Other NRCS conservation programs which subsequently incorporate these procedures into respective program regulations or policies may be covered by equitable relief.

## Limitations

The total amount of equitable relief for all loans, payments, and benefits granted to an NRCS program participant by the State Conservationist may not exceed $20,000 in a fiscal year (October 1–September 30).

There are several other limitations:

- A program participant who has already received $5,000 or more in relief in the form of loans, payments, and benefits is not eligible for further relief that fiscal year;
- The maximum total amount that may be granted to a group of participants for the same issue per fiscal year is $1 million; and
- Financial or technical liability for any action taken by a participant based on the advice of an NRCS-certified, non-USDA Technical Service Provider (TSP) will remain with the TSP. By authorizing payment, NRCS does not assume liability.

Limitations do not apply to decisions made by the NRCS Chief.

## When Equitable Relief Is Not an Option

Equitable relief is not available when:

- The ineligibility or non-compliance occurred before May 12, 2002;
- Receiving equitable relief would cause you to exceed statutory payment limitations; or
- Your non-compliance is related to the highly erodible land and wetland conservation compliance provisions.

## For More Information

Contact your local NRCS office or visit www.nrcs.usda.gov.

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# Equitable Relief

*Helping People Help the Land*

# Equitable Relief: How Can It Help You?

## What Is Equitable Relief?

Equitable relief is a form of assistance available to certain U.S. Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) program participants. If you have been found to not be in compliance with a program's guidelines, you may be eligible for equitable relief.

Recipients of equitable relief can:

- Retain and continue to receive loans, payments, or other benefits under the covered program;
- Continue to participate in the program based on a previously established contract;
- Re-enroll all or part of the land covered by the applicable conservation program; and
- Receive other benefits deemed appropriate by the NRCS Chief.

## Who Is Eligible

You may apply for equitable relief if you are an NRCS program participant who has been officially notified that NRCS considers you non-compliant with the requirements of a program.

For you to *qualify* for equitable relief, the problem must have:

- Resulted from your good faith reliance on incorrect information from or action by an official of NRCS; or
- Occurred despite a good faith effort by you to meet all program requirements.

For you to *receive* equitable relief, you:

- Must submit an official written request to NRCS; and
- May be required to remedy the failure to meet the program requirements or to mitigate the effects of non-compliance.

## How Equitable Relief Is Granted

Equitable relief is granted by the NRCS State Conservationist after consultation with the USDA Office of General Counsel. In certain cases, the NRCS Chief may be consulted for final determination. The U.S. Secretary of Agriculture is the only person who can reverse an equitable relief decision.

## How to Request Equitable Relief

You must submit a request for equitable relief *in writing* to your State Conservationist within 30 calendar days of being officially notified that you are not in compliance with program requirements. The address can be found in your local phonebook or at www.nrcs.usda.gov.

Your request must include:

- Your name and address;
- The date;
- The name of the program;
- A description of the ineligibility or non-compliance and the date it occurred;
- The cause of the non-compliance or ineligibility;
- A description of the reasons why you did not comply with requirements;
- The amount and type of relief sought; and
- Any other pertinent facts or supporting documentation.

## Conservation Programs Covered Under Equitable Relief

- Agricultural Management Assistance (AMA) Program
- Conservation Security Program (CSP)
- Conservation Stewardship Program (CSP)
- Emergency Watershed Protection Program (EWP)
- Environmental Quality Incentives Program (EQIP)
- Farm and Ranch Lands Protection Program (FRPP)
- Grassland Reserve Program (GRP)
- Healthy Forests Reserve Program (HFRP)
- Watershed Protection and Flood Prevention Program (WPFPP)
- Wetlands Reserve Program (WRP)
- Wildlife Habitat Incentives Program (WHIP)