

February 10, 2015

Chief Jason Weller
USDA-NRCS
1400 Independence Avenue
Washington, DC 20250

RE: Comments on the Environmental Quality Incentives Program Interim Rule; Docket No. NRCS-2014-0007

Dear Chief Weller:

The undersigned organizations welcome the opportunity to submit comments on the Environmental Quality Incentives Program (EQIP) Interim Rule. Our organizations represent thousands of family farmers, rural community leaders, and conservation-minded individuals from around the U.S., and we share a commitment to federal policy that promotes sustainable agriculture production systems, family-based farms and ranches, and healthy, vibrant rural communities. Many of us work directly with farmers to help them enroll in NRCS conservation programs; serve on State Technical Committees; and participate in NRCS programs, including EQIP and CIG projects. We believe EQIP plays an important role in aiding not only those farmers and ranchers looking to reduce the negative impacts of their operations, but also those who seek to increase overall conservation benefits on their farms. Below, we offer several recommendations that, if made, would greatly increase EQIP's ability to serve sustainable and organic producers, optimize the program's cost-effectiveness, and support a shift toward more environmentally sound agricultural practices.

1. Retain regional decision-making authority

In the Interim Rule, NRCS has eliminated the requirement in 1466.20(b)(5) that EQIP applications of \$150,000 or greater require the review and approval of the Regional Conservationists. NRCS notes that this requirement is non-statutory, but was included in the original regulations at the agency's discretion. We do not support this change; it removes an important check at the regional level to take a longer-term view of program spending, environmental benefits, and the cumulative impacts of projects with dubious environmental value.

The projects most likely to receive these large payments support concentrated animal feeding operations (CAFOs) through funding for waste lagoons, waste transfer, and waste treatment, including methane digesters. If these contracts are considered in isolation, then the cumulative impacts on a state or region's resource concerns are ignored. **EQIP should not be used as a production incentive for such operations, and NRCS should retain regional authority to approve or deny these types of projects.** By requiring approval of the Regional Conservationist for projects of this scale and nature, the agency takes a longer-term view of the cumulative impacts of such projects. **We recommend further the agency undertake an environmental review of the total net environmental impacts of CAFOs.**

2. Support climate-friendly agricultural practices and systems

Through EQIP rulemaking and implementation, NRCS is poised to take steps to support climate change adaptation and mitigation in the agriculture sector. EQIP provides the opportunity to both:

enhance support for those practices and systems with the greatest adaptation and mitigation potential, and to encourage the transition away from those with negative climate effects and less ability to cope with the pressure imposed by increasingly extreme and unpredictable weather events.

EQIP can do more to support low input and biologically diverse agricultural systems – including certified organic agriculture – that play an important role in addressing climate change. In addition to their ability to reduce GHG emissions and sequester carbon, these complex systems produce numerous co-benefits that will help farmers build resilient and viable systems of production.

In many parts of the country, farmers are experiencing the effects of drought, unusually high temperatures, and intense rain events. Climate change threatens to exacerbate such extremes and deepen our vulnerability to their impacts on agriculture.¹ We can better address drought and other extreme events by making our farms and ranches more resilient. This includes both encouraging adoption of climate-smart practices, and providing the resources necessary to shift farmers and ranchers away from production practices and systems that increase their vulnerability to weather extremes. The EQIP rulemaking process provides the agency with the opportunity to make significant changes – both regulatory and administrative – to enhance the program’s ability to support the President’s climate agenda and our nation’s farmers and ranchers.

The Farm Bill directs USDA to reserve sixty percent of all EQIP funds for livestock-related practices. However, the Farm Bill does not place any additional stipulations on the use of these funds. **We urge NRCS to prioritize sustainable livestock management – including rotational grazing, forage management, and infrastructure to protect streams and lakes from livestock impacts (fencing, watering facilities, etc.) – for disbursement of these funds.**

Moreover, NRCS should stop providing EQIP assistance for new and expanding CAFOs. EQIP was not intended to be a livestock production subsidy program or an incentive to concentrate production, yet that is what it has in part become. Animal waste storage and treatment facilities have become the second largest single user of EQIP funds (behind only irrigation equipment), reducing funds available to small and mid-sized family farms and to sustainable grazing systems. Astoundingly, the rule as currently written allows CAFOs to obtain contracts for waste storage and treatment facilities as long as the participant agrees to develop and implement a comprehensive nutrient management plan (CNMP) by the end of the contract period. CNMPs are mandatory for CAFOs, and the agency should not be providing funding to construct waste storage and treatment facilities *before* the operators have a CNMP in place. **We strongly urge the agency to require CAFO operators to complete the CNMP as a prerequisite to receiving any funds for animal waste storage or treatment facilities, not as an afterthought.**

