

**CIVIL RIGHTS IMPACT ANALYSIS  
FOR THE FINAL RULE  
ENVIRONMENTAL QUALITY INCENTIVES PROGRAM**

**Agency:** US Department of Agriculture (USDA)  
Natural Resources Conservation Service (NRCS)

**Subject:** Civil Rights Impact Analysis  
Environmental Quality Incentives Program Final Rule  
Agricultural Act of 2014 (2014 Act)

A review of the Environmental Quality Incentives Program (EQIP) Final Rule has been directed towards the identification of actual or potential civil rights issues. In this regard, the review analyzed the rule to ensure compliance with Departmental Regulation (DR) 4300-4, "Civil Rights Impact Analysis"; 7 CFR 15d, "Nondiscrimination in Programs and Activities Conducted by the United States Department of Agriculture"; and DR 1512, "Regulatory Decision Making Requirement." The review reveals no factors indicating that the EQIP Final Rule would have a disproportionate adverse civil rights impact for NRCS program participants and applicants who are minorities, women, or persons with disabilities. The review indicates the rule provides changes enacted by the 2014 Act and other improvements which may in fact improve availability or opportunities for program participation for historically underserved producers.

**BACKGROUND**

On December 12, 2014, NRCS published an interim final rule with request for comments in the Federal Register (79 FR 73953) that amended the EQIP regulations at 7 CFR part 1466 to implement changes made by the 2014 Act. NRCS solicited comments on the interim rule for 60 calendar days ending February 10, 2015. NRCS received 65 timely responses to the interim rule, constituting 331 comments. This final rule responds to the comments received by the public comment and makes changes that are warranted based upon such comment.

The Agricultural Act of 2014 (2014 Act) reauthorized and amended the EQIP. It is a voluntary nationwide program implemented under the general supervision and direction of the Chief of NRCS under the borrowing authority of the Commodity Credit Corporation (CCC). The purpose of EQIP is to promote agricultural production, forest management, and environmental quality as compatible goals and to optimize environmental benefits. Through EQIP, NRCS provides financial and technical assistance to eligible farmers and ranchers to address soil, water, air quality, wildlife habitat, surface and groundwater conservation, and related natural resource concerns. EQIP's financial and technical assistance helps producers comply with environmental regulations and enhance agricultural and forested lands in a cost-effective and environmentally beneficial manner. EQIP is available in the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, and the Commonwealth of the Northern Mariana Islands.

The regulation is organized into three subparts: Subpart A — General Provisions; Subpart B — Contracts; Subpart C — General Administration. The basic structure of the regulation has not changed.

## LEGISLATIVE CHANGES

Summarized changes made by the 2014 Act include, but are not limited to:

- Eliminates requirement that contract must remain in place for a minimum of 1 year after last practice implemented, but keeps requirement that the contract term is not to exceed 10 years.
- Consolidates elements of Wildlife Habitat Incentives Program (WHIP) into EQIP, and repeals WHIP authority.
- Replaces rolling 6-year payment limitation with payment limitation for FY 2014-FY 2018
- Requires Conservation Innovation Grants (CIG) reporting no later than Dec 31, 2013 and every 2 years thereafter.
- Payment limitation established at \$450,000 and waiver authority is eliminated.
- Modifies the special rule for foregone income payments for certain associated management practices and resource concern priorities.
- Advance payments are available up to 50 percent for eligible historically underserved participants to purchase material or contract services instead of the previous 30 percent.
- Provides flexibility for repayment of advance payment if not expended within 90 days.
- For each of the FY 2014 to FY 2018, at least five percent of available EQIP funds shall be targeted for wildlife related conservation practices.
- Funding for EQIP is authorized at
  - \$1,350,000,000 for FY 2014
  - \$1,600,000,000 for FY 2015
  - \$1,650,000,000 for FY 2016
  - \$1,650,000,000 for FY 2017
  - \$1,750,000,000 for FY 2018.
- The 2014 Act provides that EQIP funding remains available until expended.

The objective of the current rule is to incorporate the changes made by the 2014 Act and NRCS is taking this opportunity to clarify a few administrative provisions. Additionally, NRCS is simplifying the administrative complexity of the EQIP rule by clarifying the regulation to focus upon only those provisions that relate to conservation program participants rights and responsibilities under the programs.

The fundamental purpose of the program, assisting agricultural producers to implement conservation practices to provide environmental benefits, has not changed. Revisions to the program have focused primarily on expanding participation among historically underserved populations, including special priority for beginning agricultural producers and socially disadvantaged producers with preference provided under these special priorities for individuals who are veteran farmers and ranchers. The final rule also includes changes to streamline program implementation and make the participant's contract responsibilities clearer and more transparent. NRCS is also removing definitions for terms that are not used in the regulation and other editorial adjustments.

## CIVIL RIGHTS IMPACT ANALYSIS

The Civil Rights Impact Analysis (CRIA) is directed towards the identification of actual or potential civil rights issues. The purpose is to identify, if any, adverse implications the EQIP final rule will have on each affected group and rationally and reasonably dispose of each. The theory of discrimination applied to the rule is disparate impact. Disparate impact occurs when a recipient uses a policy or practices that while neutral on its face and applicable to everyone, disproportionately and adversely affects members of a protected group and the recipient can

articulate no substantial legitimate justification. The theory of disparate impact does not require proof of discriminatory intent, but centers around the adverse effect(s) that a policy or practices has on protected groups.

The analysis evaluated the extent to which the various populations are affected by the rule, and how the impact is manifested. The review included: **(A) general provision; (B) administration and development; (C) historical participation data; (D) eligibility criteria; (E) outreach strategy; (F) barrier removal provisions; (G) conclusion; and (H) NRCS Civil Rights Director's certification.** The examination sought to determine if all the affected groups:

- are provided the same opportunities to participate in the decision-making or rulemaking process for EQIP,
- have historically been provided the same opportunities to participate in NRCS programs, and
- are provided the same information to decide if they wish to participate in the EQIP.

**(A) General Provisions:** EQIP continues USDA's commitment to streamlining and improving its conservation programs and providing flexible technical and financial assistance to producers to install and maintain conservation systems that enhance soil, water, related natural resources (including grazing land and wetland), and wildlife habitat while sustaining production of food and fiber. EQIP activities will be carried out according to an EQIP plan of operations. This plan of operations addresses the conservation objectives to be achieved through one (1) or more conservation practices. A voluntary program, EQIP offers financial and technical help to perform or implement conservation practices called for in contracts up to 10 years on eligible agricultural land. These practices are subject to NRCS technical requirements adapted for local conditions.

**(B) Administration and Development:** In addition to incorporating the changes made by the 2014 Act, NRCS is taking this opportunity to clarify a few administrative provisions. Additionally, NRCS is simplifying the administrative complexity of the EQIP rule by clarifying streamlining the regulation to focus upon only those provisions that relate to conservation program participants rights and responsibilities under the programs.

Any producer who is eligible may submit an application for participation in EQIP at a USDA service center. Information will be provided through media, websites and in person that explains the process to request assistance. Applications will be accepted throughout the year, although the agency will establish cut-off dates where eligible applications will be ranked and approved for funding.

