



United States Department of Agriculture



EQIP in Alaska

A guide to understanding the
Environmental Quality Incentives
Program (EQIP) & your responsibilities

www.ak.nrcs.usda.gov

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Natural Resources Conservation Service

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TIP

 Sign up for **Conservation Client Gateway** to access and manage your NRCS contract:
 <https://www.nrcs.usda.gov/clientgateway>

IMPORTANT

 It's your responsibility to work with FSA to establish program eligibility and to resolve any conflicts before an application for an NRCS program can be considered for funding.



Introduction

The Natural Resources Conservation Service (NRCS) offers voluntary programs that provide financial and technical assistance to eligible landowners to help them manage natural resources in a sustainable manner.

This guide is relevant to the Farm Bill's Environmental Quality Incentives Program (EQIP). Through this program, NRCS provides financial assistance to plan and implement conservation practices on privately-owned land. Conservation practices improve soil, water, plant, air, animal, and related natural resources.

For eligibility purposes in Farm Bill programs, NRCS considers any land producing food or fiber, including subsistence hunting and gathering lands, as agricultural land.

Applying for and participating in federal conservation programs can be complex. This handbook is designed to help you understand the application and ranking process, your contract, and your responsibilities as a program participant. Conservation professionals in NRCS offices are available to explain the details and answer questions.

The program application package

You'll prepare and submit your application package with the help of USDA staff, including both NRCS and the USDA Farm Service Agency (FSA).

Forms are available in our offices and online:  <https://forms.sc.egov.usda.gov/>

At a minimum, your application package will include the following components. Entities may require additional documentation. See an NRCS planner for specifics.

Document name	Form number or explanation
Conservation Program	Form NRCS-CPA-1200 Complete after FSA farm records established
Average Adjusted Gross Income (AGI) Certification and Consent to Disclosure of Tax Information	Form CCC-941 (FSA) Not required for Alaska Native entities
Highly Erodible Land/Wetland Conservation Certification (HEL/WC)	Form AD-1026 (FSA)
Members' Information	Form CCC-901: All members of an entity must meet eligibility requirements (FSA). Not required for Alaska Native entities
Signature Authority	All entities, including Alaska Native Tribes and Corporations, must provide approved documentation
Direct Deposit form	Form SF-1199: Electronic Fund Transfer for payments
Power of Attorney form (Optional)	Form FSA-211 or signatory verification for entities

Note: Items not specifically identified as FSA forms are submitted to NRCS.

The four steps to NRCS assistance

1. Conservation planning

- Call or visit an NRCS office for information.
- Describe your land management and resource problems you wish to address.
- Make an appointment for a site visit with an NRCS conservation planner.
- Walk your property with an NRCS planner, identifying your goals and objectives. The planner will collect data to evaluate the current conditions and develop solutions to your conservation concerns.
- Several conversations or field visits may be necessary with the planner, resource specialist, or an engineer to examine feasibility and options to meet your goals.
- After carefully examining the land and your goals, an NRCS planner will review alternative conservation plans with you.
- Once you select the plan you want to implement, the NRCS planner will provide you a conservation plan and review the requirements, engineering designs, and cost estimates. (You must check with local contractors for actual prices.)

2. Application for financial assistance

- Discuss your conservation plan with an NRCS planner and inquire about financial assistance. If a Farm Bill financial assistance program fits your goals, decide which practices you want to include in your application. Establish a time line.
- Work with an NRCS office and USDA's Farm Services Agency (FSA) to establish farm records and initiate eligibility paperwork. It is essential to be proactive in ensuring your eligibility requirements are met. NRCS cannot accept an application until farm records have been established.
 - Establishing farm records can be a complex process. It involves all of the individuals listed on a deed and a site verification for wetland compliance and highly erodible soil determination.
 - Organize your information - eligibility documentation includes income information, business plans, and more.
- Submit a completed application identifying the practices you want to complete.
- NRCS initiates any required interagency consultations and inventories: cultural resources, essential fish habitat, and threatened and endangered species.

3. Application evaluation, ranking, and selection

- Your application will be evaluated using a ranking tool that measures environmental benefits and scores how well projects meet program objectives. (See page 3.)
- All applications competing in a funding pool that are submitted by the published batching/ranking date will be ranked at the same time. The highest ranking applications will be selected for funding.
- If your application is selected for funding, you choose whether or not to move forward with contract development.

4. Contract and implementation

- Work with your planner to ensure you understand the contract requirements before signing it.
- Complete work according to the schedule of operations.
- When the work is completed, NRCS must review the practice and certify that it meets the requirements before your payment request can be processed.