We further urge NRCS to **issue guidance prohibiting funding for new and expanding CAFOs** to send a clear message that, consistent with the President’s strong campaign promises, the federal government will not subsidize the expansion of a model of production that has proven to be a burden on public services and surrounding communities. **In addition to guidance, the EQIP IFR should be amended in the final rule to clearly prohibit EQIP funding to new or expanding CAFOs. Moreover, States should also be prohibited from creating separate ranking pools for CAFOs.**

¹ See, e.g. <http://www.c2es.org/science-impacts/extreme-weather/drought>

3. Maintain and strengthen support for beginning, socially disadvantaged, and tribal farmers and ranchers

The 2008 Farm Bill directed NRCS to set aside five percent of funds for socially disadvantaged producers and another five percent of funds for beginning farmers and ranchers. The 2014 Farm Bill maintains that set-aside. The 2014 Farm Bill also directs the agency to include veterans as a priority within these set-asides. We support the agency's quick implementation of this new requirement.

We applaud the agency for its efforts to reach out to and enroll these historically underserved populations over the past several years at levels that surpass the statutory set-aside. In FY 14, for example, 20 percent of EQIP funds went to beginning farmers and 10 percent to socially disadvantaged producers. The 2014 Farm Bill increased the advance payment option for historically underserved producers from 30 to 50 percent, which will no doubt play a role in increasing EQIP's accessibility for these producers; we appreciate the agency's quick implementation of this new provision. **We encourage NRCS to continue its efforts to engage with these producers, and the organizations that work with them, to ensure these numbers continue to grow.**

We also support the agency's actions to ensure that tribal land remains eligible for EQIP irrigation funding. In general, we support the irrigation history requirement, and believe that too much EQIP funding goes toward irrigation pipelines in pivots. However, rectifying past discrimination to these historically underserved producers is an important goal and should not be undermined. **Thus, NRCS should provide a full, not limited, waiver from the irrigation history requirement for previously irrigated tribal land.**

4. Increase opportunities for organic producers

Since the inception of the EQIP organic practices provision in the 2008 Farm Bill, NRCS has done much to improve offerings and outreach to organic and transition-to-organic producers through what it calls the Organic Initiative (OI). We appreciate the agency's dedication in this area, and encourage the agency to maintain and build internal capacity to address the needs of organic producers nationwide.

One way that NRCS can better serve the organic community is to provide a clear idea of the number of organic producers that are taking advantage of EQIP dollars. Certified organic producers have the choice to either enroll in the OI or in the general EQIP pool; however, producers who enroll in the OI are held to a lower payment limit than those that enroll through general EQIP.

While NRCS collects data on the number of producers enrolled in the Organic Initiative, NRCS does not track certified organic producers that enroll in general EQIP. We encourage NRCS to do so, and note that nothing in the statutory language would require a producer who self-identified as organic but was enrolled in general EQIP to be held to the OI limit. On the other hand, there is specific statutory language at 16 U.S.C. § 3839aa(4) stating the a purpose of the general program is to assist producers to make beneficial, cost effective changes to production systems including conservation practices related to organic production. For organic producers enrolling in the general program under this authority, it is clear that the general program payment limitation applies.

Therefore, we recommend that **NRCS track participation of certified organic producers in general EQIP**, while also **making it explicit in the Interim Rule and through directives to the states that organic producers that participate in general EQIP are not held to the same limit as those who participate in OI.**

Thank you for considering our views.

Signed,

Allamakee County Protectors - New Albin, IA
Alternative Energy Resources Organization - Helena, MT
Angelic Organics Learning Center - Caledonia, IL
Beyond Pesticides - Washington, D.C.
California Climate and Agriculture Network (CalCAN) - Sacramento, CA
California FarmLink - Santa Cruz, CA
Carolina Farm Stewardship Association - Pittsboro, NC
Catholic Rural Life - St. Paul, MN
Center for Rural Affairs - Lyons, NE
Chesapeake Bay Foundation - Annapolis, MD
Community Alliance with Family Farmers - Davis, CA
Conservation Law Foundation - Boston, MA
Earth Friend - Piermont, NY
Farmer Veteran Coalition - Davis, CA
Farmers Market Coalition - Washington, DC
Florida Organic Growers & Consumers (FOG) - Gainesville, FL
FRESHFARM Markets - