



Environmental Quality Incentives Program

GM Title 440 Part 515

PURPOSE - The purpose of this document is to provide a Georgia Supplement to the national EQIP Program Manual. It is intended as a policy document; and to provide additional technical criteria, and program guidance, only when Georgia FOTG standards and job sheets do not provide sufficient detail to meet BOTH the technical standard and program requirements. NRCS-Georgia staff is directed to reference the FOTG on all practices contained within the EQIP practice list.

Contracts will be limited to a maximum of 3 years with the last year being for maintenance. Practices must be completed within the first 2 years of the contract.

NEW FORM – CONSENT FOR CONSTRUCTION OF STRUCTURAL PRACTICES

This form is for landowner consent for his/her Lessee/Tenant to construct structural practices on the leased/tenant land.

515.51 Producer Eligibility

- A. General Producer Eligibility Criteria.—To be eligible to participate in EQIP, an applicant must meet all of the following criteria:
- a. Be a producer. To be considered a producer, the applicant must be:
 - i. A person, legal entity, Indian Tribe, or joint operation with signature authority and
 - ii. Engaged in agricultural production or forestry management or have an interest in the agricultural or forestry operation associated with the land being offered for enrollment in EQIP. Interest in the farming operation means one of the following:
 1. Owner or renter of the land in the farming operation;
 2. An interest in the agricultural products, commodities, or livestock produced by the farming operation; or
 3. A member of a joint operation that either owns or rents land in the farming operation or has an interest in the agricultural products, commodities, or livestock produced by the farming operation.
 - b. Have control of the land for the term of the proposed contract period.
 - c. Be in compliance with the provisions for protecting the interests of tenants and sharecroppers, including the provisions for sharing EQIP payments on a fair and equitable basis.
 - i. NRCS must not approve contracts with landlords who:
 1. Do not give tenants and sharecroppers an opportunity to participate in EQIP;



2. Reduce the number of tenants and sharecroppers in anticipation of EQIP participation.
 - ii. If there is a dispute between landlord and tenant or sharecropper, NRCS will not approve the EQIP contract until the landlord and tenant or sharecropper resolve their dispute.
 - iii. Landlord and tenant or sharecropper provisions do not apply when the tenant or sharecropper: Was removed for cause in accordance with State law, as determined by the Office of the General Counsel regional attorney; left the farm voluntarily without any coercion from the landlord.
 - d. Be in compliance with the highly erodible land and wetland conservation compliance provisions at 7 CFR part 12.
 - e. Be within appropriate payment limitation requirements, as specified in the Food, Conservation, and Energy Act of 2008 and in accordance with 440-CPM, Part 515, Subpart J.
 - f. Be in compliance with adjusted gross income requirements, as specified in [7CFR Part 1400](#).
- B. Documenting Producer Eligibility
 - a. The applicant is responsible for providing documentation to establish producer eligibility for EQIP. The eligibility determination and applicable documentation must be filed with NRCS or FSA, as outlined in [440-CPM, Part 512, Subpart C](#). See the * EQIP Eligibility Documentation Checklist found in 440-CPM, Part 515, Subpart P, for exhibits containing a list of acceptable documentation.
 - b. Applicants must be classified by a business type in the Service Center Information Management System (SCIMS). The eligibility requirements for each business type are outlined in the EQIP Eligibility Matrix in 440-CPM, Part 512, Subpart J, Section 512.98.
- C. Determining Eligibility as a Separate Person or Legal Entity:

To be considered a separate person or legal entity for the purposes of EQIP (other than a person or legal entity that is a member of a joint operation), in addition to other provisions of this section, the person or legal entity must:

 - a. Have a separate and distinct interest in the land or the agricultural, forestry, or livestock production involved.
 - b. Exercise separate responsibility for such interest.
 - c. Maintain funds or accounts separate from that of any other person or legal entity for such interest.
- D. Eligibility Clarification
 - a. Indian Tribes
 - i. An Indian Tribe may be an eligible producer if it owns or has control of the land being offered for enrollment in EQIP and meets applicable eligibility criteria in 440-CPM, Part 515, Subpart F, Section 515.51(A).



- b. Indians
 - i. An individual Indian is eligible for EQIP on Tribal or non-Tribal land if he or she meets the eligibility criteria in 440-CPM, Part 515, Subpart F, Section 515.51(A).
- c. Organic or Transitioning to Organic Producers Applying for the EQIP Organic Initiative
 - i. Certified Operations: Certified organic producers applying for the EQIP Organic Initiative must meet the eligibility requirements in 440-CPM, Part 515, Subpart F, Section 515.51(A) and agree to develop and implement conservation practices for certified organic production that are consistent with their USDA certified organic system plan (OSP). Organic system plans certified non-USDA groups or agencies are not acceptable.
 - 1. Certified organic producers must provide NRCS with a copy of their OSP, in accordance with the standards established in the Organic Foods Production Act (7 U.S.C. Sections 6501 to 6522) and regulations of the National Organic Program (NOP) (7 CFR Part 205) before an EQIP contract can be approved.
 - 2. When developing an EQIP schedule of operations for organic production, NRCS or the TSP will address NOP requirements in the practice design to assure that planned practices are consistent with OSP standards.
 - 3. Organic certification must be maintained for the life of the contract. The Designated Conservationist will annually determine whether the participant and operation are eligible as certified organic producers by accessing the USDA Agriculture Marketing Service Web site, <http://www.ams.usda.gov/nop>. Lists of certified and suspended or revoked operations can be found at this site for determining compliance with provisions of the NOP. The Designated Conservationist will document the certification status in the case file during the process for the required annual contract review (CPM 512.55). If organic certification is not maintained throughout the life of the contract, the contract may be subject to termination.
 - ii. Transitioning Operations: NRCS identifies producers pursuing organic certification as transitioning to organic. To qualify for the EQIP Organic Initiative, they must meet the eligibility requirements in 440-CPM, Part 515, Subpart F, Section 515.51(A) and self-certify that they agree to develop and implement an OSP.
 - 1. When developing an EQIP schedule of operations for organic production, NRCS or the TSP will address NOP requirements in



- the practice design to assure that planned practices are consistent with OSP standards.
2. Applicants must provide NRCS with the contact information of the applicant's USDA accredited organic certifying agent before an EQIP contract can be approved.
 3. The Designated Conservationist will annually determine whether the participant is implementing practices consistent with an OSP. If a participant is not implementing practices consistent with an OSP, the contract may be subject to termination.
 4. NRCS is not authorized to enforce the provisions of the NOP, so organic certification at the completion of the EQIP contract is not required.
- iii. Exempt Operations: In accordance with the Organic Foods Production Act (7U.S.C. Section 6501 to 6522), organic producers selling less than \$5,000 a year in organic agricultural products are exempt from organic certification. Exempt organic producers are eligible for the EQIP Organic Initiative and applications should be ranked with certified organic producers provided that they meet the eligibility requirements in 440-CPM, Part 515, Subpart F, Section 515.51(A) and self-certify that they agree to develop and implement an OSP.
1. When developing an EQIP schedule of operations for organic production, NRCS or the TSP will address NOP requirements in the practice design to assure that planned practices are consistent with OSP standards.
 2. The Designated Conservationist will annually determine whether the participant is implementing practices consistent with an OSP. If a participant is not implementing practices consistent with an OSP, the contract may be subject to termination.
 3. NRCS is not authorized to enforce the provisions of the NOP, so organic certification at the completion of the EQIP contract is not required.
- d. Subsistence Producers
- i. Producers engaged in agricultural production for subsistence purposes are eligible for EQIP if they meet the requirements of 440-CPM, Part 515, Subpart F, Section 515.51(A).
- e. Squatters or Tenants by Sufferance
- i. Squatters or tenants by sufferance, by definition, are not eligible for EQIP because they cannot provide control of land.
- f. Minors
- i. A minor is eligible only if he or she is legally responsible and is



independently participating in the operation of the farm or ranch as an eligible individual. An adult who is legally responsible for the minor must also cosign for the minor and is responsible for all terms of the contract.

g. Foreign Individuals and Entities

- i. Foreign individuals and members of foreign entities are not eligible for EQIP unless they meet all the following – They meet eligibility criteria in 440-CPM, Part 515, Subpart F, Have obtained and provided a Federal tax identification number issued by the Internal Revenue Service. They provide a substantial amount of personal labor in the production of crops in the farming operation.

h. Ineligible Entities

- i. Federal, State, county, and local governments, and political subdivisions of State government (e.g., school districts, conservation districts, etc.) and entities containing these units of government or subdivisions, are not eligible for EQIP. However, land owned by these entities may be eligible if leased to an eligible applicant. See 440- CPM, Part 515, Subpart F, Section 515.52.
- ii. Agricultural support businesses, such as agricultural supply buyers and sellers, are not eligible to participate in EQIP unless they can meet all of the eligibility criteria outlined in 440-CPM, Part 515, Subpart F, Section 515.51(A).

515.51.GA.3 - PRODUCER ELIGIBILITY – HIGH TUNNEL INITIATIVE

States will offer the High tunnel Initiative in 2013. Below are the guidelines potential participants will need to understand prior to signing a contract for the installation of a high tunnel:

- The maximum size for financial assistance is 2,178 sq. ft.
- Structure must be a prefabricated package with a minimum 4 year manufacturer's warranty on the covering.
- The land must have been irrigated for two of the past five years to be eligible for an irrigation system.
- The land must have cropping history (GM 440, Part 502); only cultivated (in-ground) crops are eligible.
- Participants must be on record with the Farm Service Agency and meet all eligibility requirements including producer and land eligibilities.
- The tunnel frame must be at least 6 feet in height with a minimum 6-mil UV resistant polyethylene cover.
- When at all possible, the structure should be installed in a North-South direction.
- Irrigation must be available for use under the High Tunnel Structure.
- Operation and management will include control of internal temperatures in the early growing season, removal of plastic covers in the event of extreme weather which may compromise structure, and the account of cost associated with the high tunnel lifespan including replacement of covers and disposal of removed covers.
- Reimbursement will be made only after the structure is completely constructed and inspected by NRCS personnel.



- Participant agrees to maintain the structure for a period of at least 3 years.

515.51.3 - PRODUCER ELIGIBILITY – NATIONAL ORGANIC INITIATIVE

States will offer organics as an initiative in 2013.

The 2008 Farm Bill provides NRCS with specific authority and responsibility to provide Organic Growers, and those transitioning to organic production, with the opportunity to compete for EQIP assistance. Both EQIP Statute and regulation require NRCS to offer EQIP assistance to producers wishing to transition to organic production in order to transition to certification as well as those already certified as organic according to National Organic Program (NOP).

- Producer required to develop and carryout an Organic System Plan (OSP).
- Payment may not exceed \$20,000.00 per year, or \$80,000.00 during any 6 year period.
- The name, and contact information, for their USDA-accredited certifying agent must be provided (can be provided on the enclosed self-certification form).
- If Transitioning, the applicant must be on track to become certified within 3-years. A transition plan is required.
- If Certified, a copy of the Organic Systems Plan (OSP), must also be provided and kept with the contract file.
- If Exempt, a copy of the Georgia Department of Agriculture's Exempt Organic Grower/Producer Registration Application should be included in the contract file. The form is available at <http://agr.georgia.gov/organic-agriculture.aspx> and select Exempt Grower/Handler under Forms and Regulations.
- Contract will be cancelled on any producer not pursuing organic certification, or not being in compliance with the Organic Foods Production Act of 1990. Contracts will be reviewed annually for compliance.
- Must maintain Certified or Transitioning status for the length of the contract.

ON FARM ENERGY

Under the Food Conservation and Energy Act of 2008, Title II, Subtitle F – EQIP, Section 2501 provides authority for use of EQIP to specifically address energy conservation through practice implementation and for the development of an Agricultural Energy Management Plan. During fiscal year (FY) 2013, the program is designed to assist producers in two ways:

1. Identify ways to conserve energy on their farms through an Agricultural Energy Management Plan (AgEMP) conservation plan (CAP) also known as an on-farm energy audit; and also
2. Provide assistance to implement various recommended measures through the use of conservation practice standards offered through this initiative, such as the 374 Farmstead Improvement.

515.70-GA.1 – WAIVERS

The State Conservationist may grant a waiver to start a conservation practice prior to approval of a contract by NRCS. Waivers are granted for meritorious reasons that include:

- Alleviation of imminent or significant environmental problems, or
- Prevention of endangerment to life or property, or
- Seasonal weather constraints.



In keeping with the above national guidance, the State Conservationist has decided to review waivers on case-by-case basis when the following conditions are met:

- The individual requesting a waiver meets all program eligibility requirements,
- The individual requesting a waiver has resolved any outstanding eligibility issues with the Farm Service Agency,
- The individual requesting a waiver has a completed application on file, and ranked, by the local NRCS field office, and
- The individual requesting a waiver has a completed the “Request for Waiver” form at the back of this document.

515.71-GA.1 – HISTORICALLY UNDERSERVED PRODUCERS

Historically underserved individuals and groups include those who have not participated or have received limited benefits from USDA or NRCS.

The purpose of the Historically Underserved Farmer Assistance is to increase technical assistance and program participation in all USDA programs through improved outreach efforts to Beginning, Limited Resource and Socially Disadvantaged Farmers.

The target audience is defined as farmers who have historically not participated in or never ranked high enough to receive financial assistance. We must be innovative and allow farmers to select practices that are best suited for their particular operations. In addition we must consider affordability, effectiveness, and practicality for farmers to implement and maintain these conservation practices. When accepting applications for historically underserved applicants, one application per applicant is needed. Applicants meeting historically underserved definition below will be acknowledged in ProTracts by checking the appropriate block(s).

All participants must meet basic program eligibility which includes the following:

- Be registered in the Service Center Information Management System (SCIMS), or grant permission to be registered in SCIMS.
- Must own or have control of the land (lease, rent, etc.) for term of contract.
- Must be actively engaged in the farming operation.
- Can be an individual, entity, or joint operation.
- Must be willing to follow a prescribed grazing plan on pastureland to qualify for grazing practices, i.e. fencing, watering facilities, wells, etc.
- Complete the appropriate Self-Certification Form(s) at the end of this document.

Beginning Farmer

- Has operated a farm or ranch for not more than 10 consecutive years.
- The applicant provides substantial day-to-day labor and management of the farm.
- NRCS may conduct spot check verification of participants who certify as Beginning Farmers.

Socially Disadvantaged Farmer

- A person subjected to racial or ethnic prejudices because of their identity as a member of a group without regard to their individual qualities. Gender not included!



- Size of farm is not a consideration.
- The State Conservationist may grant up to 30 percent in advance payments for purchasing materials or scheduling contractors prior to starting practice installation.

Other Information

- Payment rate will be 90% for Beginning Farmers.
- Payment rate will be 90% for Socially Disadvantaged Farmers.
- Payment schedule rates based on average state cost and not on actual cost.

515.71-GA.2 – ADVANCE PAYMENTS

The State Conservationist may issue advance payments to historically underserved producers up to 30 percent of the anticipated amount of the costs incurred for the purpose of purchasing materials or services to implement a conservation practice.

EQIP participants who self-certify as belonging to a historically underserved group are eligible to receive a payment advance to assist them in completing conservation practices included in an approved CPC. Advance payments may only be provided for anticipated “out-of-pocket” costs associated with purchasing materials, supplies, equipment, and services required for practice installation and that are readily available.

The following criteria must all be met to provide an Advance Payment:

- √ Is for an immediate need.
- √ Approved final design is available.
- √ Pre invoice (estimated materials cost) for practices.
- √ Contract reflects final design extent.

In keeping with the above national guidance, the State Conservationist has decided to provide additional state policy to assist field offices with processing advance payments.

- Only practices that meet the above criteria are eligible for advance payments in Georgia.
- Funds are to be used for the assignment of payment for all conservation practices as needed.
- Participants are required to complete practice installation within 30-days and complete practices as schedule in their contract. The only exception is through a State Conservationist extension.
- Landowners may request an advance payment for through their local District Conservationist.
- All requests must be in writing using the form in back of this document entitled “Request for Advance Payment”.



515.72-GA.1 – RANKING APPLICATIONS

Applications will be identified in Protracts as having a high, medium or low priority based on local workgroup priorities. Only high priority applications will be ranked at first. If funding is still available after all high priority applications have been serviced, then medium and low priority applications will be ranked for funding in their priority order.

Applicants that have, or have had, contracts that have been cancelled, terminated or modified because of producer inactivity will be given a low priority.

