

Attachment H - June 3, 2015 meeting

Attachment H includes two documents. First is a red-lined version of the application form that has been edited to reflect the legislative changes. At the end of the application is a short list of other items that may need to be added to either the application form or the budget form or to both forms. **Will be asking the Board to vote on these changes to the application form and any other additions/deletions you would recommend to the Industrial Commission.**

The second document is Guidance regarding the 319 program projects that come to the Outdoor Heritage Fund Advisory Board for consideration.

Outdoor Heritage Fund Grant Application



The purpose of the North Dakota Outdoor Heritage Fund is to provide funding to state agencies, tribal governments, political subdivisions, and nonprofit organizations, with higher priority given to projects that enhance conservation practices in this state by:

Directive A. ~~Provide~~Providing access to private and public lands for sportsmen, including projects that create fish and wildlife habitat and provide access for sportsmen;

Directive B. ~~Improve, maintain, and restore~~Improving, maintaining and restoring water quality, soil conditions, plant diversity, animal systems and ~~to support by supporting~~ other practices of stewardship to enhance farming and ranching;

Directive C. ~~Develop, enhance, conserve, and restore~~Developing, enhancing, conserving and restoring wildlife and fish habitat on private and public lands; and

Directive D. ~~Conserve~~Conserving natural areas and creating other areas for recreation through the establishment and development of parks and other recreation areas.

Exemptions

Outdoor Heritage Fund grants may not be used to finance the following:

- A. Litigation;
- B. Lobbying activities;
- C. Any activity that would interfere, disrupt, or prevent activities associated with surface coal mining operations; sand, gravel, or scoria extraction activities; oil and gas operations; or other energy facility or infrastructure development;
- D. The acquisition of land or to encumber any land for a term longer than twenty years; or
- E. Projects outside this state or projects that are beyond the scope of defined activities that fulfill the purposes of Chapter 54-17.8 of the North Dakota Century Code

NO CONSIDERATION:

In addition to those specific items in law that are ineligible for funding, in the absence of a finding of exceptional circumstances by the Industrial Commission, the following projects will NOT receive consideration for funding:

- ~~Projects that are already completed~~A completed project or project commenced before the grant application is submitted;
- ~~Projects that are on-going (Phased projects would be considered);~~
- ~~Staffing;~~
- ~~Feasibility studies~~A feasibility or research study;
- ~~Annual maintenance~~Maintenance costs;
- ~~Paving projects for roads and parking lots~~A paving project for a road or parking lot;
- ~~Swimming pools~~A swimming pool or aquatic park;
- ~~Non-permanent equipment (such as tractors, snowmobiles)~~Personal property that is not affixed to the land;
- Research Playground equipment, except that grant funds may be provided for up to 25% of the cost of the equipment not exceeding \$10,000 per project and all playground equipment grants may not exceed 5% of the total grants per year;

- Costs for staffing or an outside consultant to design and implement an approved project if the costs exceed 5% of the grant to a grantee if the grant exceeds \$250,000 or 10% of the grant to a grantee if the grant is \$250,000 dollars or less;
- A building except for a building that is included as part of a comprehensive conservation plan for a new or expanded recreational project; or
- Projects where the applicant is not directly involved in the projectA project in which the applicant is not directly involved in the execution and completion of the project.

Application Deadline

Applications for the second grant round cycle are due on November 3, 2014-October 1, 2015 at 5:00 p.m. CT. All information, including attachments, must be submitted by that date. See instructions below for submission information.

Instructions

Please download this Word document (available on the Industrial Commission/Outdoor Heritage Fund Program website at <http://www.nd.gov/ndic/outdoor-infopage.htm>) to your computer and provide the information as requested. You are not limited to the spacing provided except in those instances where there is a limit on the number of words. After completing the application, save it and attach it to an e-mail and send it to outdoorheritage@nd.gov or print it and mail it to the address noted in the next paragraph.

Attachments in support of your application may be sent by mail to North Dakota Industrial Commission, ATTN: Outdoor Heritage Fund Program, State Capitol – Fourteenth Floor, 600 East Boulevard Ave. Dept. 405, Bismarck, ND 58505 or by e-mail to outdoorheritage@nd.gov. The application and all attachments must be received or postmarked by the application deadline. You will be sent a confirmation by e-mail of receipt of your application.

You may submit your application at any time prior to the application deadline. Early submission is appreciated and encouraged to allow adequate time to review your application and ensure that all required information has been included. Incomplete applications may not be considered for funding. **Any item noted with an * is required.**

Oral Presentation. Please note that you will be given an opportunity to make a ten-minute Oral Presentation at a meeting of the Outdoor Heritage Fund Advisory Board. These presentations are strongly encouraged.

Open Record. Please note that your application and any attachments will be open records as defined by law and will be posted on the Industrial Commission/Outdoor Heritage Fund website.