**(C) Historical Participation Data:** Historical data reflecting participation in EQIP has been maintained. Participant reporting of demographic information is voluntary; and third party reporting is allowed by agency employees. However, the data reporting has been deemed unreliable, especially as it relates to disabilities. Due to the reliability of the historical compatible data maintained, a full barrier analysis on participation could not be conducted.

NRCS Civil Rights Division is working with the Office of Outreach and Advocacy (OOA) and the Deputy Chiefs for Programs and Strategic Performance and Accountability to implement an evaluation and monitoring tool for the Agency to more fully comply with DR4370-001 (10/11/11) Collection of race, ethnicity, and gender data to account for those business entities and organizations that have not yet reported Race or gender information. However, a preliminary

review of the participation data appears to indicate program parity in relation to Agricultural data collected by NASS.

NRCS is a science-based agency. As such, the agency collects, develops, analyzes, and maintains large amounts of data. The Agency relies on a number of key databases. Though each one has its own purpose and function, some of the databases have overlapping functions.

In processing a majority of data requests, the Resource Economics, Analysis and Policy Division (REAPD) Data and Information Team works primarily with three key operational databases; ProTracts, the National Easements Staging Tool (NEST) and the Financial Management Modernization Initiative (FMMI). In addition to these datasets, the team also works with Agency data stewards for the National Conservation Planning (NCP) database. Other research databases are developed and maintained by Soil Survey and Resource Assessment (SSRA). REAPD cooperates with database managers in SSRA to develop data used in research.

ProTracts is the Agency's primary software application for managing several financial assistance programs. The application is used to help manage the ranking and funding of applications and to carry out the contract development process. ProTracts contains data for EQIP.

Agency data is captured at the end of each quarter and includes basic performance, i.e., number of applications, contracts and acres. Race, ethnicity and gender data specific to the participant are available through the link to the Service Center Information Management System (SCIMS) that contains demographic information for each customer.

Conducted since 1840, the Census of Agriculture accounts for all U.S. farms and ranches and the people who operate them. The Census tells a story of how American agriculture is changing and lays the groundwork for new programs and policies that will invest in rural America; promote innovation and productivity; build the rural economy; and support our next generation of farmers and ranchers. The National Agricultural Statistics Service 2012 Census data reports there are a total of 2,109,303 Principal Operators. They also report the following National Selected Principal Operator numbers for the various EO groups.

Male Operators - 1,821,039	American Indian – 37,851
Female Operators - 288,264	Asian – 13,669
White – 2,012,652;	Native Hawaiian (Pac Isl) – 1,468
Black – 33,371	More than 1 race – 10,292

The following participation data for the three (3) year period from FY 2011-2013 has been supplied. It should be noted that participation rates in the following charts refer to contracts not applications. Applicants are considered to be potentially eligible participants. The data participation numbers are also incomplete in that it does not include persons or business entities that did not report race or gender.

2011

EQIP	Male	Female	American	Asian	African	Hispanic	White
	Incl all races	Incl all races	Indian	American	American		
Number of Contracts	25,947	5,667	632	324	1,065	884	32,414
Funds Awarded	\$545,447,605	\$103,687,778	\$27,345,388	\$11,832,046	\$11,730,919	\$19,048,082	\$723,935,389
Percentage of Principal Operators in National	1.42%	1.97%	1.67%	2.37 5	3.19%	1.32%	1.16%
Percentage of Dollars Awarded	68.2%	13.0%	3.4%	1.5%	1.5%	2.4%	90.5%

EQIP	Male	Female	American	Asian	African	Hispanic	White
			Indian	American	American		
Number of Applications	2157	675	1359	751	1975	1864	78982
Number of Applications Approved	1063	374	766	369	1299	1005	39039
Percentage of Applications Approved	49.3%	55.4%	56.4%	49.1%	65.8%	53.9%	49.4%

2012

EQIP	Male	Female	American	Asian	African	Hispanic	White
			Indian	American	American		
Number of Contracts	31,061	6,758	1,005	461	1,370	1,178	38,642
Funds Awarded	\$637,917,215	\$130,048,403	\$31,757,105	\$15,712,067	\$18,029,066	\$24,920,832	\$839,262,643
Percentage of Principal Operators in National	1.71%	2.34%	2.65%	3.37%	4.10%	1.17%	1.91%
Percentage of Dollars Awarded	67.3%	13.7%	3.3%	1.7%	1.9%	2.6%	88.5%

EQIP	Male	Female	American	Asian	African	Hispanic	White
			Indian	American	American		
Number of Applications	3922	1329	2310	1091	2618	2300	96773
Number of Applications Approved	1797	602	1119	493	1522	1311	44149
Percentage of Applications Approved	45.8%	45.3%	48.4%	45.2%	58.1%	57.0%	45.6%

EQIP	Male	Female	American Indian	Asian American	African American	Hispanic	White
Number of Contracts	32,771	6,898	799	558	1,467	1,405	40,395
Funds Awarded	\$677,437,761	\$137,021,931	\$25,155,649	\$18,272,448	\$19,243,689	\$29,633,700	\$879,294,968
Percentage of Principal Operators in National	1.80%	2.39%	2.11%	4.08%	4.39%	2.10%	2.00%
Percentage of Dollars Awarded	68.4%	13.8%	2.5%	1.8%	1.9%	3.0%	88.8%

EQIP	Male	Female	American Indian	Asian	African American	Hispanic	White
Number of Applications	71,292	14,223	2,124	1,160	2,729	2,345	89,151
Number of Applications Approved	32,783	6,924	808	560	1,472	1,413	40,607
Percentage of Applications Approved	46.0%	48.7%	38.0%	48.3%	53.9%	60.3%	45.55%

A review of the 2012 and 2013 data in comparison to the 2011 program participation data shows an overall increase in participation among all races and genders. The exception would be that in 2013, AI/AN participation decreased in comparison to other groups. However, it was still a significant increase from 2011 participation rates. Although a barrier analysis has not been conducted, it is believed that part of this decrease is due to the fact that most AI/AN contracts are with tribal entities for tribal land. In addition, a trend noted in the compliance review interviews with AI/AN program participants indicated that because of the unique land ownership issues associated with Indian land, NRCS contracts with AI/AN are more frequently made with tribes and tribal entities as opposed to individual Indian land owner.

Fractionated land can only qualify for program participation when the control and ownership can be properly documented. Additionally, the settlement of Cobell, Salazar and Keepseagle (All AI/AN class action law suits) are impacting individual land holdings and more tribes are using the settlement funds to participate in buy-back programs and many are also using their financial resources to consolidate tribal land interests. It is anticipated that the change in payment limitations for AI/AN will increase program participation.

It was also noted that Hispanics had the highest application approval rate, despite not having the highest percentage of participating percentage of the national operator populations. A more in-depth analysis might identify the reason for this change in approval rates, however, Hispanics were noted by NASS to have a 21% overall increase in their operator population.

NRCS also complies with the law in regards to the assessment and evaluation of compliance for the Agency's federally assisted and conducted programs. On a cyclic, 5 year basis, the Agency's Civil Rights Division conducts a thorough Civil Rights Compliance Review. Program participation data is reviewed for parity to ensure equitable program participation opportunities and freedom from potential barriers. NRCS has also invited the OASCR compliance staff to participate in the NRCS compliance review process.

