



February 18, 2020

Matthew Lohr, Chief
Natural Resources Conservation Service
U.S. Department of Agriculture
1400 Independence Avenue SW, Room 5105-A
Washington, DC 20250

RE: Docket ID NRCS-2019-0009: Environmental Quality Incentives Program Interim Rule

Dear Chief Lohr,

On behalf of the nearly 200,000 family farmer, rancher, and rural members of National Farmers Union (NFU), I am pleased to submit comments regarding the Environmental Quality Incentives Program (EQIP) Interim Rule. Natural Resources Conservation Service (NRCS) programs are key tools for U.S. family farmers and ranchers as they work to ensure the longevity of their land and natural resources. NFU supports the full funding and implementation of EQIP in a manner that recognizes practices that are appropriate to different regions and operations and ensures that priority for funding and technical assistance be given to family-scale farms and ranches. EQIP and other NRCS programs are particularly important given the currently depressed farm economy, and NRCS must ensure that they are implemented in a way that does not overly penalize farmers and ranchers who face financial difficulties that may hamper the completion of their contracts.

We are pleased to see NRCS move ahead with implementing the 2018 farm bill through the release of the EQIP interim rule. The following comments detail provisions that we think are improvements over prior EQIP programs and areas that must be enhanced before final implementation.

Ensure the full use of 2018 farm bill funding

The strength of NRCS programs lies in the partnership with farmers and ranchers, who voluntarily choose to cooperate with the NRCS to address resource concerns on their farms. Certainly, these programs, and the partnership with NRCS that they bring, are popular with farmers and ranchers—demand for contracts far exceeds available funds. As a result, it is vital that NRCS follow its own mission “to provide resources to farmers and landowners and aid them with conservation” and ensure that it is fully applying the funds put aside for its work by Congress. This is especially true amid depressed farm income and as NRCS seeks to balance reduced overall payment rates and new priorities in the 2018 farm bill.

Healthy soils, resilience to extreme weather events, clean and plentiful water, robust wildlife, and the benefits they provide to farmers, rural communities, and all Americans must not be jeopardized by efforts to curb federal spending.

Expand soil health provisions and protections

NFU supports incorporating soil health principles into all agricultural practices and recognizes a role for NRCS in assisting farmers and ranchers with this important work. Congress highlighted the importance of soil health in the 2018 farm bill when it added resiliency to weather volatility and drought resistance to the priorities for EQIP—two issues that are closely linked to climate change—and included soil nutrient testing and soil health planning in EQIP. We were pleased to see the inclusion of the soil health innovation trial in the interim rule; however, the rule does not follow through with legislative language calling for soil health nor climate resilience in the list of EQIP priorities.

This not only contrary to the will of Congress but is also short sighted: farmers need all available tools to build resilience and protect their land and operation from the effects of climate change. NRCS must revise the rule to reflect the soil health and climate resiliency goals set out by Congress.

Require state determination of “priority practices” for increased payment rates

We are pleased to see the inclusion in the interim rule of increased payment rates for high priority practices. It is unquestionable that NRCS should be removing barriers for farmers to implement the most effective practices to address resource concerns. However, while the 2018 farm bill is clear that “each state, in consultation with the state technical committee” is tasked with designating not more than 10 priority practices for increased payments rates, the interim rule gives determination of priority practices to “NRCS, with input from the State Technical Committee.” NFU supports local control and input of programs whenever possible, recognizing that those officials are the most knowledgeable about conditions on the ground and the resource concerns effecting that area. As such, the final EQIP rule must give the power to states to set priority resource concerns.

Further, it is vital that these increased payments go to management practices, such as cover cropping, as opposed to structural practices, such as those defined in the interim rule. While both types of practices are important for environmental outcomes, practices that require long-term changes to land management often face more barriers to adoption due to their ongoing implementation and technical knowledge needs. Incentive payments must be used to encourage the adoption of these difficult to implement but hugely beneficial practices.

Limit eligibility of water management entities for EQIP and strictly define “adjacent lands”

NFU supports EQIP’s longstanding mission of providing cost share and technical assistance to farmers and ranchers to address natural resource concerns. We appreciate that Congress

allowed for states, irrigation districts, groundwater management districts, and similar bodies to be eligible for EQIP to implement water conservation efforts. However, NRCS must ensure that EQIP remains a program for U.S. farmers and ranchers and ensure that they are prioritized for funding. As such, EQIP funding should only be available to water management entities for which most users are farmers and ranchers and any resources provided must be done specifically to assist farmers and ranchers and not non-agricultural users of the system. To that end, NRCS should adopt the strictest definition of land that is “adjacent to eligible land” of an EQIP eligible farm or ranch—the land must abut to qualify. NFU also supports the finding in the interim rule that requires the NRCS chief to determine that the “adjacent land is necessary to support the installation of a practice or system implemented on eligible land” for the water management agency to be eligible for EQIP resources.

NFU also supports the capping of EQIP payments to water management systems, though that cap should be reduced from \$900,000 to the standard \$450,000 limit. Water management agencies looking for funding to address broad natural resource concerns already have resources available from NRCS through the Regional Conservation Partnership Program. Thus, money provided to these systems through EQIP must be aimed toward specific farm- and ranch-related issues.

Conclusion

Thank you for the opportunity to provide comments on the EQIP interim rule. We look forward to working with NRCS as you make these needed changes and implement a strong final rule that works for U.S. family farmers and ranchers.

Sincerely,

Roger Johnson
President, National Farmers Union