Name of Organization *

Federal Tax ID# *

Contact Person/Title *

Address *

City *

State *

Zip Code *

E-mail Address *

Web Site Address (Optional)

Phone *

Fax # (if available)

List names of co-applicants if this is a joint proposal

MAJOR Directive: (select the Directive that best describes your grant request)*

Choose only one response

Directive A. Provide access to private and public lands for sportsmen, including projects that create fish and wildlife habitat and provide access for sportsmen;

Directive B. Improve, maintain, and restore water quality, soil conditions, plant diversity, animal systems and to support other practices of stewardship to enhance farming and ranching;

Directive C. Develop, enhance, conserve, and restore wildlife and fish habitat on private and public lands; and

Directive D. Conserve natural areas for recreation through the establishment and development of parks and other recreation areas.

Additional Directive: (select the directives that also apply to the grant application purpose)*

Choose all that apply

- Directive A.** Provide access to private and public lands for sportsmen, including projects that create fish and wildlife habitat and provide access for sportsmen;
- Directive B.** Improve, maintain, and restore water quality, soil conditions, plant diversity, animal systems and to support other practices of stewardship to enhance farming and ranching;
- Directive C.** Develop, enhance, conserve, and restore wildlife and fish habitat on private and public lands; and
- Directive D.** Conserve natural areas for recreation through the establishment and development of parks and other recreation areas.

Type of organization: (select the category that describes your organization)*

- State Agency
- Political Subdivision
- Tribal Entity
- Tax-exempt, nonprofit corporation.

Project Name*

Abstract/Executive Summary. An Executive Summary of the project stating its objectives, expected results, duration, total project costs and participants.* (no more than 500 words)

Project Duration:*

Amount of Grant request \$ *

Total Project Costs \$ *

(Note that in-kind and indirect costs can be used for matching funds)

A minimum of 25% Match Funding is strongly encouraged. Amount of Matching Funds \$*

Please indicate if the matching funds will be in-kind, indirect or cash.

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Source(s) of Matching Funds*

Please provide verification that these matching funds are available for your project.

Certifications *

I certify that this application has been made with the support of the governing body and chief executive of my organization.

I certify that if awarded grant funding none of the funding will be used for any of the exemptions noted on Page 1 of this application.

Narrative**Organization Information – Briefly summarize your organization’s history, mission, current programs and activities. ***

Include an overview of your organizational structure, including board, staff and volunteer involvement. (no more than 300 words)

Purpose of Grant – Describe the proposed project identifying how the project will meet the specific directive(s) of the Outdoor Heritage Fund Program *

Identify project goals, strategies and benefits and your timetable for implementation. Include information about the need for the project and whether there is urgency for funding. Please indicate if this is a new project or if it is replacing funding that is no longer available to your organization. Identify any innovative features or processes of your project.

Management of Project – Provide a description of how you will manage and oversee the project to ensure it is carried out on schedule and in a manner that best ensures its objectives will be met.*

Include a brief background and work experience for those managing the project.

Evaluation – Describe your plan to document progress and results. *

How will you tell if the project is successful? Please be specific on the methods you will utilize to measure success. Note that regular reporting, final evaluation and expenditure reports will be required for every grant awarded.

Financial Information

ATTACHMENT: **Project Budget – Using the standard project budget format that is available on the website at <http://www.nd.gov/ndic/outdoor-infopage.htm> , please include a detailed total project budget that specifically outlines all the funds you are requesting. **Note that a minimum of 25% match funding is strongly encouraged.*****

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The project budget should identify all matching funds, funding sources and indicate whether the matching funds are in the form of cash or in-kind services. As noted on the standard project budget format, certain values have been identified for in-kind services. Please utilize these values in identifying your matching funds. **NOTE: No indirect costs will be funded.**

I certify that a project budget will be sent to the Commission*

Sustainability – Indicate how the project will be funded or sustained in future years. *

Include information on the sustainability of this project after all the funding from the Outdoor Heritage Fund has been expended and whether the sustainability will be in the form of ongoing management or additional funding from a different source.

Partial Funding – Indicate how the project will be affected if less funding is available than that requested. *

Partnership Recognition - If you are a successful recipient of Outdoor Heritage Fund dollars, how would you recognize the Outdoor Heritage Fund partnership? *

Scoring of Grants

All applications will be scored by the Outdoor Heritage Fund Advisory Board after your ten-minute oral presentation. The ranking sheet(s) that will be used by the Board is available on the website at <http://www.nd.gov/ndic/outdoor-infopage.htm> .