**(D) Eligibility Criteria:** Statute provides that producers who are engaged in crop, livestock and nonindustrial private forestry or livestock production on eligible land are eligible for the EQIP program. Eligible land includes cropland, rangeland, grassland, pasture, nonindustrial private forest land, and other land on which agricultural products, livestock, or forest-related products are produced and resource concerns may be addressed. Other agricultural lands may include cropped woodland, marshes, and other types of agricultural land used for production of livestock. However, land may be considered for enrollment in EQIP only if NRCS determines that the land is:

- (1) Privately owned land;
- (2) Publicly owned land where:
  - (i) The land is a working component of the participant's agricultural and forestry operation, and
  - (ii) The participant has control of the land for the term of the contract, and
  - (iii) The conservation practices to be implemented on the public land are necessary and will contribute to an improvement in the identified natural resource concern; or
- (3) Indian land.

**(E) Outreach Strategy:** The NRCS Director of Communications and the Director of Office of Outreach and Advocacy (OOA) provides and coordinates training regarding outreach strategies necessary to inform all segments of the affected public about the EQIP final rule. NRCS uses program Fact Sheets, which are developed at the national level (see attached) and disseminated to all state offices. Each state has their own Public Affairs Specialist which works with the field offices to further advertise program availability. Each state conducts outreach consistent with the local partners and provides the NRCS Civil Rights Division with their annual outreach plan and provides an update to the plan in the Bi-annual State Civil Rights Performance Report. Public notification and outreach will be aggressively expanded to include news releases, radio and TV spots, publications, and brochures to ensure those traditionally under-served will have an equal opportunity to benefit from the proposed rule.

The Financial Assistance Programs Division (FAPD) of NRCS will work in partnership with the NRCS - OOA to locate and provide information to protected groups. A press release announcing the issuance of the newly proposed EQIP rule will be electronically sent to universities and colleges specifically identified with a protected group. The press release will contain a contact person for obtaining further information. Mailing lists have been obtained to reach 52 Land-Grant Universities, seventeen (17) 1890 Land-Grant Universities, 192 HACU colleges and universities located in six (6) U.S. Territories, and 32 Tribal Colleges and Universities.

FAPD will submit information for publication in the national newsletters of several national agricultural organizations. These include American Agri-Women, WAgN (Women's Agricultural

Network), MANRRS (Minorities in Agriculture, Natural Resources, and Related Sciences), WIFE (Women Involved in Farm Economics), and the National AgrAbility Project (approximately 22,000-30,000 farmers with disabilities receive the Breaking New Ground Newsletter). Significant media outreach will be undertaken to acquaint under-served producers with the newly proposed EQIP rule. Spanish and other languages translated press releases and informational materials will be made available.

NRCS Civil Rights Division is working with the Deputy Chief for Programs and Deputy Chief for Strategic Performance and Accountability to implement an evaluation and monitoring tool for the Agency to comply with:

- DR4370-001 (10/11/11) Collection of race, ethnicity, and gender data for civil rights compliance and other purposes in regard to participation in the programs administered by the Farm Service Agency, the Natural Resources Conservation Service, the Risk Management Agency, the Rural Business Service, the Rural Housing Service, and the Rural Utilities Service, and
- DR4370-002 (11/28/11) Providing a Receipt for Service or Denial of Service by the Farm Service Agency, the Natural Resources Conservation Service, the Rural Business Service, the Rural Housing Service, and the Rural Utilities Service.

It is believed the process instituted will assist in providing a better assessment of barriers to participation and the correlation of outreach and program participation. NRCS CRD has provided the NRCS OOA with expanded media and grassroots organization contact lists to assist in expanding not just National Outreach efforts but improving outreach in the other 42 states where Parity has not yet been achieved.

#### **Encouraging Community Involvement and Locally Led Conservation**

Local offices will continue to encourage community involvement and locally led conservation activities they have underway. Locally led conservation is helping community stakeholders to:

- Assess their natural resource conservation needs;
- Set community conservation goals;
- Develop an action plan;
- Obtain resources to carry out the plan;
- Implement solutions; and
- Measure their success.

The locally led process provides for input from a broad range of agencies, organizations, businesses, and individuals in the local area who have an interest in natural resource management and are familiar with the local resource needs and conditions. Through this input process, there is the opportunity for minority and socially disadvantaged groups to indicate how to address their natural resource concerns. Outreach efforts are made to ensure the diversity of residents, landowners, and land operators in the local area are well represented in this process.

#### **Tribal Impact Statement**

Pursuant to EO 13175, there is no negative impact for American Indians, American Indian tribes and tribal entities. It is anticipated this will increase American Indian tribal participation. NRCS has also worked with the Office of the Secretary, Office of Tribal Relations to provide informational outreach opportunities directly to tribes. (See attached Tribal Outreach Plan)

The Financial Assistance Programs Division (FAPD) of NRCS will work in partnership with the NRCS - OOA to locate and provide information to protected groups. A press release announcing the issuance of the newly proposed EQIP rule will be electronically sent to universities and colleges specifically identified with a protected group. The press release will contain a contact person for obtaining further information. Mailing lists have been obtained to reach 52 Land-Grant Universities, seventeen (17) 1890 Land-Grant Universities, 192 HACU colleges and universities located in six (6) U.S. Territories, and 32 Tribal Colleges and Universities.

In support of transparency and efforts to expand opportunities for participation, FAPD has and will continue to submit information for publication in the national newsletters of several national agricultural organizations. These include American Agri-Women, WAgN (Women's Agricultural Network), MANRRS (Minorities in Agriculture, Natural Resources, and Related Sciences), WIFE (Women Involved in Farm Economics), and the National AgrAbility Project (approximately 22,000-30,000 farmers with disabilities receive the Breaking New Ground Newsletter). Significant media outreach will be undertaken to acquaint under-served producers with the newly proposed EQIP rule. Spanish-translated press releases and informational materials will be made available, consistent with the Departmental regulations on Limited English Proficiency.

NRCS Civil Rights Division is working OOA and the Deputy Chief for Programs and Deputy Chief for Strategic Performance and Accountability to implement an evaluation and monitoring tool for the Agency to comply with DR4370-001 (10/11/11). Collection of race, ethnicity, and gender data for civil rights compliance and other purposes in regard to participation in the programs administered by the Farm Service Agency, the Natural Resources Conservation Service, the Risk Management Agency, the Rural Business Service, the Rural Housing Service, and the Rural Utilities Service; and DR4370-002 (11/28/11) Providing a Receipt for Service or Denial of Service by the Farm Service Agency, the Natural Resources Conservation Service, the Rural Business Service, the Rural Housing Service, and the Rural Utilities Service. It is believed that the process instituted will assist in providing a better assessment of the correlation of outreach and program participation.

**(F) Barrier Removal Provisions:** The final rule incorporates features to address potential disparities for producers who are members of a protected group. One of these is the establishment of a national target to set aside of 5 percent of EQIP funds for socially disadvantaged farmers and ranchers and an additional five percent of EQIP funds for beginning farmers and ranchers. This increased funding may result in a much higher application approval rate. Conservation payments generally provide a fairer distribution of benefits among farmers and landowners across the nation than do other farm programs such as commodity subsidies because of:

- payment limitations, and
- a greater number of farmers and ranchers are eligible to apply to participate.

