

Environmental Quality Incentives Program 2014 Act

Summary of Statutory changes made by the 2014 Farm Bill:

- Eliminates requirement that the program 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. Therefore, EQIP now allows practices to be scheduled for implementation in the last year of the contract term, including the 10th year of contract.
- Consolidates elements of Wildlife Habitat Incentives Program (WHIP), and repeals WHIP authority.
- Replaces rolling 6-year payment limitation with payment limitation for FY 2014-FY 2018.
- Retains the rolling 6-year payment limitations for organic contracts funded through EQIP.
- Requires Conservation Innovation Grants (CIG) reporting no later than December 31, 2014 and every 2 years thereafter.
- Establishes the program's payment limitation at \$450,000 and the waiver authority is eliminated.
- Modifies the special rule for foregone income payments for certain associated management practices and resource concern priorities.
- Makes advance payments available to eligible historically underserved participants to purchase material or contract services, for up to 50 percent of the program payment instead of the previous 30 percent.
- Provides flexibility for recovery of advance payment if funds are 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.
- Identifies EQIP as a contributing program authorized to accomplish the purposes of the Regional Conservation Partnership Program (RCPP) (Subtitle I of Title XII of the Food Security Act of 1985, as amended).
- Adds provisions to target assistance to veteran farmers and ranchers.
- Replaces the term "environmental benefits" with "conservation benefits".
- Adds "on-farm research, demonstration and pilot testing" as purposes to be supported through CIG.
- Establishes authority for use of EQIP funds "available until expended" (no-year funds).
- Repeals AWEP, CCPI & CBWI.

Summary of programmatic changes made by the Interim Rule or in policy:

- Incorporates nonindustrial private forest owners and Indian Tribes where appropriate.
- Makes reference to Tribal Conservation Advisory Councils, where appropriate.
- Clarifies the issues where State Technical Committees and Tribal Conservation Advisory Councils provide input.
- Adjusts definitions to conform to definitions in other NRCS or Department regulations.
- Clarifies definitions and requirements for development of Comprehensive Nutrient Management Plans (CNMP) associated with Animal Feeding Operations (AFO). Revises the requirement for development of a CNMP to be applied only to Animal Feeding Operations (AFO) instead of previous requirement for any operation that applied/managed animal waste.

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- Clarifies outreach activities and adds language that NRCS will ensure outreach is provided so as to not limit producer participation because of size or type of operation, or production system, including specialty crop and organic production.
- Introduces a limited waiver provision to the requirement that the land on which irrigation and water management practices are implemented have been irrigated 2 of the previous 5 years. .
- Changes contract limitation to correspond with new payment limitation and clarifies that such limitations do not apply to contracts with Indian tribes.
- Revises the rule to clarify when payment rates may be reduced as a result of the agency entering into a formal agreement with a partner who provides payments to producers participating under general EQIP implementation, i.e. outside of RCPP.
- Revises and adds definitions to reflect EQIP authority to encourage development of wildlife habitat.
- Clarifies terminology and procedures associated with the development of payment schedules documenting practice payment rates.
- Simplifies language throughout to improve the regulation's readability.
- Removes provisions in the rule that relate solely to internal agency administrative procedures that do not impact any rights or responsibilities of participants in the program.
- Revises priorities for practices & resource concerns eligible for foregone income payment.
- Removes requirement for Regional Conservationist review and approval of payment rates that provide more than 50% of estimated incurred costs.
- Removes requirement for Regional Conservationist approval of contracts exceeding \$150,000.
- Revises and clarifies guidance for EQIP support of producer compliance with regulations versus court ordered compliance.