Awarding of Grants*

All decisions on requests will be reported to applicants no later than 30 days after Industrial Commission consideration. Applicants whose proposals have been approved will receive a contract outlining the terms and conditions of the grant. Please note the appropriate sample contract for your organization on the website at <http://www.nd.gov/ndic/outdoor-infopage.htm> that set forth the general provisions that will be included in any contract issued by the North Dakota Industrial Commission. Please indicate if you can meet all the provisions of the sample contract. If there are provisions in that contract that your organization is unable to meet, please indicate below what those provisions would be. *

Responsibility of Recipient

The recipient of any grant from the Industrial Commission must use the funds awarded for the specific purpose described in the grant application and in accordance with the contract. The recipient cannot use any of the funds for the purposes stated under Exemptions on the first page of this application.

If you have any questions about the application or have trouble submitting the application, please contact Karlene Fine at 701-328-3722 or kfine@nd.gov

Revised August 21, 2014 June 10, 2015

Items that may need to be added to either the application form or budget standard form:

- What is a Comprehensive Conservation Plan?
- How do you calculate the % for consultants & staffing and what is needed for documentation:
- Definitions on playground equipment and buildings.
- Other items???

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Guidance regarding types of conservation projects under the 319 program.

Because of actions by the Legislature and after a year+ of history in administering the Outdoor Heritage Fund it may be a good opportunity to review the Best Management Practices (BMP) under the 319 Program and confirm that it is appropriate for the Outdoor Heritage Fund dollars to be used for these practices.

Attached is a list of the 319 Program Best Management Practices. On page 4 there are three BMP's that you may want to discuss. Page 5 is information on septic systems.

In regards to septic systems here are some additional 319 guidelines

Section 319 funding can be used to cost-share the repair or replacement of some privately owned onsite sewage treatment systems. Eligible systems will be limited to treatment systems installed before January 1, 2000 that are discharging effluent directly into a waterbody and/or identified as a primary source of pollutants impairing the beneficial uses of a waterbody. Section 319 financial support will be based on the documented costs associated with the onsite repair or replacement of the failed system.

Should the recipients of OHF funding be limited to only private landowners? During this past year a county Highway Department received some funding to eliminate erosion control by using a 319 best management practice.

An alternative to selecting which BMP are eligible would be to have any 319 applicant identify in their scope of work which BMP would be funded with Outdoor Heritage Fund dollars.

Table 1: Approved Best Management Practices from the NRCS eFOTG

NRCS CODE	PRACTICE	LIFE SPAN (YEARS)	PLANNINGRATE	COST-SHARE PAYMENT
328	Conservation Crop Rotation	--	NCP	NCP
656	Constructed Wetland	10	Engineer Estimate	*
340	Cover Crop (seed costs only)	1	\$20.00/ac.	*
342	Critical Area Planting	10	\$300.00/ac.	*
356	Dike	10	\$1.90/cu yd	*
362	Diversions	10	\$1.90/cuyd	*
382	Fencing (barbed)	10	\$1.35/ft.	\$0.81/ft.
382	Fencing (woven wire)	10	\$1.65/ft.	\$0.99/ft.
382	Fencing (multiple wire electric)	10	\$0.67/ft.	\$0.40/ft.
382	Fencing (single wire electric)	10	\$0.51/ft.	\$0.31/ft.
386	Field Border (seed costs only)	10	\$20.00/ac.	*
393	Filter Strip (planting/establishment only)	10	\$125.00/ac	*
410	Grade Stabilization Structure	10	Engineer Estimate	*
412	Grassed Waterway	10	\$25.00/lnft.	*
422	Hedgerow Planting	10	\$20.00/hlnft	*
447	Irrigation System Tailwater Recovery	10	Engineer Estimate	*
472	Access Control/Use Exclusion (Livestock only)	1	\$20.00/acre	\$12.00/acre
634	Manure Transfer	10	Engineer Estimate	*
590	Nutrient Management (Advanced Precision only)	1	\$27.00/acre	**
512	Pasture & Hayland Planting (Forage & Biomass Planting)	5	\$35.00/ac.	*
595	Pest Management	--	NCP	NCP
516	Pipelines	10	\$3.00/ft.	*
378	Pond	10	Engineer Estimate	*
528A	Prescribed Grazing	3	\$5.00/ac.	\$3.00/ac.
550	Range Planting	10	\$40.00/ac.	*
329A	Residue Management, No Till & Strip Till	--	NCP	NCP