The final rule addresses major systemic barriers for producers who have historically experience distinct disadvantages in obtaining USDA program assistance by inducing and helping them to enter farming by providing incentive payments and by assisting with a higher percentage of the cost-share payments to participate. Specifically, the final rule provides: socially disadvantaged farmers and ranchers a higher payment rate than the rate adopted under the past EQIP regulations; advance payments to historically underserved producers; and establishes a national target to set aside 5 percent of the funds for beginning farmers and ranchers and an additional 5

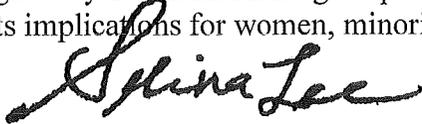
percent of the funds for socially disadvantaged farmers and ranchers. The 2014 Act added an additional priority to this funding pool in relationship to these farmers who are also veterans.

Outreach and communication strategies will be in place to ensure all producers are provided the same information to decide if they wish to participate in EQIP. NRCS will provide benefits to all producers regardless of their status as it relates to race, national origin, gender or disability.

**(G) Conclusion:** The civil rights review of the EQIP final rule discloses no disproportionately adverse impacts for minorities, women, or persons with disabilities. The barrier elimination provisions from the 2008 Act combined with the added provision for including veterans in the 2014 Act as a target group will increase participation rates for EQIP. Increased payment rates and advance payments for historically underserved producers, coupled with the national target of setting aside 5 percent of EQIP funds for socially disadvantaged farmers and ranchers and an additional five percent of EQIP funds for beginning farmers and ranchers did in fact increase overall program participation between 2009 and 2013 among these groups. The data presented indicates producers who are members of the protected groups have participated in NRCS conservation programs in proportion to population parameters with other producers. Extrapolating from historical participation data, it is reasonable to conclude that NRCS programs, including the EQIP, will continue to be administered in a non-discriminatory manner.

Outreach and communication strategies are in place to ensure all producers will be provided the same information to allow them to make informed compliance decisions regarding the use of their lands that will affect their participation in USDA programs. EQIP eligibility and program requirements apply to all persons equally regardless of their race, color, national origin, gender, sex, or disability status. Therefore, the EQIP rule portends no adverse civil rights implications for women, minorities, Tribes, or persons with a disability.

**(H) Certification:** I certify that the review and analysis of the 2014 EQIP Final Rule has been conducted in accordance with DR 4300-4, "Civil Rights Impact Analysis"; 7 CFR 15d, "Nondiscrimination in Programs and Activities Conducted by USDA"; and DR 1512-1, "Regulatory Decision-Making Requirements." The EQIP Final Rule portends no adverse civil rights implications for women, minorities, Tribes, or persons with a disability.



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Selina Lee  
Director, Civil Rights Division  
Natural Resources Conservation Service

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Date

6-30-2015



United States Department of Agriculture

March 2014

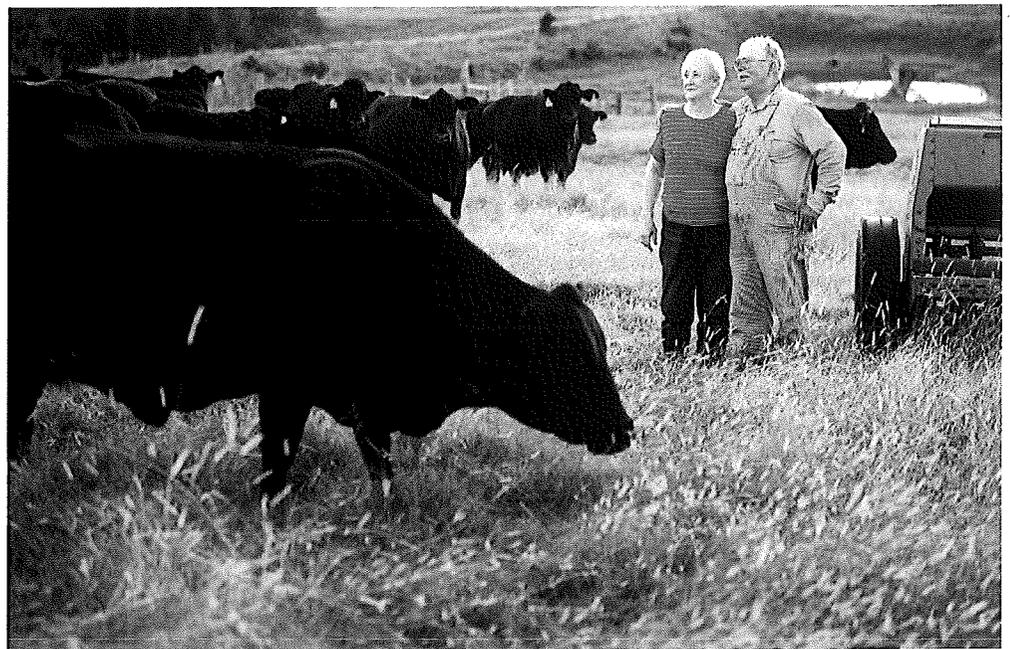
# EQIP



Environmental Quality Incentives Program

## Overview

The Environmental Quality Incentives Program (EQIP) provides financial and technical assistance to agricultural producers in order to address natural resource concerns and deliver environmental benefits such as improved water and air quality, conserved ground and surface water, reduced soil erosion and sedimentation or improved or created wildlife habitat.



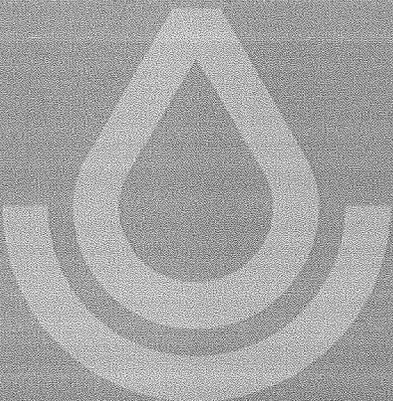
USDA's Natural Resources Conservation Service offers voluntary Farm Bill conservation programs that benefit agricultural producers and the environment.

## Benefits

Eligible program participants receive financial and technical assistance to implement conservation practices, or activities like conservation planning, that address natural resource concerns on their land. Payments are made to participants after conservation practices and activities identified in an EQIP plan of operations are implemented. Contracts can last up to ten years in duration.

## Eligibility

Agricultural producers and owners of non-industrial private forestland and Tribes are eligible to apply for EQIP. Eligible land includes cropland, rangeland, pastureland, non-industrial private forestland and other farm or ranch lands.



*Helping People Help the Land*

Socially disadvantaged, beginning and limited resource farmers, Indian tribes and veterans are eligible for an increased payment rate and may receive advance payment of up to 50 percent to purchase materials and services needed to implement conservation practices included in their EQIP contract.

Applicants must:

- Control or own eligible land
- Comply with adjusted gross income limitation ( AGI ) provisions
- Be in compliance with the highly erodible land and wetland conservation requirements
- Develop an NRCS EQIP plan of operations

Additional restrictions and program requirements may apply.

### How to apply

Visit your local USDA Service Center to apply or visit [www.nrcs.usda.gov/getstarted](http://www.nrcs.usda.gov/getstarted).

NRCS will help eligible producers develop an EQIP plan of operations, which will become the basis of the EQIP contract.

EQIP applications will be ranked based on a number of factors, including the environmental benefits and cost effectiveness of the proposal.

### More Information

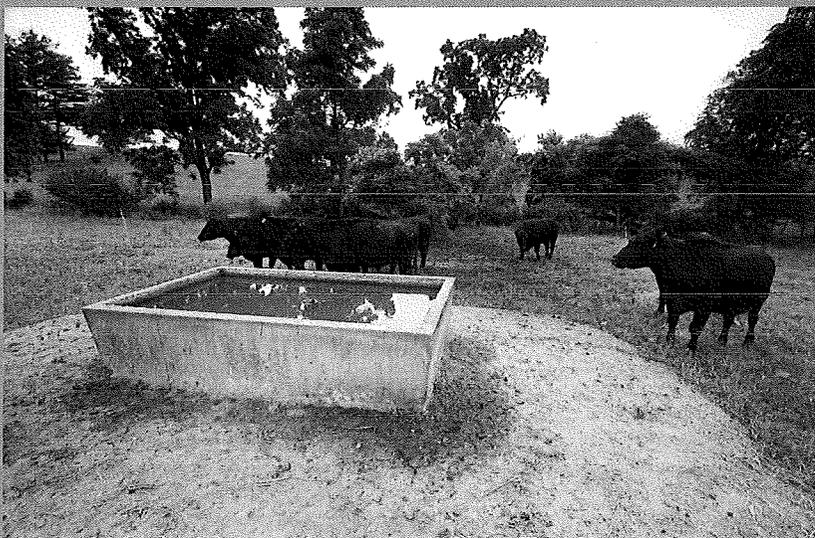
For more information visit your local USDA Service Center or [www.nrcs.usda.gov/farmbill](http://www.nrcs.usda.gov/farmbill).

### Find your local USDA Service Center

<http://offices.usda.gov>

### What's New in EQIP

- The former Wildlife Habitat Incentive Program was folded into EQIP.
- Advance payment opportunities now exist for veteran agricultural producers.
- Advance payments for socially disadvantaged, beginning and limited resource farmers, Indian tribes and veterans were raised from 30 percent to 50 percent.
- Payment limitations are set at \$450,000 with no ability to waive.



A water trough in a pasture keeps cattle out of critical riparian area.

[www.nrcs.usda.gov](http://www.nrcs.usda.gov)

Natural Resources Conservation Service



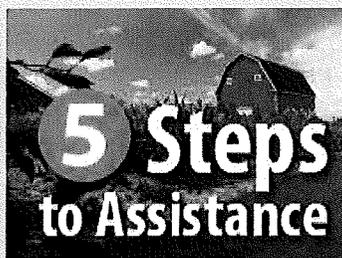
**Programs**

- Farm Bill**
  - 2008 Farm Bill Archive
  - Regional Conservation Partnership Program
- Landscape Initiatives**
- Financial Assistance**
- Technical Assistance**
- Easements**
- Landscape Planning**
- Alphabetical Listing & Archive**

**2014 Farm Bill | Environmental Quality Incentives Program | NRCS**



EQIP provides financial and technical assistance to agricultural producers in order to address natural resource concerns and deliver environmental benefits such as improved water and air quality, conserved ground and surface water, reduced soil erosion and sedimentation or improved or created wildlife habitat.



Get Started with NRCS

**Benefits**

Eligible program participants receive financial and technical assistance to implement conservation practices, or activities like conservation planning, that address natural resource concerns on their land. Payments are made to participants after conservation practices and activities identified in an EQIP plan of operations are implemented. Contracts can last up to ten years in duration.

**Eligibility**

Agricultural producers and owners of non-industrial private forestland and Tribes are eligible to apply for EQIP. Eligible land includes cropland, rangeland, pastureland, non-industrial private forestland and other farm or ranch lands.

Socially disadvantaged, beginning and limited resource farmers, Indian tribes and veterans are eligible for an increased payment rate and may receive advance payment of up to 50 percent to purchase materials and services needed to implement conservation practices included in their EQIP contract.

**Applicants must:**

- Control or own eligible land
- Comply with adjusted gross income limitation (AGI) provisions
- Be in compliance with the highly erodible land and wetland conservation requirements
- Develop an NRCS EQIP plan of operations

Additional restrictions and program requirements may apply.

**How to Apply**

Visit your local USDA Service Center to apply or visit [www.nrcs.usda.gov/getstarted](http://www.nrcs.usda.gov/getstarted).

**What's New in EQIP?**

**EQIP Interim Final Rule with Request for Comment on Regulations.gov**

<http://www.regulations.gov/#!documentDetail;D=NRCS-2014-0007-0001>

Summary of change in EQIP IFR on NRCS Farm Bill website

Civil Rights Impact Analysis (CRIA)

Environmental Assessment (EA)

Finding of No Significant Impact (FONSI)

Regulatory Impact Analysis (RIA)

The former Wildlife Habitat Incentive Program was folded into EQIP. Advance payment opportunities now exist for veteran agricultural producers. Advance payments for socially disadvantaged, beginning and limited resource farmers, Indian tribes and veterans were raised from 30 percent to 50 percent. Payment limitations are set at \$450,000 with no ability to waive.

NRCS will help eligible producers develop an EQIP plan of operations, which will become the basis of the EQIP contract.

EQIP applications will be ranked based on a number of factors, including the environmental benefits and cost effectiveness of the proposal.

Download NRCS conservation program application (PDF, 267KB)

#### **More Information**

EQIP Fact Sheet (PDF, 1MB)

To learn how to get started with NRCS, visit [www.nrcs.usda.gov/getstarted](http://www.nrcs.usda.gov/getstarted)

#### **Detailed EQIP Information**

To see more detailed program information about EQIP, visit the EQIP program homepage.

There are several National EQIP Initiatives available: Air Quality, On-Farm Energy, Organic and Seasonal High Tunnel.