IMPORTANT

★ Sometimes there is a waiting list to have NRCS staff help you develop a conservation plan. If you are interested in pursuing a conservation plan, please contact an NRCS office to begin the process.

TIP

▶ Bring your last tax return with you to your appointment with FSA and NRCS. In order to receive a contract, the name you enter on the application and eligibility forms must exactly match the name you use when filing your taxes.

What is a funding pool?

FAQ A funding pool is an amount of money that NRCS has set aside for special categories of applications.

Each funding pool has its own ranking criteria and applicants will compete only with other applicants in that specific pool.



IMPORTANT

★ Read the appendix to your contract [CPA-1202] carefully and understand the terms of the conservation program contract before signing an application.

Is there help for new, limited-resource, and socially disadvantaged farmers?

FAQ The Farm Bill continues to address the unique circumstances and concerns of socially disadvantaged farmers, as well as beginning and limited resource farmers. It also include veterans meeting certain conditions in the historically underserved category. It provides for voluntary participation, offers incentives, and focuses on equity in accessing USDA programs and services.

Enhancements include:

- ▷ Dedicated funds – at least 10 percent of EQIP funds are dedicated to socially disadvantaged and beginning farmers.
- ▷ Higher payment rates – up to 25 percent higher than the standard practice payment rates.

Check online to see if you qualify:

 <http://lrftool.sc.egov.usda.gov>

The ranking process

All eligibility requirements must be complete prior to application evaluation. Applications are evaluated, ranked, and then selected for funding.

NRCS uses the Conservation Assessment Ranking Tool (CART) for all program ranking. CART identifies applicable financial assistance funding pools to provide the most advantageous situation for the client.

CART evaluates the participant's assessed practice schedule for five main areas:

- ▶ **Vulnerability** - Site vulnerability is determined by subtracting the existing condition and existing practice scores from the thresholds. Thresholds represent the amount of conservation effort needed to achieve planning criteria for a given resource concern, assuming no management or treatment is presently applied.
- ▶ **Planned Practice Effects** - The planned practice score will be based on the sum of the planned practice on that land unit which addresses the resource concern.
- ▶ **Resource Priorities** - National and State Program Priorities are set through the Farm Bill, USDA Secretary and NRCS Chief Priorities, and locally led input from Local Work Groups and the State Technical Committee which address land and resource considerations.
- ▶ **Program Priorities** - National and State Program Priorities are set through the Farm Bill, USDA Secretary and NRCS Chief Priorities, and locally led input from Local Work Groups and the State Technical Committee which address program purposes.
- ▶ **Cost Efficiency** – Summation of Planned Practice Points divided by the log of the summation of Average Practice Cost.

What happens next?

You will be notified by mail or by phone about whether your application was selected for funding. Since sign-up is continuous, the time from when an application is submitted to when the applicant is notified varies.



Your contract with NRCS

If your application is selected for funding, you may choose to sign a contract, which will obligate federal monies to fund the project. By signing a contract you are entering into a legal agreement where both you and NRCS have responsibilities.

The contract specifies conservation practices that you will complete, detailing when, where, and how many, as well as associated contract payments.

The contract consists of three documents, each requiring the applicant's signature:

- ▶ **The Contract Document (CPA-1202)**, identifies the period of performance, items agreed to, and expiration date of the contract.
- ▶ **The Appendix to the CPA-1202**, describes the responsibilities of all parties in the contract. The Appendix spells out the details of the contract.
- ▶ **The Schedule of Operations (CPA-1155)**, lists each practice to be implemented through the contract, including dates of implementation, extent of each practice planned as identified on the plan map, and amount of money (payment rate) approved for each practice.

Other documents you will be required to sign and date:

- ▶ **The Conservation Plan**, details your goals for your operation. This plan will have been completed prior to your application being evaluated.
- ▶ **Implementation Requirements**, describe requirements of the work to be done specific to your project.

The terms of a contract

The above documents establish the terms of the contract. It is critical to understand your responsibilities regarding the contract.

You are responsible for securing all permits, hiring and paying any contractors, and promptly communicating with NRCS about any barriers that may change the contract's completion schedule.

NRCS will honor the terms of the contract in order to help you successfully complete your project. NRCS must also honor terminating the contract and recovering costs from you if you don't comply with all the terms detailed in the contract appendix. (See upper right FAQ.)

NRCS is responsible for scheduling and completing technical assistance to complete designs or other technical plans not slated for Technical Service Providers (TSP) assistance. (See FAQ on page 5.)



ALASKA

What should I know about the terms of the contract appendix?

FAQ The following are some examples from the contract appendix, but all items in the appendix are essential for a successful contract:

- ▷ Establish or implement the contracted practices to NRCS specifications, as scheduled, and operate and maintain these practices for the intended purpose and life span, as identified in the contract.
- ▷ Do not start a practice before the contract is fully executed.
- ▷ Apply at least one practice within 12 months.
- ▷ Notify NRCS of the loss of control of land under the contract.
- ▷ Discontinue work or practice implementation immediately if a previously unknown endangered species, cultural, archeological, or historical site is encountered.



IMPORTANT

★ All payments received as part of a contract are reported to the United States Internal Revenue Service (IRS). You will receive a 1099 form for payments you received for the applicable tax year.

NRCS can initiate cost recovery if contract requirements are not met.

What is a TSP?

FAQ Technical Service Providers (TSP) are conservation professionals from the private sector, non-profit organizations, and public agencies that can provide direct technical assistance on behalf of USDA.

Technical assistance includes conservation planning and design, layout, installation, and checkout of approved conservation practices.

NRCS has traditionally provided these technical services and will continue to do so. Since the 2002 Farm Bill, however, USDA offers producers the option of reimbursement for technical assistance provided by certified TSPs for certain practices.

If you are applying for funding for a conservation activity plan (CAP), you will have to hire a TSP to develop the plan.

TIP

Here's the bottom line on who's responsible for what, when you participate in a Farm Bill conservation program.

- ▷ **You** are ultimately responsible for the proper construction and maintenance of a conservation system.
- ▷ **The contractor**, hired by you, is responsible for constructing the system according to design and specifications, for quality control and safety.
- ▷ **NRCS** is responsible for inspecting and certifying that the project plan and specifications are met.

What are liquidated damages?

FAQ Liquidated damages are the expenses incurred that the parties to a contract agree to pay in the event of a breach. This is specified in the appendix to your contract with NRCS under *Recovery of Costs*.

NRCS specifications

Financial assistance from NRCS is available to private landowners because there is public benefit in solving natural resource concerns. Each practice must be completed to NRCS specifications to uphold the public investment in the contract. Success is measured by completing conservation practices, thus NRCS certifies the practice was done to specifications upon completion.

Program participant and NRCS responsibilities

You must understand your responsibilities in all phases of your contract, from planning and design, through implementation and maintenance. By understanding your role, you can avoid inconvenient and costly delays, as well as a possible breach and termination of your contract. If technical assistance is provided by a Technical Service Provider (TSP), the design must meet NRCS standards and be certified by the TSP. (See FAQ on upper left.)

As the program participant, you are likely the person making decisions for the property. You may be the landowner, an operator, or a land manager.

Summary of responsibilities

Agreements between a program participant and a contractor stand alone. They are separate from the conservation contract between a program participant and NRCS.

The program participant is ultimately responsible for all conservation practice requirements.

The program participant:

- ▶ Makes planning decisions
- ▶ Makes payments for work and materials, as incurred
- ▶ Acquires permits
- ▶ Follows federal, state and local laws
- ▶ Satisfies archeological and wetland regulations
- ▶ Supervises construction
- ▶ May hire a contractor to assist with practice implementation
- ▶ Hosts a pre-implementation meeting with NRCS and, if applicable, a contractor
- ▶ Is responsible for the construction and maintenance of the conservation practice in accordance with NRCS specifications

The contractor (hired by the program participant):

A program participant may complete the work themselves, without hiring a contractor. They are then solely accountable for the following requirements:

- ▶ Contacts Alaska Dig Line (811) prior to starting construction
- ▶ Purchases and/or processes specified materials
- ▶ Follows plan drawings and specifications
- ▶ Is responsible for quality control and safety
- ▶ Verifies compliance with specifications
- ▶ Trains employees on job safety and health

NRCS:

- ▶ Explains conservation practices and alternatives
- ▶ May provide design assistance
- ▶ Certifies completion of practices to NRCS specifications
- ▶ Approves contract payment to program participant(s)

Your information: What's public and what's private?

As a federal government agency, NRCS is bound by several federal laws that govern what information about your program participation is releasable and what is not.

The Freedom of Information Act

The Freedom of Information Act (FOIA) is a federal law that allows any person the right to obtain federal agency records. All United States government agencies are required to disclose records upon receiving a written request for them, except for those records that are protected from disclosure. This right of access is enforceable in court.

Any person can request access to NRCS records. Requests must be in writing and indicate that the request is made under FOIA. The NRCS FOIA officer will determine whether the requested information is exempt from mandatory disclosure. For example, information that is classified to protect national security, proprietary business information, and private personal information is protected.