NRCS CODE	PRACTICE	LIFE SPAN (YEARS)	PLANNING RATE	COST-SHARE PAYMENT
329B	Residue Management, Mulch Till	--	NCP	NCP
329C	Residue Management, Ridge Till	--	NCP	NCP
391	Riparian Forest Buffer	10	\$350.00/ac.	*
390	Riparian Herbaceous Cover	10	\$300.00/ac.	*
558	Roof Runoff Structure	10	Engineer Estimate	*
350	Sediment Basin	10	Engineer Estimate	*
574	Spring Development	10	Engineer Estimate	*
584	Stream Channel Stabilization	10	Engineer Estimate	*
580	Streambank & Shoreline Protection	10	Engineer Estimate	*
587	Structure for Water Control	10	Engineer Estimate	*
600	Terrace	10	Engineer Estimate	*
610	Salinity & Sodic Soil Management (establishing vegetative cover only)	10	\$20.00/ac.	*
614	Trough and Tank (includes frost-free tanks)	10	Local Rate Per Tank	*
601	Vegetative Barrier (establishment only)	10	\$125.00/ac.	*
312	Livestock Manure Management System	10	***	***
635	Waste Water Treatment Strip (establishment only)	10	\$125.00/ac.	*
633	Waste Utilization (cannot exceed 5000 tons; limited to partial manure management systems)	1	\$2.00/ton	\$1.20/ton
638	Water and Sediment Control Basin	10	Engineer Estimate	*
640	Water Spreading	10	Engineer Estimate	*
642	Well (livestock only)	10	Local Rate per Well	*
351	Well Decommissioning	10	\$900.00 each	*
658	Wetland Creation	10	Engineer Estimate	*
657	Wetland Restoration	10	Engineer Estimate	*
380	Windbreak/Shelterbelt Establishment ****	10	\$22.50/hlnft	*
NCP- Non cost-shared practice				
* Section 319 cost-share assistance for these BMP must be based on the actual documented costs. Section 319 assistance cannot exceed 60% of the actual costs.				

** Cost share assistance for Nutrient Management 590 will be limited to “Advanced Precision Nutrient Management.” The practice will be limited to 640 acres/producer and the planning rate will be a “not-to-exceed” rate of \$27.00/acre. Cost share will be based on the actual documented costs for field mapping services (~\$17.50/acre), soil tests (~\$5.50/acre) as well as a fixed planning rate of \$4.00/acre for additional costs incurred for variable application of fertilizers. Contracts for the practice can be 1-3 years in length. Maximum cost share cannot exceed \$16.20/acre/year. NRCS requirements for Advanced Precision Nutrient Management must be followed.

*** See Section IX for the different practices and cost share assistance policies associated with the installation of the manure management systems.

**** Limited to windbreaks/shelterbelts for wind protection in agricultural fields and/or adjacent to newly permitted animal feeding operations. A windbreak or shelterbelt established solely for wind protection of a farmstead is not eligible for Section 319 support.

Table 2: Eligible BMP not included in the NRCS eFOTG

Code	Practice Name - Planning Rate - BMP Lifespan*	Code	Practice - Planning Rate
001	Cultural Resource Review - \$1800/number; Lifespan - 1 yr.	029	Rock Toe or Barb (in-place) - \$75.00/cu.yd
003	Tree Hand Plants (Rooted) - \$.300/number - (50% material/50% labor)	030	Root Wads (in-place) - \$500/number
004	Solar Pumps - \$3,100/number	031	Vegetated Gabions - \$76.00/number
005	Pre-Construction Engineering Services – Engineer’s Estimate; Lifespan - 1 yr.	032	Weed Control for Established Trees (Chemical) - \$12.00/100 ft.
006	Construction Engineering Services - Engineer’s Estimate; Lifespan - 1 yr.	033	Site Prep for Trees (Light Mechanical with Chemical) \$52.00/acre; Lifespan - 1 yr.
007	Post Construction Engineering Services Engineer’s Estimate; Lifespan - 1 yr.	034	Site Prep for Trees (Heavy Mechanical with Chemical) \$125.00/acre; Lifespan - 1 yr.
020	Tree Machine Planting (Scalp Plant/Site Prep) - \$22.50/hlnft	035	Site Prep for Trees (Light Mechanical) - \$40.00/acre; Lifespan - 1 yr.
021	Tree Hand Plants (2 ft. Non-Rooted) - \$3.00/number - (50% material/50% labor)	036	Site Prep for Trees (Heavy Mechanical) - \$115.00/acre; Lifespan - 1 yr.
022	Willow Post Planting - \$3.00/number	037	Soil Test (Cropland Nutrient Mgt.) - \$40/sample; Lifespan - 1 yr.
023	Willow Fascines, Wattles, or Barbs - \$15.00/ft.	038	Precision Nutrient Management – See Practice 590, Nutrient Management, in Table 1
024	Brush Mattress, Layering, or Packing - \$15.00/ft.	039	GPS Equipment - Not eligible as a stand-alone practice. See practice 590 in Table 1.