515.81.GA.1 – ELIGIBLE EQIP PRACTICE LIST – GENERAL EQIP

NRCS-Georgia, with input from the State Technical Committee, has identified the following State Resource Issues for fiscal year 2013:

- Forestry
- Grazing Land
- Soil Erosion
- Water Conservation
- Water Quality

NRCS-Georgia, with input from the State Technical Committee, has identified the following practices to be eligible for payments during fiscal year 2013 based on the listed State Resource Issues. Local Working Groups will be asked to prioritize the State Resource Issues and then select the top 3 practices for each issue.

Forestry

- 647 - Early Successional Habitat
- 666 - Forest Stand Improvement
- 655 - Forest Trails
- 314- Brush Management
- 315- Herbaceous weed control
- 595 – Integrated Pest Management
- 338 - Prescribed Burning
- 391 - Riparian Forest Buffer-(ac.)
- 578 - Stream Crossing
- 612 - Tree/Shrub Establishment (ac.)
- 490 - Tree/Shrub Site Preparation

Grazing Lands

- 340 - Cover Crop
- 342 - Critical Area Planting
- 382 - Fence
- 561 - Heavy Use Area Protection
- 590 - Nutrient Management
- 512 – Forage Biomass Planting
- 315 – Herbaceous Weed Control
- 338 - Prescribed Burning
- 528 - Prescribed Grazing
- 516 – Pipeline
- 533 - Pumping Plant
- 595 - Integrated Pest Management
- 391 - Riparian Forest Buffer
- 381 – Silvopasture Establishment
- 574 - Spring Development
- 578 - Stream Crossing-(no.)
- 313 - Waste Storage Facility(Winter Feeder)
- 614 - Watering Facility
- 642 - Well
- 645 – Upland Wildlife Habitat Management
- 314 – Brush Management



Soil Erosion

- 327 - Conservation Cover
- 340 - Cover Crop
- 342 - Critical Area Treatment
- 328 – Conservation Crop Rotation
- 362 - Diversion
- 382 - Fence
- 410 - Grade Stabilization Structure
- 412 - Grassed Waterway
- 561 - Heavy Use Area Protection
- 484 - Mulching
- 590 - Nutrient Management
- 512 - Forage Biomass Planting
- 558 - Roof Runoff Management
- 391 - Riparian Forest Buffer
- 580 - Stream bank and Shoreline Protection
- 578 - Stream Crossing
- 600 - Terrace-(ft.)
- 612 - Tree and Shrub Planting
- 620 - Underground Outlet
- 638 - Water and Sediment Control

Water Quality

- 309 - Ag Chemical Handling Facility
- 591 - Amendments For Treatment of Agricultural Waste
- 316 - Animal Mortality Facility
- 317 - Composting Facility
- 340 - Cover Crop
- 342 - Critical Area Treatment
- 360 - Closure of Waste Impoundments
- 647 - Early Successional Habitat
- 382 - Fence
- 393 - Filter Strip
- 410 - Grade Stabilization Structure
- 412 - Grassed Waterway
- 422 - Hedgerow Planting
- 484 - Mulching
- 314 – Brush Management
- 516 - Pipeline-(ft.)
- 595 - Integrated Pest Management
- 561 - Heavy Use Area Protection
- 614 - Watering Facility
- 558 - Roof Runoff Management
- 632 - Solid/Liquid Waste Separation Facility
- 574 - Spring Development (no.)
- 580 - Stream Bank & Shoreline Protection-(ft.)
- 578 - Stream Crossing-(no.)
- 313 – Waste Storage Facility-(no.)
- 634 - Waste Transfer
- 359 - Waste Treatment Lagoon (no.)
- 633 - Waste Utilization
- 638 - Water & Sediment Control Basin-(no.)
- 642 - Water Well-(no.)
- 390 Riparian Herbaceous Cover
- 315 - Herbaceous Weed Control

Water Conservation

- 436 - Irrigation Reservoir
- 441 - Irrigation System - Micro
- 442 - Irrigation System – Sprinkler
- 430 - Irrigation Pipeline
- 449 - Irrigation Water Management

515.81.3 - ELIGIBLE EQIP PRACTICE LIST – NATIONAL HIGH TUNNEL INITIATIVE (also see NB 300-13-3)