The Privacy Act of 1974

The Privacy Act of 1974 was enacted to protect U.S. citizens against unwarranted invasions of their privacy stemming from the collection, maintenance, use, and disclosure of personal information by federal agencies. It also grants people the right to access their own records maintained by government agencies, unless those records are covered by an exemption. It also provides procedures for correcting errors in records.

The Privacy Act requires that federal agencies take steps to protect private information. NRCS employees must protect the integrity, security, and confidentiality of the records. All private information is kept in secure areas when not in use during office hours.

Section 1619 of the Farm Bill

Section 1619 of the Farm Bill prohibits USDA from disclosing certain information that has been provided by landowners and producers in order to participate in USDA programs, except as necessary for delivering technical assistance. Some information developed by NRCS concerning your property is also protected.

Section 1619 of the Farm Bill prohibits the release of information that falls into these categories:

- ▶ Information concerning the operation, practices, or the land itself.
- ▶ Geospatial information, such as maps, surveys, and charts. Aerial photographs may be protected only if they contain data identifying characteristics of the land.

Section 1619 does not prohibit the disclosure of payment information, including the names and addresses of USDA payment recipients. Section 1619 does not apply to statistical or aggregated information that protects the name of individual landowners, producers, or sites.

Sometimes it's necessary for NRCS to share your information with partner agencies in order to implement conservation programs. This is permitted under Section 1619, if the partner agency has signed a Memorandum of Understanding with NRCS.

What information does Section 1619 protect?

FAQ Examples of documents that may be withheld under Section 1619 of the Farm Bill include, but are not limited to:

- ▷ Conservation plans
- ▷ Wetland determinations
- ▷ Highly Erodible Land (HEL) determinations
- ▷ Acreage amounts
- ▷ Assistance notes
- ▷ National Resources Inventory data
- ▷ Flood damage surveys
- ▷ Program contract information



TIP

Share Your Conservation Story! One of the best ways to educate others about natural resource conservation is by sharing your own conservation story. A personal account of your work with NRCS will help other landowners understand how NRCS can help them, too.

Here are ways that you can help:

- ▷ Be featured in a conservation success story produced by NRCS
- ▷ Be available to be interviewed by local news media
- ▷ Host a site tour for visiting dignitaries, reporters, or the public

Please let your NRCS Conservationist know if you're willing to do any of the above. He or she will connect you with our public affairs staff.

Glossary

Agricultural land: For eligibility purposes in Farm Bill programs, NRCS considers any land producing food or fiber, including subsistence hunting and gathering lands, as agricultural.

Beginning farmer: A person or entity with fewer than 10 years experience farming, ranching, or otherwise producing food or fiber on their land.

Conservation practice: A structural, vegetative, or management measure taken to maintain or improve the condition, productivity, sustainability, or usability of targeted resources. Examples of conservation practices include cover crops, nutrient management, and wildlife habitat improvement.

Contract: A binding agreement for the transfer of financial and technical assistance from NRCS for the installation and maintenance of specific conservation practices as scheduled and agreed to by NRCS and the participant.

Limited-resource farmer: A landowner with limited financial resources. Check online to see if you qualify: <http://lrftool.sc.egov.usda.gov>

Non-industrial forest land: Rural land that has existing tree cover or is suitable for growing trees and is owned by any non-industrial private individual, group, association, corporation, Indian or Alaska Native tribe, that has definitive decision-making authority over the land.

Participant: A person or entity enrolled in an NRCS Farm Bill program, such as EQIP and who is receiving payment or is responsible for implementing the terms of a USDA contract to complete a conservation practice.

Producer: A person or entity engaged in producing food or fiber.

Socially disadvantaged: People who belong to racial or ethnic groups that historically have been subjected to prejudice.

Conservation compliance - Don't lose your benefits!

Eligibility for most USDA program benefits is contingent upon compliance with the Highly Erodible Land and Wetland Conservation provisions of the Food Security Act of 1985, as amended. These requirements are detailed in form AD-1026, which all USDA program applicants must complete and sign.

Have you, will you, or are you thinking about doing any of the following activities that have not been evaluated by NRCS on your farm?

- ▶ Land clearing
- ▶ Working new land
- ▶ Excavation
- ▶ Stump removal
- ▶ Create a new drainage system
- ▶ Constructing a building or structure
- ▶ Land leveling
- ▶ Improving, modifying or maintaining an existing drainage system
- ▶ Dredging an area
- ▶ Filling an area
- ▶ Planting an agricultural commodity on land where an NRCS determination of Highly Erodible Land (HEL) or wetland has not been made

If you answered yes to any of the above and want to remain eligible for USDA program payments, you must file an updated form AD-1026 with the USDA Farm Service Agency.

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