Code	Practice Name - Planning Rate - BMP Lifespan*	Code	Practice - Planning Rate
025	Evergreen Revetment - \$50.00/ft.	056	Alternative Power Source (Livestock Watering Only) - <i>Lowest price quote</i>
026	Timber Stand Improvement (Scarification) - \$200/ac.	057	Exclusion Fencing for Riparian Area Management - \$1.35/ft.
027	Direct Seeding of Trees - \$520/ac.	058	Riparian Easement on Cropland - <i>Non-Irrigated Cropland CRP Soil Rental Rates</i>
028	Streambank Reshaping - \$15.00/cu.yd.	059	Riparian Easement on Pasture/Range - <i>Marginal Pastureland CRP Soil Rental Rates</i>
060	Weed Control for Established Trees (Full Weed Barrier) - \$60/100 ft.	061	Weed Control for Established Trees (4x4 Weed Barrier Sq.) - \$2.80/number
062	Tree Tube Shelter (3 ft.) - \$4.30/number	063	Tree Thinning (Riparian areas only) - \$82.50/acre
064	Selective Debris Removal (Site-specific approval required) - \$500/site	065	Rural Water Hookup (hookup costs minus the sign-up fee) - \$1,300/hookup
066	Portable Windbreak ** (See footnote for cost limitations) - \$35.00/ft	067	Electric Fence Energizer *** - \$400/number
068	Irrigation System (Site-specific approval required) - <i>Cost share is limited ****</i>		

* Unless otherwise indicated, for operation and maintenance purposes, the expected lifespan for the BMP listed in the Table 2 is 10 years.

**Section 319 support is limited to portable windbreaks needed for partial manure management systems. The maximum allowable length for windbreaks is two foot/animal if the windbreak panels will be set in an "L" shape or roughly perpendicular to one another or one foot/animal if the windbreak is set in a straight line. Maximum allowable total cost for windbreak panels is \$35/foot (i.e., \$21/foot in 319 cost share). Windbreak panels must not be used on native rangeland

*** Section 319 cost share assistance for an electric fence energizer is only allowable if it is needed for new cross fencing scheduled under a prescribed grazing system. Cost sharing an energizer as a stand-alone practice is not allowable.

****Section 319 cost share assistance is limited to irrigation systems installed specifically for the management of runoff water collected in containment ponds associated with a permitted livestock manure management system. Section 319 cost share assistance must be based on actual costs not to exceed \$15,000/system.

VII. NPS PROGRAM COST-SHARE POLICIES FOR THE REPLACEMENT OR REPAIR OF ONSITE SEWAGE TREATMENT SYSTEMS

Section 319 funding can be used to cost-share the repair or replacement of some privately owned onsite sewage treatment systems. Eligible systems will be limited to treatment systems installed before January 1, 2000 that are discharging effluent directly into a waterbody and/or identified as a primary source of pollutants impairing the beneficial uses of a waterbody. Section 319 financial support will be based on the documented costs associated with the onsite repair or replacement of the failed system.

A. Cost-share Policies



Section 319 cost-share assistance will be authorized for the repair or replacement of an eligible onsite sewage treatment system (system) if the following criteria are met.

- Failure of the system cannot be attributed to mismanagement or accidental damage by the current owner.
- The system is discharging directly into a waterbody or has been identified, through the appropriate investigations, to be the main source of pollutants impairing a waterbody's beneficial uses
- The system is for a private household or privately owned dairy facility.
- The system replacement or repairs have been installed according to Plumbing Codes for Private Sewage Disposal Systems (ND Administrative Code, Chapter 62-03.1-03) and/or any requirements established by the local District Health Unit. As applicable, written verification of compliance with this criteria must be obtained from authorized District Health Unit personnel or the contractor that installed the system.
- All eligible costs have been properly documented and the appropriate forms (i.e., CPO, Application for Payment, etc.) have been signed by the system owner and approved by the project sponsor and the NPS Program.

If an onsite sewage treatment system will be replaced with an alternative system that exceeds the minimum requirements for onsite sewage treatment, Section 319 financial support will be determined using a prorated value rather than the actual costs for the alternative system. This value will be based on the estimated costs to repair or replace the failed system with an individual onsite sewage treatment system that meets the minimum requirements. Total Section 319 support for the alternative system cannot exceed 60% of this prorated value. Additional information that must also be provided to the NPS Program when financial support is requested for an alternative sewage treatment system is as follows:

- Identification of the total number and type of individual systems that do not

comply with state or local regulations or requirements for onsite sewage treatment. This number must be verified by the local authority responsible for enforcement of the requirements.

- Written verification from the appropriate local authority regarding the specific onsite sewage treatment options (e.g., holding tanks, drain-field systems, etc.) that are allowable under local and/or state regulations or requirements.
- Two or more written price quotes on the estimated average costs to install the different onsite treatment options that would be allowable. These cost estimates must be provided for each treatment option or system type to allow verification of the least costly onsite treatment option.