Find your local USDA Service Center

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United States Department of Agriculture

marzo 2014

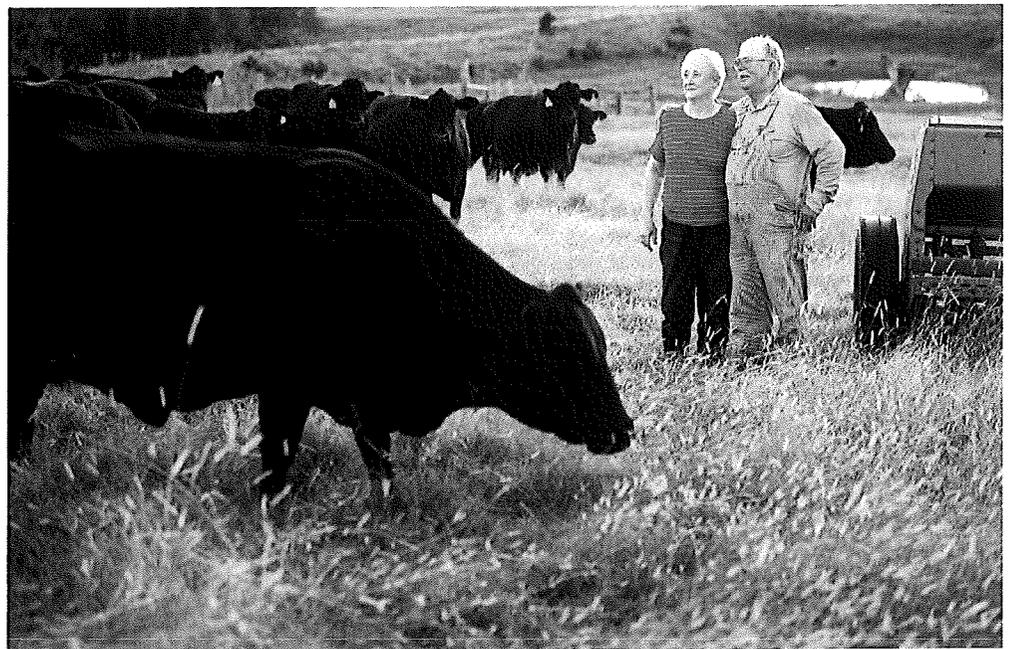
## Resumen

El Programa de Incentivos para la Calidad del Medioambiente (EQIP, por sus siglas en inglés) brinda asistencia financiera y técnica a los productores agrícolas para poder atender las inquietudes sobre los recursos naturales y brindar beneficios ambientales, tales como calidad mejorada del agua y el aire, agua conservada subterránea y de superficie, erosión y sedimentación reducida del suelo o hábitat creado o mejorado de la flora y fauna.

# EQIP



Programa de Incentivos para la Calidad del Medioambiente



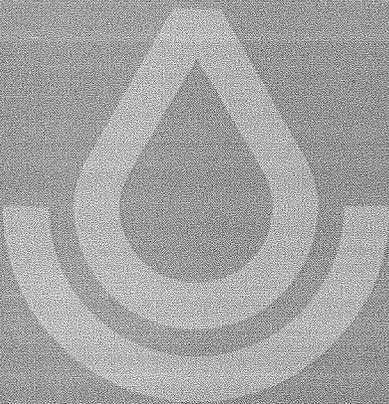
El Servicio de Conservación de Recursos Naturales de USDA ofrece programas voluntarios de conservación bajo el Proyecto de la Ley Agrícola que benefician a los productores agrícolas y al medioambiente.

## Beneficios

Los participantes elegibles reciben asistencia financiera y técnica para implementar las prácticas de conservación, o actividades como la planificación de la conservación, para atender la solución de los problemas de los recursos naturales en sus tierras. A los participantes se les paga después de que implementan las prácticas de conservación y actividades identificadas en el plan de operaciones de EQIP. La duración de los contratos puede ser hasta de diez años.

## Elegibilidad

Los productores agrícolas y los dueños de empresas de tierras forestales privadas como las tribus son elegibles para acogerse a EQIP. Incluye tierras que pueden destinarse a tierras de cultivo, pastizales, pastos, tierras forestales privadas no industriales y otras tierras, granjas o ranchos.



*Helping People Help the Land*

Las personas socialmente desfavorecidas, los agricultores principiantes y de recursos limitados, las tribus indias y los veteranos son elegibles para un mayor porcentaje de pago y podrá recibir pago por adelantado de hasta el 50 por ciento para la compra de materiales y servicios necesarios para implementar prácticas de conservación incluidas su contrato EQIP.

Los solicitantes deben:

- Tener control o ser propietarios de tierras elegibles
- Cumplir con las disposiciones de la limitación de ingresos brutos ajustados (AGI, por sus siglas en inglés)
- Estar en cumplimiento de los requisitos de conservación de las tierras y humedales altamente erosionables

- Crear un plan de operaciones de EQIP de NRCS

Puede haber requisitos del programa y restricciones adicionales.

### Cómo solicitar

Visite su Centro de servicios de USDA local o visite [www.nrcs.usda.gov/getstarted](http://www.nrcs.usda.gov/getstarted).

NRCS asistirá a los productores para que desarrollen un plan de operaciones EQIP, el cual servirá de base para el contrato EQIP.

Las solicitudes de EQIP se clasificarán según una serie de factores, incluyendo los beneficios al medio ambiente y la rentabilidad de la propuesta.

### Más información

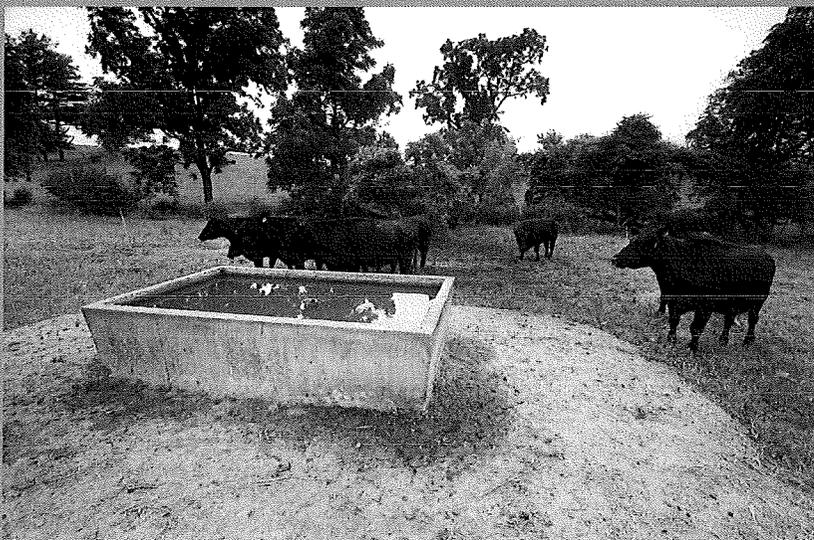
Para más información, visite su Centro de Servicios de USDA o [www.nrcs.usda.gov/farmbill](http://www.nrcs.usda.gov/farmbill).

### Busque su Centro de servicios de USDA local

<http://offices.usda.gov>

### ¿Qué hay de nuevo en EQIP?

- El antiguo Programa de Incentivos para el Hábitat de la Flora y Fauna ha sido incorporado en EQIP
- Ahora existen oportunidades de avance de pago para productores agrícolas veteranos
- Se aumentaron de 30 por ciento a 50 por ciento los avances de pago a los agricultores desfavorecidos socialmente, los primerizos y de recurso limitados, tribus indias y veteranos
- Los límites del pago se fijan en \$450,000 sin posibilidad de exención



Un abrevadero en un lugar donde pasta el ganado mantiene al ganado fuera de la zona ribereña crítica.

[www.nrcs.usda.gov](http://www.nrcs.usda.gov)

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## 2014 Ley Agrícola - Programa de Incentivos para la Calidad del Medioambiente



El Programa de Incentivos para la Calidad del Medioambiente (EQIP, por sus siglas en inglés) brinda asistencia financiera y técnica a los productores agrícolas para poder atender las inquietudes sobre los recursos naturales y brindar beneficios ambientales, tales como calidad mejorada del agua y el aire, agua conservada subterránea y de superficie, erosión y sedimentación reducida del suelo o hábitat creado o mejorado de la flora y fauna.

