistance at the local NRCS office as a prerequisite to District funding.
2. The order of priority for funding assistance is:
 - No. 1: EQIP (Environmental Quality Incentive Program) No.
 - 2: Nebraska Soil and Water Conservation Fund
 - No. 3: Conservation Assistance Program
3. The Conservation Assistance Program adopts a cost-share rate of 75 percent of the average unit cost established for EQIP. Changes become effective at the same time as the EQIP rate changes become effective.
 - a. Special projects will be cost-shared at a rate of 85 percent.
4. The District's cost-sharing assistance limit is \$20,000 per landowner per fiscal year. Applications exceeding \$20,000 will be reviewed on an "as received" basis.
5. Long Term Agreements (LTAs) may have separate policies than those established for regular CAP applicants.
 - a. Length of project may be 2 or more years up to a maximum of 5 years.
 - b. Cost-share rate used will be those in effect at the time the Agreement is approved.

B. ELIGIBLE PRACTICES: All eligible conservation practices must have enduring conservation benefits or pollution control benefits. They must be widely applicable to the District. These are:

1. Terraces
2. Grassed waterways
 - a. Grassed waterways must meet one of the following criteria:
 - (1) Serve as outlets for terraces in order to be eligible for cost-sharing funds
 - (2) A minimum of 75% of the applicant's land draining into the proposed waterway must have adequate land treatment
3. Underground outlets for terraces

4. Grade stabilization structures

- a. Grade stabilization structures must meet the following criteria to be eligible for cost-sharing:

- (1) A minimum of 75% of the applicant's land draining into the proposed structure must have adequate land treatment
- (2) The structure must provide grade stabilization
- (3) A grade stabilization structure is the only viable alternative to solve the erosion problem

5. Diversions

6. Water and sediment control basins

7. Livestock waste control facilities

- a. Cost-sharing for livestock waste control facilities is limited to earthwork and appurtenant structures only and is available only to livestock production facilities existing on or before January 1, 1979
- b. As a prerequisite to cost-sharing, the State of Nebraska Department of Environmental Quality must require that livestock waste control is needed.

8. Tree Planting

- a. Cost-sharing is available for planting trees and shrubs for farmstead or acreage windbreaks, field windbreaks, wildlife habitat or other beneficial uses. Practices excluded from this program include orchard trees, Christmas trees, plantings for ornamental purposes or nursery stock for resale.
- b. Plantings must be protected from destructive fire or grazing
- c. The planting must be kept free from excessive weed growth during the planting year and weed control shall be continued in succeeding years until the trees are well established.
- d. The cost-share rate for establishment per 100 trees includes cost sharing for site preparation, seedlings, planting and weed control the year of planting.
- e. The practice shall be maintained for a minimum of 20 years following the year of planting.
- f. Specifications - Species selection and site preparation will be in accordance with NRCS field technical guides.
- g. Planting design will be developed by the NRCS, Papio-Missouri River NRD, the Nebraska Game and Parks Commission or the UNL Forestry Department.
- h. The cost-sharing rate will be the same as that of the EQIP average unit cost in each county. Where no cost-share rate is established, 75% of the county average cost shall be used.

C. APPROVAL:

1. Applications (Conservation Assistance Application, Form 17.3.A., Manual of Standard Forms (Appendix E)) are approved by Management for construction based on the following criteria, in the order they appear:

- a. Date the applicant agrees to complete construction
 - b. Date of application
 - c. Average tons of soil saved per acre
2. Applications will not be approved if construction of eligible practices has begun before approval.
 3. The date of completion shall be no later than one year following the date of application.
 4. If construction is not started by the projected completion date, the application is automatically canceled.

D. SPECIAL PROJECTS

1. Special Projects (Targeting) policies may be different from those established for CAP.
 - a. Funds budgeted for the Papio Creek Watersheds Special Fund that are unallocated after the first six months of the Fiscal Year shall be added to the CAP fund.
 - b. Silver Creek Watershed
 - (1) Separate policies set out in the District's Silver Creek Watershed workplan (Appendix F).
 - c. Hanson Lake No. 3
 - (1) Separate policies set out in the District's Hanson Lake 3 Special Water Quality Work Plan (Appendix D).
 - d. Wehrspann Lake Watershed
 - (1) Special practices approved for the watershed to reduce erosion and improve water quality in Wehrspann Lake:
 - (a) Eligible practices:
 - Conversion ~~of regular~~ of regular terraces to tile outlet terraces
 - Waterways on fields not terraced but farmed on the contour and with no till
 - Rock crib grade control structures
 - Filter Strips
 - Payment rate \$100 per acre with a double payment in the first year
 - Contract term 10 years
 - (b) Cost share rate is 85%.
 - (c) Program will run concurrently with the Wehrspann Lake Water Quality Incentive Project (WQIP).
 - e. Pigeon/Jones Creek
 - (1) Separate policies set out in the District's Pigeon/Jones Creek Watershed Plan (Appendix G)
 - f. Papillion Creek Watershed 319 Incentives
 - (1) Special Practices approved for the 319 Watershed Plan to reduce erosion and improve water quality in the Papillion Creek Watershed
 - a. Eligible practices:
 - Contracted EQIP practices for the life of the contract that address Water Quality as a resource concern:
 - Cost share up to 90%

- Cover Crop cost share up to 75%
- Continuous CRP and Nebraska Buffer Strip Program practices for the life of the contract that address Water Quality as a resource concern:
 - \$150/ac. per year for Waterways and Buffer Strips
 - \$100/ac. per year for all other related continuous practices
- General CRP practices for the life of the contract that address Water Quality:
 - \$50/ac. per year
- NRD Septic System Practices:
 - 75% cost share up to \$5,000 on dysfunctional systems
 - 75% cost share up to \$7,500 on nonexistent systems
- NRD Stand-Alone practices:
 - 75% cost share on any EQIP practice that addresses Water Quality as a resource concern
 - 85% cost share on Terracing
 - Current EQIP rate on Cover Crops
 - a. \$7,500 cap per year for up to 3 years
 - b. Cannot be applied to the same tract after 3 years

E. CONSERVATION DEMONSTRATION PROJECTS: Projects to demonstrate the use of soil and water practices to the public so as to stimulate their implementation.

1. Policies may be different from those established for CAP

2. Eligible Practices

a. Structural

- (1) Terrace systems
- (2) Erosion control darns
- (3) Sediment basins
- (4) Other

b. Cultural

- (1) Reduced tillage systems
- (2) Contour strip cropping
- (3) Crop rotations
- (4) Permanent vegetation (including trees)
- (5) Wildlife Habitat
- (6) Other

3. Criteria for Selection of Demonstration Projects

- a. HELs in critical need of land treatment (high erosion rates)
- b. Located in Special Watershed Project area and/or located where land treatment will benefit public lands

- c. Highly visible and accessible location
- d. Located in a geographical area where land treatment is lacking
- e. Land is HEL, but farm plan calls for no structural conservation measures
- f. Land controlled by cooperative, capable owner and/or manager
- g. One or more projects in each county

4. Funding

- a. Maximum of \$25,000 per project

F. EMERGENCY REPAIR PROGRAM FOR CONSERVATION PRACTICES: To provide cost-sharing assistance to landowners to repair conservation practices.

1. Eligibility requirements

- a. Must be in area designated by FSA as eligible for Emergency Conservation Program (ECP) funds
- b. Terraces damaged due to contractor error, owner or operator neglect will not be eligible
 - (1) NRCS will certify to this effect in Statement of Need
- c. Completed practices will be certified by the SCS as meeting specifications
- d. Approved practices must be completed by June 1, 1991

2. Cost Share Rate

- a. The non-EQIP portions of the cost, not to exceed 80% of the total cost.

[February 5, 1987; February 9, 1989; August 9, 1990; February 14, 1991; December 8, 1994; April 6, 1995; June 12, 1997; September 14, 2000; December 13, 2012; [December 10, 2020](#)]