B. Cost-Share Eligibility and Rates

For a single household or dairy facility, Section 319 financial assistance can be used to support costs associated with the exterior construction materials and services (e.g., holding tank, contractor, pump, drainfield, etc.) needed to install an onsite sewage treatment system that will comply with state or local regulations or requirements. This includes the costs for the repair of the current treatment system or replacement of the existing system with an equivalent onsite sewage treatment system. Renovations or additions to the interior plumbing of the house or dairy facility will not be eligible for Section 319 support unless project staff can verify the interior plumbing renovations are needed to ensure a functional system is installed. Costs for the expansion of an existing system are also ineligible for Section 319 financial support. The cost-share payments for a single household or dairy facility will be based on actual documented costs. Section 319 cost-share assistance per system cannot exceed 60% of the total eligible costs. The balance of costs (i.e., 40%) will be the responsibility of system owner and/or local project sponsors.

The level of Section 319 financial support for the replacement of privately owned onsite sewage treatment systems with an alternative system that exceeds minimum onsite sewage treatment requirements and/or replaces multiple onsite sewage treatment systems will be determined using the following criteria:

- Total number and type of existing onsite sewage treatment systems that do not comply with local and/or state requirements or regulations.
- Lowest estimated cost to replace each failed system with an individual onsite sewage treatment system that will comply with the minimum state or local requirements.

Total Section 319 financial support for an alternative system will be based on the lowest estimated costs to install individual onsite treatment systems that will fully comply with the minimum requirements for onsite sewage treatment. Section 319 cost share assistance cannot exceed 60% of this estimated cost. The balance of costs (i.e., 40% match to the 319 funds plus any additional costs for the alternative system) will be the responsibility of system owners and/or

local project sponsors. If the total costs for the alternative system are lower than the total estimated costs for the appropriate onsite repairs or replacements, Section 319 financial support will be based on the total documented costs of the alternative system.

NOTE: The following Subsection D is part of Section IX which address cost share policies for manure management systems. This subsection specifically addresses the policies associated with cost share assistance for portable windbreaks and other practices used to establish unconfined winter feeding systems for livestock.

D. Partial Manure Management Systems for Winter Feeding Areas

The installation of a full containment system is generally the preferred approach for addressing manure management concerns within a livestock feeding area. However, under certain situations, Section 319 funding can be used to support the installation of BMP that will not necessarily result in full containment, but instead, will result in management changes that minimize the water quality impacts associated with an animal feeding operation (AFO). Feeding systems eligible for this “partial treatment” include AFOs for cattle (beef and dairy), horses, and/or sheep that are located within one mile of a river, stream, lake or reservoir. The maximum number of animals that can be fed and managed within an eligible partial manure management system (partial system) is dependent on the type of livestock. The maximum allowable number per animal type is provided below.

Within an eligible AFO, Section 319 cost share assistance can be used to install practices that will improve manure utilization and/or minimize runoff from or through the feeding area. Practices that will enable the livestock producer to move from a concentrated feeding system to an “unconfined” feeding system will also be eligible for Section 319 support.

The specific types of practices used within a partial system will vary considerably and be dependent on several factors including facility size, type of animals, and the producer’s management objectives. Typical practices that will be eligible for Section 319 cost share assistance include BMP such as barb-wire or electric fence; pipelines; wells; watering facilities; portable windbreaks and clean water diversions. When applicable, the costs to remove corrals; water tanks and windbreaks from abandoned areas will also be eligible for cost share assistance. Since water quality improvement is the primary focus of a partial system, practices that are designed to enhance management (e.g., heavy use pads, bunkline fencing; corrals; buildings relocation; etc.) will not be eligible for Section 319 support in a partial manure management system. Specific eligibility requirements that must be met to allow Section 319 financial support for a partial manure management system are as follows:

- The total number of animals fed/managed by the producer cannot exceed the following limits:
 - ✓ Cattle (includes all heifers, steers, bulls and/or cow/calf pairs) 450
 - ✓ Mature Dairy Cows 199
 - ✓ Horses 149
 - ✓ Sheep or Lambs 2,999

- If the partial system includes some livestock that will be confined for more than 45 days, manure must be removed from the lot on a regular basis and all stockpiled manure must be field applied annually according to an approved nutrient management plan. The producer should also be encouraged to install structural practices that would minimize or treat runoff from the confined feeding area (e.g., vegetative filter strips, diversions, etc.).
- The original feeding operation is located within 1 mile of a river, stream, reservoir or lake.
- The designs for structural practices that require excavation (e.g., clean water diversions, earthen dikes, etc.) must be approved by a professional engineer.
- If tame pastures or cropland fields are being used as winter feeding areas, adequate acreage must be available and the feeding sites must be moved periodically to prevent an accumulation of manure that would negatively impact grass and/or crop production the next year. Native rangeland cannot be used as a winter feeding area.
- Unless a variance is provided by the NPS Program, sufficient all-weather water source(s) must be located in the fields designated for winter feeding to supplement or replace water sources in the farm yard.
- A partial system manure management plan, as described in Appendix D, must be approved by the project sponsors and the NDDH.
- When applicable, all fences, feed bunks, manure and waterers must be removed from any areas that will be abandoned. The future use of the abandoned area must also be described in the approved partial system manure management plan.