### Beneficios

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Las personas socialmente desfavorecidas, los agricultores principiantes y de recursos limitados, las tribus indias y los veteranos son elegibles para un mayor porcentaje de pago y podrá recibir pago por adelantado de hasta el 50 por ciento para la compra de materiales y servicios necesarios para implementar prácticas de conservación incluidas su contrato EQIP.

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- Estar en cumplimiento de los requisitos de conservación de las tierras y humedales altamente erosionables
- Crear un plan de operaciones de EQIP de NRCS

Puede haber requisitos del programa y restricciones adicionales.

### ¿Qué hay de nuevo en EQIP?

El antiguo Programa de Incentivos para el Hábitat de la Flora y Fauna ha sido incorporado en EQIP. Ahora existe la posibilidad de ofrecer pagos anticipados a productores agrícolas que son veteranos de guerra. Se aumentaron de 30 por ciento a 50 por ciento los pagos anticipados a los agricultores desfavorecidos socialmente, los primerizos y de recurso limitados, tribus indias y veteranos de guerra. Los límites del pago se fijan en \$450,000 sin posibilidad de exención.

### Cómo solicitar

Visite su Centro de servicios de USDA local o visite [www.nrcs.usda.gov/cincopasos](http://www.nrcs.usda.gov/cincopasos).

NRCS asistirá a los productores para que desarrollen un plan de operaciones EQIP, el cual servirá de base para el contrato EQIP.

Las solicitudes de EQIP se clasificarán según una serie de factores, incluyendo los beneficios al medio ambiente y la rentabilidad de la propuesta.

Descargue la solicitud del Programa de Conservación de NRCS (PDF, 267KB)

### Más información

Hoja Informativa de EQIP (PDF, 1MB)

Para más información sobre cómo dar los primeros pasos con NRCS, visite [www.nrcs.usda.gov/cincopasos](http://www.nrcs.usda.gov/cincopasos)

Busque su Centro de Servicios de USDA local



 Inscríbese para recibir información actualizada por correo electrónico sobre el proyecto de ley agrícola

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## *NRCS Farm Bill Program Outreach Strategy*

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### **Natural Resources Conservation Service (NRCS)**

### **2014 Farm Bill Outreach Strategy**

#### **Background**

NRCS serves as the lead USDA agency that addresses natural resource issues on private lands. The agency provides technical and scientific-based assistance to individual farmers and ranchers in the 50 States and U.S. Territories (Virgin Islands and Pacific Basin).

Outreach is an integral part of the overall delivery of the NRCS programs and services to customers and potential beneficiaries. NRCS will conduct business to ensure that all programs and services are made equally accessible to all customers, with emphasis on the underserved. Outreach allows NRCS to be creative and innovative in the way the agency achieves its mission of 'HELPING PEOPLE, HELP THE LAND'. NRCS considers outreach as an ongoing informational campaign designed to educate the public and make them aware of who we are and what we do.

NRCS is working in coordination with other USDA and Federal agencies to ensure that we are consistent with our outreach approach to serve Historically Underserved (HUS) producers in rural and urban America. NRCS will collaborate and work with a variety of Community Based Organizations (CBO) to include Asian, Hispanic, and African American serving institutions, Tribes, Tribal Entities, Federal agencies and other groups that have a similar interest to ensure that the 2014 Farm Bill and all of its provisions are made available to all that apply and meet the required program eligibility. The 2012 U.S. Department of Agriculture Census of Agriculture will serve as the basis for identifying the historically underserved populations with the most critical conservation needs and assist in targeting outreach program assistance.

#### **Goal**

To ensure that all programs and services are made accessible to all NRCS customers, fairly and equitably, with emphasis on reaching the underserved and socially disadvantaged farmers or ranchers and landowners including veterans, tribes and tribal members.



## *NRCS Farm Bill Program Outreach Strategy*

### **Process**

To effectively accomplish the agency's outreach goal, NRCS staff must use every tool possible to enlighten and assist agricultural producers attain their economic and natural resource goals. The agency is aware of the States having some of the oldest median age of agricultural producers in the United States. An aging population, advances in agricultural technology, and long-standing customs, tradition, and Tribal hierarchy require a balance of 'old school' with 'new wave' approaches to working with the NRCS customers.

At the State level, the agency structure consists of one State Outreach Coordinator to provide advice and recommendations to the State Conservationist on State specific outreach priorities. For Fiscal Year 2015, NRCS, at the national level, is partnering with 12 community-based organizations through cooperative partnership agreements to assist new immigrant farmers, specialty crop farmers, and limited resource and socially-disadvantaged farmers and ranchers with technical assistance, on-site demonstrations, program awareness, inner-city urban agriculture, land loss prevention, and training opportunities.

As part of this campaign, NRCS is partnering with three tribal entities to conduct face-to-face educational meetings and workshops with tribes and their members to further explain the 2014 Farm Bill programs. These entities will not only assist with identifying barriers within the 2014 Farm Bill that impede tribes and their members from participating, but provide the agency with verifiable data that will assist agency leadership in making sound decisions that will limit major program participation obstructions.

### **Key Messages**

NRCS has knowledgeable staffs and strong partners who can assist producers with understanding the changes of the 2014 Farm Bill in order for them to address any barriers that may impede a producer's or tribes' participation.

Understanding the 2014 Farm Bill and all of the provisions that may apply to one's farming operation can be complex and confusing, thus creating considerably controversy. NRCS is committed to ensuring impacted persons receive high quality service and the information necessary to comply with the policies and regulations of the program or programs in which they apply and will strive to minimize administrative burden.



## *NRCS Farm Bill Program Outreach Strategy*

### **Communications**

NRCS has made great strides in using all forms of written, social media, and traditional media to effectively communicate with our historically underserved customers.

NRCS has produced numerous pamphlets, documents, press releases, memorandums, and displays in a variety of languages. 20 States have published NRCS information in different languages. The most common language is Spanish, but these have also been translated into Russian, Hmong, Korean, Vietnamese, Mandarin, Japanese, Portuguese, and some Tribal languages.

NRCS's social media presence continues to improve. YouTube videos have been produced in Spanish and Korean. The agency also has used its' Twitter account to post messages in Spanish, and NRCS's Facebook account can be used for messages in other languages as well.

NRCS continues to utilize the Agency and State websites to provide up to date, accurate information about programs available and program signup dates so that our constituents are well informed.

NRCS will supplement current media sources with the attached shared media lists.

NRCS will utilize weekly e-newsletters to disseminate information programs and services and other information so that our constituents are well informed.

NRCS will communicate with partner groups regularly via email so that can receive targeted updates of important information quickly and uniformly.

### **Group Outreach**

1. Partners – NRCS will continue to work with community-based organizations, Soil and Water Conservation Districts, and other entities to increase the number of individuals helping to get information out to constituents in a timely fashion.

2. NRCS will collaborate with the 1890, 1994 and Land Grant Universities on ways to expand outreach to historically underserved constituents.



