

Environmental Quality Incentives Program (EQIP) Myth Busters

Who It's For: Urban/Suburban, Specialty Crops,
Small Acreage, and Subsistence Operations



Introduction:

Urban agriculture is one of NRCS's top five priorities, specifically *"Expanding conservation tools and support to address the unique needs of urban farmers and communities nationwide."* With a growing emphasis on urban agriculture, NRCS staff may be asked to assist producers with implementing EQIP on land units for customers that might be new to NRCS or have been denied service in the past.

This fact sheet does not replace policy. It is meant to help planners better apply existing policy to unfamiliar and smaller systems that are eligible for EQIP. Some EQIP myths are rooted in older versions of policy or law but are no longer true, and some are broad assumptions that warrant more clarity. The truths about these myths are farm size and location neutral, meaning they apply to all requests for EQIP assistance, regardless of location (urban or rural) or size (large or very small).

MYTH 1

Agricultural Product Income (land and producer eligibility)



THE MYTH:

"The farm must produce at least \$1,000 of agricultural products to be designated as an agricultural operation and to be eligible for EQIP."

HERE'S THE TRUTH:

There's no minimum agricultural income requirement or agricultural product value requirement for determining land and/or producer eligibility.

People who produce food, fiber, livestock, or other agricultural products solely to provide for their families, friends, neighbors, and/or communities, and who do not sell, market, or distribute their products may be eligible for EQIP.



MYTH 2

Subsistence as Agriculture *(land and producer eligibility)*

MYTH BUSTED!

THE MYTH:

“Subsistence growers are not agricultural producers and subsistence lands are not eligible lands.”



HERE'S THE TRUTH:

Lands managed for subsistence activities such as gardening, hunting, fishing, gathering, and managing indigenous food sources may be agricultural lands and may be eligible. The people who manage these lands may be eligible agricultural producers, including Tribes and tribal entities, religious institutions, community garden groups, and more. More information is needed to determine producer and land eligibility and this option should be explored for these producers.

MYTH 3

Backyard Gardening as Agriculture *(land and producer eligibility)*

MYTH BUSTED!

THE MYTH:

“Gardening/horticulture is not farming/agriculture. A backyard gardener is not engaged in agricultural production, so they are not eligible for EQIP.”



HERE'S THE TRUTH:

The size and location of the production is irrelevant for program eligibility. A backyard gardener may be eligible for NRCS programs. In fact, anyone who is producing food, fiber, livestock or other agricultural products at the time the program application is submitted may be considered an agricultural producer. Agricultural production is defined as “The use of cultivated plants or animals to produce products for sustaining or enhancing human life.” This definition should be interpreted to be as inclusive as possible; it may include products like cut flowers, nursery stock, culturally significant plants, etc. Remember that presence of a resource concern is also required to document eligibility. The three tiers of EQIP eligibility (producer, land, and resource concern) must be evaluated independently.



MYTH 4

Community Gardens as Agriculture (land eligibility)

MYTH BUSTED!

THE MYTH:

“Community agriculture and backyard or small plot gardens are not an eligible form of agricultural production.”

HERE’S THE TRUTH:

Community agriculture and/or gardens may be eligible. Again, evaluating all three tiers of EQIP eligibility (producer, land, resource concern) independently is required. NRCS policy prohibits using the following criteria to determine if an applicant is a producer: type of operation or agricultural enterprise, size of operation, location of operation, or income; profit or loss.



MYTH 5

Determining Land Eligibility for EQIP (land eligibility)

MYTH BUSTED!

THE MYTH:

“It’s not NRCS’s job to determine or certify land eligibility for an applicant; that is FSA’s job (Farm Service Agency). Once the applicant has established a farm record with FSA, the land is eligible for EQIP.”

HERE’S THE TRUTH:

It is NRCS’s job to determine and certify land eligibility for EQIP. FSA plays a critical role and is an important partner in establishing farm records and making other required certifications (such as adjusted gross income requirements, highly erodible lands and wetland certifications) but FSA does not determine or certify land eligibility for EQIP.



MYTH 6

Cropping History (land eligibility)

MYTH BUSTED!

THE MYTH:

“A producer must provide production records and yield data to prove the land has completed at least one full growing cycle or that crops have been established in the ground for a specified length of time in order to establish and document land eligibility for EQIP.”

HERE'S THE TRUTH:

NRCS does not require crop history evidence from the producer. There is no minimum production duration requirement. However, the applicant is responsible for providing documentation to establish and document EQIP land eligibility. For example, the applicant can self-certify their agricultural and/or nonindustrial private forestland eligibility on the CPA-1200 by documenting the crops and/or livestock being produced, which could then be verified by an employee. NRCS may certify agricultural or nonindustrial private forest land eligibility through a visual assessment with corresponding conservation assistance notes.



MYTH 7

Irrigation History (land eligibility)

MYTH BUSTED!