The requirements listed above must be addressed in the partial system manure management plan for the feeding area and the fields where manure will be applied. This plan must identify the structural practices to be installed as well as the annual management measures that will be implemented to prevent or reduce the transport of manure to waters of the state. Guidelines for developing a Partial System Manure Management Plan are provided in Appendix D. The completed partial system plan must be signed and dated by the producer and approved by the NDDH before Section 319 cost share assistance can be issued for any BMP.

If the partial system manure management plan meets all requirements, the NDDH will notify local NPS project staff that the plan and scheduled Section 319 cost share assistance have been approved. The NDDH correspondence will not serve as a permit or approval to operate, but instead, it is intended to be a means for documenting approval of the planned BMP and recognizing the efforts of the producer. This recognition will only be applicable for the current facility as described in the approved management plan. If the facility does expand or deviate from the approved management plan, the producer should coordinate with local NPS project staff

and/or NDDH personnel to reevaluate the applicability of current state or federal permit requirements.

X. NPS PROGRAM COST-SHARE POLICIES FOR MULTI-YEAR EASEMENTS AND SHORT TERM MANAGEMENT AGREEMENTS FOR RIPARIAN AREAS

Section 319 funding can be used to cost share short term management agreements or multi-year easements focused on riparian areas. To be eligible for assistance, the goal of the easement or short term management agreement must be the establishment and maintenance of the appropriate permanent vegetation within the designated riparian corridor for the duration of the agreement period.

Short term management agreements must be limited to three years in length, with the option to extend the agreement at the end of each agreement period. Each extension will also be limited to three years and must be approved by the project sponsors and the NPS Program. Within each agreement, the Section 319 payments may only be scheduled to occur on an annual basis at the end of the growing season (i.e., November or December). The appropriate documentation for the required non-federal match to the Section 319 payment must also be provided to the local project sponsor on an annual basis. Since the annual payments will be based on annual compliance with the agreement provisions, the short term management agreements do not need to be recorded with the county recorder's office and do not need to be attached to the land deed for the acres identified in the agreement.

The minimum length for a multi-year easement is five years and the maximum length is 20 years. Multi-year easements must be developed for a fixed time period and will not be eligible for extension at the end of the easement period. The Section 319 assistance for an easement will be issued as a single lump sum payment during the first year of the easement period. All non federal match requirements associated with the Section 319 assistance must be secured and properly documented by the participating landowner the first year of the easement agreement. Documentation for the non-federal match must be provided to the project sponsor prior to the issuance of the Section 319 payment. Each multi-year easement must be approved by the project sponsor, NPS Program and the entity that will manage the easement. Each easement must be recorded with the county recorder's office and attached to the land deed for the applicable acres for the duration of the easement agreement.

Given the similarities between a short term management agreement and a multi-year easement, the policies associated with either process are essentially the same. As such, unless otherwise noted, the following policies are applicable to short term management agreements and multi-year easements. Additionally, in the following policy statements and guidelines in this section, the short term management agreement and multi-year easement will be collectively referred to as the "riparian agreements."

Each riparian agreement must identify specific management measures that will be implemented. These management measures or BMP must ensure a diverse and permanent vegetative buffer is maintained on the enrolled acres and provide the necessary protection to improve the stability of

adjacent streambanks or shorelines. The riparian agreement must also clearly identify all use restrictions and prohibited management practices on the enrolled acres.

Eligible acres will be limited to land immediately adjacent to waters of the state. More specifically, this includes the corridor of land that runs parallel to the waterbody and has a minimum width of 100 feet from the water's edge during bank full conditions. The maximum width of the corridor should not exceed 300 feet. For a river or stream, the minimum and maximum eligibility criteria would apply to each side of the stream or river, separately. Along waterbodies where there is a permanent structural boundary (e.g., fence; road, etc.) or a property line, the 100 and 300 foot limitations can be increased/decreased to follow the existing structural boundaries and/or changes in land ownership. Any adjustments to the limitations must be approved by the NPS Program, project sponsors and the organization managing the riparian agreement.

Section 319 financial assistance will be based on the length of the agreement; total acres enrolled; and project-specific rental rates established or adopted by the local project sponsors. These local rental rates cannot exceed the current CRP soil rental rates for non-irrigated cropland or marginal pastureland in the applicable county. In the event a riparian agreement includes acres outside the allowable 300 foot corridor, the rental rate for those additional acres must be limited to 50 percent (50%) of the rental rate established by the local project sponsors.

Cost-Share Policies

Section 319 cost-share assistance will be authorized for the riparian agreements if the following criteria are met.