Core Practice

- 798 – Seasonal High Tunnels

Supporting Practice

- 328 – Conservation Crop Rotation
- 342 – Critical Area treatment
- 362 – Diversion
- 412 – Grassed Waterway
- 436 – Irrigation Reservoir
- 441 – Irrigation System-micro
- 449 – Irrigation Water Mgmt
- 430 – Irrigation Pipeline

515.81.GA.3 - ELIGIBLE EQIP PRACTICE LIST – ORGANIC INITIATIVE

Update to NB 300-13-3: NRCS-Georgia, with input from NHQ and the State Technical Committee, has identified the following practices to be eligible for payments during fiscal year 2013. This initiative does not require prioritization.

- 314 – Brush Management
- 315 – Herbaceous weed control
- 316 – Animal Mortality Facility
- 317 – Composting facility
- 327 – Conservation Cover
- 328 - Conservation Crop Rotation
- 340 - Cover Crop
- 342 - Critical Area Planting
- 362 - Diversion
- 367 - Roofs and Covers
- 381 – Silvopasture Establishment
- 382 - Fencing
- 390 - Riparian Herbaceous cover
- 391 – Riparian Forest Buffer
- 393 - Filter Strip
- 410 – Grade Stabilization Structure
- 412 – Grassed Waterway
- 422 - Hedgerow Planting
- 436 – Irrigation Reservoir
- 441 – Irrigation System-Micro
- 442 - Irrigation System-Sprinkler
- 484 - Mulching
- 512 – Forage and Biomass Planting
- 516 – Pipeline
- 528 - Prescribed Grazing
- 533 – Pumping Plant
- 561 – Heavy Use Area
- 574 – Spring Development
- 578 – Stream Crossing
- 590 - Nutrient Management
- 595 – Integrated Pest Management
- 600 – Terrace
- 612 – Tree Planting
- 614 – Watering Facility
- 620 – Underground Outlet
- 638 – Water and Sediment Control Basin

ELIGIBLE PRACTICES-ON FARM ENERGY

Core Practices:

- 122- Agricultural Energy Management Plan – Headquarters
- 124- Agricultural Energy Mgmt Plan – Landscape
- 374 – Farmstead Energy Improvement
- 449 – Irrigation Water Management Plan

Supporting Practices:

- 328 – Conservation Crop Rotation
- 340 – Cover Crop
- 436 – Irrigation Reservoir
- 345 – Residue and Tillage Management
- 642 – Water well
- 798 – Seasonal High tunnel
- Outlet
- 338 - Prescribed Burning
- 449 - Irrigation Water Mgmt
- 430 – Irrigation Pipeline
- 558 – Roof Runoff Structure
- 468 – Lined Waterway

515.91-GA.1 – PAYMENT RATES

NRCS-Georgia, with input from the State Technical Committee and Local Work Groups, has set a 75% payment rate limit for all structural practices. Socially Disadvantaged, Beginning Farmers, and Limited Resource Farmers are eligible for a 90% payment rate.

CONSERVATION ACTIVITY PLANS (CAPS) –

CAPS will be pursued in Georgia during FY-2013. NHQ has mandated that all eligible CAPS will be offered in 2013. The ProTracts application type of “planning” must be associated with each EQIP CAP application and ranking of these applications is mandatory during FY 2013. CAPs are developed by Technical Service Providers (TSPs) who have registered in Georgia, and are authorized to develop a specific type of CAP. It is the participant’s responsibility to provide payment to a Technical Service Provider upon completion of their CAP. Potential CAPs for Georgia during FY-2013 include:

- Ag Energy Management – Headquarters (122) - rank only in NOFEI
- Ag Energy Management – Landscape (124)- rank only in NOFEI
- Comprehensive Nutrient Management (102)
- Organic Transition (138)- rank only in Organic transition subaccount
- Drainage Water Management (130)
- Forest Management (106)
- Integrated Pest Management (114)
- Irrigation Water Management (118)
- Nutrient Management Plan (104)
- Grazing Management Plan (110)
- Irrigation to Dryland Farming Plan (134) AWEP only
- Fish and Wildlife Management Plan (142)
- Pollinator Habitat Enhancement Plan (146)
- Herbicide Resistant Weed Conservation Plan (154)