THE MYTH:

“We must be able to prove irrigation history through formal documentation such as aerial imagery, Farm Service Agency (FSA) records, and water bills.”



HERE'S THE TRUTH:

When installing irrigation-related practices, the land must be irrigated 2 out of the last 5 years. Urban or small-acreage customers who irrigate may not have obvious irrigation patterns on aerial imagery or keep conventional irrigation records. Policy does not dictate how or to what level states must document irrigation history, but documentation must be consistent across the state. Refer to your state's instruction as to what level of documentation is required.

Examples of reasonable and inclusive documentation methods include: municipal water bills, verbal confirmation from the participant, aerial imagery, existing irrigation infrastructure (including garden hoses or watering cans), and evidence of irrigation activities.

THE MYTH:

“Oscillating sprinklers or hand watering is not considered irrigation and is not sufficient to document irrigation history.”

MYTH BUSTED!

HERE'S THE TRUTH:

Any form of irrigation is acceptable for irrigation history. Oscillating sprinklers, hand watering with watering cans, garden hoses with hand wands, and other backyard forms of watering are irrigation and are acceptable.

THE MYTH:

“Watering from a municipal source (like city water), is not considered irrigation.”

MYTH BUSTED!

HERE'S THE TRUTH:

The source of the water used for irrigation is irrelevant, as long as it is obtained legally. Municipal waters, rainwater that has been collected, stormwater runoff, and other non-conventional irrigation sources can be used to establish irrigation history.



MYTH 8

Highly Erodible Land and Wetlands Compliance *(producer eligibility)*

MYTH BUSTED!

THE MYTH:

“A small-scale producer farming on less than two acres is exempt from Highly Erodible Land and Wetland Conservation (HEL/WC) compliance requirements.”



HERE'S THE TRUTH:

All persons considered for most USDA financial assistance programs must comply with highly erodible land (HEL) and wetland compliance (WC) requirements. Upon request by the producer, the Farm Service Agency (FSA) may grant an exemption under HEL for the noncommercial production of agricultural commodities on an area of 2 acres or less, but there is no similar exemption under the WC requirements. Thus the HEL exemption is not based on the small acreage alone, but the noncommercial nature of production on the small acreage. NRCS is responsible for conducting HEL and wetland determinations; and the FSA is responsible for determining HEL/WC eligibility for USDA programs based on NRCS's technical review.

MYTH 9

Least Cost Alternative *(practice and payment scenarios)*

MYTH BUSTED!

THE MYTH:

“NRCS must always choose the least cost alternative when determining which conservation practices or payment scenarios the customer can receive.”



HERE'S THE TRUTH:

While planners and engineering staff should work with the customer to select a treatment option that will address the identified resource concern in the most cost-effective manner, this does not limit the conservation practice or scenario that the participant can select. The planner should select the treatment options necessary to meet NRCS standards and specifications, address the identified resource concerns, and approved by an individual with NRCS job approval authority. This allows planners to choose scenarios and practices that most closely reflect actual farm operations and conservation needs to treat one or more resource concerns unique to each producer's operation. Principles of least cost apply to the development of a practice payment schedule itself which is done at the national and regional level. It does not apply to what scenarios can be included in a contract. Planners shouldn't plan a higher cost scenario solely because that is what the producer wants. If the higher cost scenario is necessary to address the resource concern, then it is justified. Producers may still choose to install an option that has a higher cost than what is planned in a contract but will only be reimbursed at the contracted rate.



MYTH 10

Practice Lifespans

(practice and payment scenarios)

MYTH BUSTED!

THE MYTH:

“Lifespans of practices associated with each other must match in order for NRCS to provide financial assistance on those practices.”

HERE'S THE TRUTH:

Lifespans of associated conservation practices do not need to match; they can differ, and often do. In fact, NRCS routinely plans and implements suites of conservation practices where practice lifespans do not match. A practice or suite of practices that will address one or more resource concerns should not be denied based on associations with other practices with lesser lifespans.



MYTH 11

Regulatory Actions

(practice and payment scenarios)

MYTH BUSTED!

THE MYTH:

“If the customer is legally bound to implement a practice (due to regulatory action, for example), NRCS cannot use EQIP funds to pay for it.”

HERE'S THE TRUTH:

NRCS can use EQIP funds to assist a participant in complying with laws, regulations, permits, or orders as defined in policy, as long as the practices/activities are addressing an identified natural resource concern and all other program rules are met.



**MYTH
12****Repeat Practices**
*(practice and payment scenarios)***MYTH BUSTED!****THE MYTH:**

“If EQIP paid a participant for a conservation practice once before, then EQIP can’t pay them again for the same practice.”

HERE’S THE TRUTH:

NRCS policy is clear on when we can and cannot pay for the same practice on the same land. There are instances where we can pay for the same practice on the same land multiple times, as outlined in policy. See CPM440, Part 530.403H.2. and Part 530.406B.4.



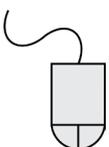
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