## NRCS Farm Bill Program Outreach Strategy

3. Networking Events – NRCS will participate to the extent possible in external meetings, conferences and expos to disseminate program information to historically underserved individuals and groups.

4. NRCS will utilize the existing professional employee organizations as medians for reaching historically underserved customers.

NRCS will work collaboratively with other USDA agencies to develop materials and host outreach webinar sessions that will provide a consistent and focused message while maximizing multiple distribution channels and audiences. Products will be formatted and refined by agency Public Affairs Staffs. Once products are developed and approved, they will be disseminated simultaneously to each agency's audience, as well as to the general public.

### Execution

<i>Task/Activity</i>	<i>Action</i>	<i>Audience(s)</i>	<i>Frequency/Timeline</i>	<i>Champion/Lead</i>
Press Releases	Department-level release focusing on publication of the interim final rules of the 2014 Farm Bill	Public	November, 2014	NRCS / OC
Identify and address potential institutional and systemic barriers that prevent underserved customers from full participation.				
Identify demography geographic changes in the 2012 Ag Census Data.	Conduct a National Outreach Gap Analysis compared to the demography changes and trends. Information will be used to determine the need for additional outreach partners to ensure national coverage.	NRCS Leadership	December 2014	Deputy Chief for programs -Outreach Division
Provide implementation strategies to increase the participation in programs and benefits to underserved clientele and socially disadvantaged farmers or ranchers and landowners.	Develop a Pilot Strategy for targeted Agriculture management Program funds to historically underserved producers.	NRCS Leadership	January 2015	Deputy Chief for programs -Outreach Division



## NRCS Farm Bill Program Outreach Strategy

Expand outreach efforts and ensure effective services to all 566 Tribes.	Developed and is implementing a Tribal collaboration campaign to introduce the 2014 Farm Bill.	Tribal leaders from all 566 federally recognized tribes were personally invited to participate in one of the eight strategically timed Farm Bill webinars	March 2015	Deputy Chief for Programs-Outreach Division

## NRCS 2014 Farm Bill Tribal Outreach/Collaboration Plan

### Issue:

The purpose of this document is to provide a framework for collaborating with Federally recognized tribes that have an interest in the NRCS conservation provisions of the 2014 Farm Bill to ensure greater conservation access in Indian Country.

### Background:

Executive Order 13175 and Departmental Regulation 1350-002 requires that agencies establish regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications. NRCS policy for interaction with Indians Tribes and their members in fulfilling trust responsibilities is defined in General Manual 410, Part 405.

There are approximately 563 federally recognized tribes, with the majority, located in the western half of the United States. The majority of these tribes are agricultural land holders and many have an interest in the conservation provisions of the 2014 Farm Bill. Therefore, it is imperative that collaboration with tribes occurs in an appropriate and timely manner.

### Options Considered

To fulfill its obligation in providing an opportunity for tribes to have adequate input into NRCS conservation provisions of the 2014 Farm Bill, NRCS will invite all federally recognized tribes to participate in collaboration sessions. Internally, NRCS discussed and considered the following options for collaborating with federally recognized tribes on the 2014 Farm Bill.

1. NRCS State Conservationists collaborate with the individual tribes in their respective states.
2. NRCS Regional Conservationists conduct four strategically located collaboration meetings.
3. NRCS National Office conducts one national collaboration meeting and invites all of the tribes to participate.
4. NRCS conduct a series of strategically timed webinars and invite the tribes to participate.

### Recommended Approach: Multi-level Approach to Ensure Effective and Meaningful Tribal Outreach/Collaboration

- 1) Host Regional Tribal Conservation Advisory Council Meetings
- 2) Engage tribes at national, regional and state meetings
- 3) Host State-level engagements through State Technical Committees and State Tribal Advisory Councils.
- 4) Host Regional collaboration sessions through webinars (invite tribal members to USDA facilities)
- 5) Enter into agreements with national tribal organizations to conduct outreach, collaboration and training (including the Indian Nation Conservation Alliance, Intertribal Agriculture Council, and United South and Eastern Tribes)

Due to the vast number of federally recognized tribes and the likely short turnaround time available to collaborate with the tribes before final rules are published, NRCS will collaborate with the tribes through a series of strategically timed webinars. This direction is not intended to minimize the importance of staff to staff communication and collaboration between the states and the tribes at the local level. In fact, NRCS State Conservationists are encouraged to utilize their state, area and county tribal liaisons and other staff to explain conservation provisions of the 2014 Farm Bill and to receive input from the tribes for use in developing rules and policy.

In addition to the webinars, NRCS will reach out to tribal organizations and seek opportunities to partner and collaborate with tribes at national, regional and state meetings. State Conservationists will also use State Technical Committees and State Tribal Advisory Councils as avenues for collaborating with tribes on the 2014 Farm Bill.

The webinars will be hosted by the appropriate Regional Conservationist with assistance from the appropriate NHQ program managers and Outreach staff to explain program changes from 2008 and also discuss other identified tribal issues. During the webinars, tribes will have the opportunity to comment and ask questions.

**Collaboration Timeline            Event**

February 1, 2014	2014 Farm Bill enacted		
February 19, 2014	Webinar	California Tribes	
March 5, 2014	Webinar	Western Region Tribes except, AK and CA	
March 19, 2014	Webinar	Central Region Tribes	
April 2, 2014	Webinar	Northeast and Southeast Region Tribes	
April 16, 2014	Webinar	Alaska tribes	

**National and Regional Tribal Meetings**

February 3-6, 2014	United South Eastern Tribes	Arlington, VA
March 18-20, 2014	INCA Climate Change Workshop	Camp Verde, AZ
April 14-17, 2014	2 <sup>nd</sup> Annual Native Food Sovereignty Summit	Green Bay, WI
May 4-8, 2014	2014 tribal Self-Governance Consultation Conference	Arlington, VA
Late Summer 2014	INCA Climate Change Workshop	TBD
TBD	NRCS East Regional Tribal Conservation Advisory Council	TBD
TBD	NRCS West Regional Tribal Conservation Advisory Council	TBD
TBD	NRCS Central Regional Tribal Conservation Advisory Council	

Rather than collaborating on overall program implementation or all of the provisions in a regulation, NRCS will collaborate with tribes on:

- Specific issues on the 2014 Farm Bill provisions for each NRCS program regulation that impact or may impact tribes and their members. Focusing on specifics will help ensure more meaningful dialogue and will provide an opportunity to key in on items that may affect tribes and their members' ability to fully participate in NRCS programs. *(Items will be identified and provided to the tribes in advance of webinars to provide ample time for tribal review)*
- General tribal issues that have been identified at the state level or through the (3) recently established Regional Tribal Conservation Advisory Councils.
- Issues already identified by the Regional Conservationists
- Other programmatic issues of interest to tribes

NRCS is keenly aware that all tribes may not have access to the necessary technology to participate via webinar. As such, NRCS will make extra effort to ensure tribes have access to NRCS facilities at the location nearest their tribal headquarters.

These webinars also provide an opportunity for NRCS to partner with other interested USDA Service Agencies in collaborating with tribes on the 2014 Farm Bill.

NRCS will ensure that the tribal recommendations and input from the sessions will be provided to the appropriate NRCS Division Director for full consideration into any program Final Rule.