

Environmental Quality Incentives Program: *Sample Comment Template*

Matt Lohr
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Washington, DC 20250

Re: Environmental Quality Incentives Program Interim Final Rule, NRCS-2019-0009 (Fed. Reg. Vol. 84, No. 242, Dec. 17, 2019, page 69272ff.)

Dear Chief Lohr:

I am a ___ [farmer, rancher, conservationist, concerned citizen].

[Customize your comment with your story:

If you are a producer, what is the name and location of your farm? What do you grow? How long have you been in operation? Why is conservation important to you? Do/did you participate in EQIP and, if so, why? What conservation practices do you implement on your farm?

If you are not a farmer, why is farm conservation and environmental protection important to you?]

EQIP is a critical working lands conservation program which assists farmers in implementing on-farm conservation practices, helping them build more environmentally-resilient operations. EQIP is intended to improve soil health, water quality, water quantity, and biodiversity, among many other benefits. Small and medium-sized farms especially benefit from this financial assistance, reducing the pressure to engage in harmful practices for better financial reward.

The interim final rule, as written, misses opportunities to strengthen EQIP's impact on soil health and climate resilience, while weakening payment limitations imposed by Congress. **The following changes to the IFR will help NRCS better foster healthy soil, resilient farms, and a strong future for American agriculture:**

1. Make soil health and climate resilience EQIP priorities.
2. Do not double the EQIP payment limit for the biggest farms and CAFOs.

1. SOIL HEALTH and CLIMATE RESILIENCE

EQIP is an important tool for soil conservation and, in recent years, for soil health as well. In the 2018 Farm Bill, Congress went a step further and made soil testing and soil health planning qualified activities for EQIP support. Congress also spoke to the need to focus on climate resilience by making addressing weather variability and drought resilience new purposes for EQIP.

However, in the new IFR, soil health and climate resilience are not mentioned among the eight priorities for EQIP. This is a missed opportunity. There are over 200 EQIP-eligible practices, many of which are aimed at regenerating soil health and building resilience – practices such as alley cropping, cover crops, prescribed grazing, appropriate natural vegetation enhancement, and crop rotation, among others. Farmers should be able to look to EQIP to provide financial assistance to make changes and improvements to their operations to become more sustainable and resilient.

[Help NRCS understand why this matters: If you are a farmer, do/did you participate in EQIP, or try to participate, or consider participating in the future? Describe your EQIP project(s). How did your EQIP work affect soil health or climate resilience on your operation?

[If you are not a farmer, explain why you think it's important for agriculture to build soil health and mitigate climate change, and what that means to you.]

Recommendation to NRCS: Amend the rule's list of national EQIP priorities at Section 1466.4 to add two more national priorities – soil health and climate resilience. The water quality, wildlife, soil erosion, and air quality national priorities listed in 1466.4 are fine, but the absence of soil health and climate resilience as national priorities is not acceptable and must be corrected. Congress recognized this when it added soil health planning, weather variability, and drought resilience to EQIP in the 2018 Farm Bill. NRCS should likewise put these issues front and center, not only by adding them to the list of national priorities in the rule, but even more importantly by actively promoting those urgent matters through EQIP implementation on the ground.

2. PAYMENT LIMITS

In the 2018 Farm Bill and previous farm bills, EQIP payments are limited to \$450,000 per operation over a five-year period. Previous EQIP rules have retained that limit. Payment limits help ensure that large farms and expensive structures and equipment do not soak up too much of limited total EQIP dollars.

Shockingly, however, the new IFR, makes payments of up to \$900,000 – double the payment limit – available for mega farms that are organized as general partnerships and for large irrigated farms that happen to be involved in EQIP projects that involve irrigation districts. Historically the largest single use of EQIP dollars has been for irrigation equipment and for confined animal feeding operations (CAFOs). Those two uses of EQIP dollars also represent the biggest share of EQIP contracts that reach the payment limit (or would exceed the limit if it did not exist). Average EQIP contracts, in contrast, are far less than \$100,000. By allowing particular farms in particular regions to double their funding, this provision in the rule will ensure that less funding is available for all other farms. NRCS should also simply get out of the business of providing financial assistance for building and expanding CAFOs, instead staying focused on farmers' needs and environmental quality.

At a time when EQIP dollars are urgently needed to help family farms be part of the solution to pressing climate, soil health, and water quality issues, it would be counterproductive to create a small select category of CAFOs, large irrigated farms, or other general partnerships to double

dip. The farm bill does not allow for anything but a \$450,000 per farm limit and neither should NRCS.

[Help NRCS understand why this matters: If you are a farmer and have had a EQIP contract, were the practices you put in place costly? Why would it be important to prioritize operations like yours? Do you think other farms of the same size would benefit from practices under EQIP?]

[If you are not a farmer, explain why you think it's important to have payment limits on EQIP contracts. What are the benefits, in your view, of ensuring small and medium-sized farms can be good stewards of the land?]

Recommendation to NRCS: Amend the rule by striking Section 1466.21(e)(1)(ii)(A) and the words “or individual member thereof” from Section 1466.6(d)(3)(iii). The \$450,000 payment limit that Congress wrote into the farm bill is more than adequate. NRCS should not create a higher limit for the nation’s biggest farms. That defeats the purpose of having payment limits in the first place. For the sake of fairness, NRCS should not create special categories of favored farms that are allowed to double dip.