

## EQIP General Eligibility

A. General Eligibility.— the following eligibility requirements must be met:

(1) Applicant Eligibility

To be an eligible participant for EQIP, an applicant must—

(i) Be an agricultural producer according to the policy

Producer.—Eligible applicants must be—

(1) A person, legal entity, Indian Tribe, Alaska Native corporation, or joint operation with signature authority.

(2) Engaged in agricultural production or forestry management or have an interest in the agricultural or forestry operation associated with the land offered for enrollment. Interest in the agricultural operation means one of the following:

(i) Owner or renter of the land in the agricultural operation;

(ii) Have an interest in the agricultural products, commodities, or livestock produced by the agricultural operation; or

(iii) Be a member of a legal entity or joint operation that either owns or rents land in the agricultural operation or has an interest in the agricultural products, commodities, or livestock produced by the agricultural operation.

(ii) Be within the Applicable EQIP Payment Limitations.—Applicants must be within the applicable payment limitation requirements.

(2) Land Eligibility Land included in the EQIP application must be agricultural or nonindustrial private forestland and one of the following:

(i) Privately owned land.

(ii) Publicly owned land that meets all the following criteria:

- The land is a working component of the participant's agriculture or forest land operation

- The participant has control of the land.

- The conservation practices to be implemented on the public land are necessary and will contribute to an improvement in the identified natural resource concern.

(iii) Indian land that meets any of the following criteria:

- Land held in trust by the United States for individual Indians or Indian Tribes.

- Land, the title to which is held by individual Indians or Indian Tribes subject to Federal restrictions against alienation or encumbrance.

- Land that is subject to rights of use, occupancy, and/or benefit of certain Indian Tribes

- Land held in fee title by an Indian, Indian family, or Indian Tribe.

Ineligible Land:

(i) Land currently enrolled in other conservation programs may be ineligible for EQIP, including the following:

(a) Land enrolled in the Conservation Reserve Program (CRP) is ineligible.

**Exception:** Land offered for enrollment in EQIP during the last year of the CRP contract may be eligible, and no EQIP conservation practice or activity will be implemented on that land until after the CRP contract has expired or has been terminated.

(b) Land enrolled in the Agricultural Conservation Easement Program (ACEP) under the wetland reserve easement (WRE) component or its predecessor, the Wetlands Reserve Program (WRP).

**Exception:** Under reserved grazing rights of the ACEP-WRE, EQIP may be available for certain grazing-related practices not covered by ACEP.

(c) Land enrolled in the Conservation Stewardship Program Grasslands Conservation Initiative (CSP-GCI) is eligible for EQIP only if the proposed conservation practices and activities address a resource concern different from the resource concern being addressed through the CSP-GCI contract.

(ii) Permanently submerged lands.

(3) Resource Concern Eligibility.—At least one natural resource concern must be identified and addressed with an eligible conservation practice or activity. NRCS determines that the planned conservation practices will address a natural resource concern.