- The riparian agreement has been reviewed and approved by the NPS Program. *[Note: If a project will be using a "standard" riparian agreement for all producers, only the standard agreement will need to be approved by the NPS Program. Subsequent agreements based on this standard agreement would not need to be approved individually.]*
- The project sponsor or another eligible organization has agreed, in writing, to hold and manage the riparian agreement for the entire effective period.
- If the riparian agreement is a short term management agreement, the effective period is three years or, if the agreement is a multi-year easement, it is a minimum of 5 years in length and does not exceed 20 years in length.
- If the riparian agreement is a multi-year easement it must have been recorded with the county recorder's office and attached to the land deed for the applicable acres for the duration of the easement. Short term management agreements are not subject to this requirement.

- The riparian agreement is signed by the landowner and the entity that will be managing the easement.
- The total cost of the riparian agreement is based on the number of acres; length of the agreement; and rental rates established or adopted by the project sponsors. [Note: The local rental rates cannot exceed the current CRP soil rental rates for non-irrigated cropland or pastureland in the applicable county. The applicable CRP soil rental rates can be obtained from the county Farm Services Agency.]
- The riparian agreement payment does not exceed the rental rates established by the local project sponsor and is in compliance with any NPS Program restrictions on land rental rates.
- Acres that are not currently being used for crop, hay or livestock production have been omitted from the acres enrolled under the riparian agreement. These “idle acres” are not eligible for Section 319 payments.
- The purpose of the riparian agreement is to restore and/or protect the beneficial uses of waters of the state by maintaining a diverse and permanent vegetative community within the riparian corridor as well as on other lands identified in the riparian agreement.
- Locations of the land enrolled in the riparian agreement are clearly identified by a legal land description and a map included in the agreement.
- The total amount for the annual payments or lump sum payment is identified in the riparian agreement. The applicable payment amount must also be reflected on the signed Application for Payment (AFP) form when Section 319 cost share assistance is requested to support the riparian agreement.
- The required non-federal cash and/or inkind match has been secured and properly documented by the landowner and approved by the project sponsors.
- Management obligations of the landowner are well defined in the riparian agreement and limited to practices or activities that will enhance and maintain the diversity of the vegetative community on the enrolled acres. All use restrictions and prohibited management practices must be clearly identified in the riparian agreement.
- The enrolled acres are not included in another active easement or management agreement managed and supported by a local, state or federal agency or a private organization.
- The appropriate information has been entered in the NPS Program BMP Tracker database to document the riparian agreement acreage, location, and costs.

- The policies and criteria described in Sections III and IV have been followed when developing the riparian agreement Conservation Plan of Operation (CPO) and/or requesting Section 319 cost share assistance.

Cost-Share Rates and Eligible Match

Section 319 funds can be used to support up to sixty percent (60%) of the total costs scheduled in an approved riparian agreement CPO. These costs may be associated with the annual or lump sum payment and/or eligible BMPs implemented to enhance the benefits of the riparian agreement. The forty percent (40%) match required for the Section 319 assistance is the responsibility of the participating landowner.

The landowner match can include cash and/or inkind match. The comments provided with the CPO and AFP must identify the sources for this cash and/or inkind match as well as the amount contributed by each source. In the event other entities or organizations are also supporting the riparian agreement, only the cash and/or inkind match derived from non-federal sources will be eligible match to the Section 319 funds. All cash or inkind match committed under a CPO must be secured by the landowner and/or project sponsor prior to the issuance of Section 319 cost share assistance for the riparian agreement.

Inkind match committed by a landowner under a riparian agreement CPO can be donated by the local project sponsors and/or earned through the implementation of eligible BMPs. Eligible BMPs include the practices listed in Table 1 and 2. To be an eligible inkind match source, the BMPs implemented by the landowner must be: 1) scheduled in their CPO; 2) applied on lands under their management without any federal cost share assistance; and 3) fully implemented before Section 319 assistance is requested for the annual or lump sum riparian agreement payment. When possible, these BMPs should be implemented on fields immediately adjacent to the land enrolled under the riparian agreement. The inkind match value of the applied BMPs must be based on the planning rates listed in Table 1 and 2. Local project sponsors and staff will be responsible for the verification and documentation the scheduled BMP implementation and the associated inkind match value.

Section 319 cost share assistance can be issued by the project sponsors as three annual payments under a short term management agreement or as a single lump-sum payment under a multi-year easement. The Section 319 payment schedule must be agreed upon, in advance, by the project sponsor; participating landowner; and entity managing the riparian agreement. The payment schedule cannot extend beyond the end-date of the project and must be coordinated with the availability of the required cash and/or inkind match. Prior to the issuance of Section 319 cost share assistance, the value of the cash and/or inkind match earned or donated must be verified and approved by the local project sponsors. In addition, the cumulative value of the Section 319 cost share assistance plus any non-federal cash contributions cannot exceed the total annual or lump-sum payment listed in the riparian agreement.