

Subpart F - Program Eligibility

515.50 General

- A. All EQIP applications must meet the criteria for both producer eligibility and land eligibility to be considered for funding. The application should remain in "pending" status until the eligibility determinations are completed. Application evaluation and ranking must not occur until applicant eligibility is determined.
- B. See [Title 440, Conservation Programs Manual \(CPM\), Part 512, Subpart C](#), for procedures on submitting and accepting applications and basic conservation program contract eligibility.
- C. NRCS is responsible for documenting and determining both producer and land eligibility. NRCS must notify the applicant of the determination of his or her eligibility status. If the determination is made that the applicant does not meet the producer eligibility criteria or the land does not meet the land eligibility criteria, the applicant must be provided appeal rights in accordance with [7 CFR Section 614 and 440-CPM, Part 510](#).
- D. Eligibility determinations will be made in accordance with 440-CPM, Part 515, Subpart F, and [440-CPM, Part 512, Subpart C](#). See the EQIP Eligibility Documentation Checklist found in 440-CPM, Part 515, Subpart P, for exhibits that list acceptable documentation.
- (1) The eligibility determination must be documented in the case file.
 - (2) When all NRCS eligibility requirements have been met for an application, the designated conservationist must complete the "Other Eligibility" check box in the ProTracts applicant information screen.

515.52 Land Eligibility

- A. To be eligible for EQIP, the land being offered for application into the program must meet all of the following criteria:
- (1) Be agricultural land, nonindustrial private forest land, or other land on which agricultural products, livestock, or forest-related products are produced.
 - (i) Agricultural products include but are not limited to the following:
 - Grains or row crops
 - Tobacco
 - Seed crops
 - Vegetables or fruits
 - Hay, forage, or pasture
 - Orchards or vineyards
 - Flowers or bulbs
 - Ornamentals
 - Plant materials, including those grown in greenhouses or seasonal high tunnels
 - Trees
 - Other agricultural commodities
 - Other crops used for subsistence
 - Other crops identified by the State Conservationist, considering the advice of the State Technical Committee
 - (ii) Livestock production is defined as farm or ranch operations involving the production, growing, raising, or reproducing of livestock or livestock products, including but not limited to, the following:
 - Alpacas
 - Beef cattle
 - Bison
 - Dairy cattle
 - Fish or other animals raised through aquacultural methods
 - Horses
 - Llamas
 - Ratites
 - Poultry
 - Sheep or goats
 - Swine

- Turkeys
 - All other livestock or fowl produced as part of agricultural operations on farms or ranches identified by the State Conservationist, considering the advice of the State Technical Committee.
- (iii) Nonindustrial private forest land is rural land that—
- Has existing tree cover or is suitable for growing trees.
 - Is owned by any nonindustrial private individual, group, association, corporation, Indian Tribe, or other private legal entity.
- (iv) Permanently submerged lands may be eligible only if all of the following apply:
- The EQIP practice(s) to be implemented is land-based
 - The Farm Service Agency establishes farm records, common land unit (CLU) information, and completes HEL/WC determinations for the submerged land area
 - The proposed EQIP practice(s) addresses an identified natural resource concern.

Note: By statute and regulation (16 U.S.C. 3839aa-1; and §1466.8), EQIP may only be used to implement practices or support activities on eligible land. As such, areas of water in which no land-based conservation practice(s) will be implemented are not eligible.

- (2) Be privately owned or Indian land. Publicly owned land may be eligible if—
- (i) The land is a working component of the participant’s agricultural and operations.
 - (ii) The participant has control of the land for the term of the contract.
 - (iii) The conservation practices to be implemented on the public land are necessary and will contribute to an improvement in the identified resource concern.
- (3) Have permission of the landowner to install a structural practice on land not owned by the applicant. Structural practices are under the technical oversight of each State’s State conservation engineer.
- (4) Have an identified resource concern that may be addressed.
- (5) Have irrigated two out of the last five years to install a water conservation or irrigation-related practice.

B. Documenting Land Eligibility

The applicant is responsible for providing documentation to establish land eligibility for EQIP. The eligibility determination must be recorded in ProTracts as “Other Eligibility” and applicable documentation must be filed in the case file. See the EQIP Eligibility Documentation Checklist in 440-CPM, Part 515, Subpart P, for exhibits with a list of acceptable documentation.

C. Ineligible Land

- (1) Land enrolled in other conservation programs may be ineligible for EQIP.
- (i) EQIP does not pay for the same practice on the same land that has received payment or other benefit from any other EQIP contract or any other USDA conservation program. If an overlap exists for any part of the same practice, that practice would be considered a duplicative practice and not authorized under EQIP. See 440-CPM, Part 515, Subpart I, for exceptions and policy restrictions on land management practices.
 - (ii) Land enrolled in the Conservation Reserve Program (CRP) and the Conservation Reserve Enhancement Program (CREP) may only be offered for enrollment in EQIP during the last year of the CRP or CREP contract, and no EQIP practice or activity may be implemented on that land until after the CRP or CREP contract has expired or has been terminated.
- (2) Land where conservation practice(s) in the schedule of operations do not address an identified natural resource concern is not eligible for EQIP.
- (3) Permanently submerged lands where no land-based conservation practice(s) will be implemented are not eligible.

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E. Eligibility Relationships among USDA Conservation Programs

Figure 512-C1

Program	Relationship
<p>Environmental Quality Incentives Program (EQIP) (440-CPM, Part 515, Subpart F, Section 515.52)</p>	<p>Land currently enrolled in other USDA programs is ineligible to receive financial assistance payments or other benefits under EQIP for the same practice on the same land.</p>
<p>Agricultural Management Assistance (AMA) (440-CPM, Part 521, Subpart E, Sections 521.40 and 521.41)</p>	<p>Land under other conservation programs that provide payments is eligible if AMA is being used to—</p> <ul style="list-style-type: none"> • Treat a different resource concern. • Provide a higher or improved level of treatment for a similar resource concern than obtained with the other conservation program.
<p>Wildlife Habitat Incentive Program (WHIP) (440-CPM, Part 517, Subpart C, Section 517.22)</p>	<p>Land currently enrolled in the following programs is ineligible:</p> <ul style="list-style-type: none"> • Water Bank Program • Emergency Watershed Program, on land that is subject to floodplain easement • Conservation Reserve Program (CRP) • Wetlands Reserve Program (WRP) • Grassland Reserve Program (GRP) • Health Forests Reserve Program <p>Exception: The State Conservationist may fund a WHIP contract along with a GRP contract if both of the following requirements are met:</p> <ul style="list-style-type: none"> • Wildlife habitat is the primary resource concern. • The GRP contract is for an easement.
<p>Conservation Security Program (CSP 2002) (440-CPM, Part 518, Subpart E, Section 518.42, and Subpart I, Section 518.80)</p>	<p>Land currently enrolled in any of the following programs is ineligible:</p> <ul style="list-style-type: none"> • CRP • WRP • GRP <p>Land enrolled in any other USDA program is not eligible to receive payments under the CSP for the same practices or activities on the same land at the same time.</p>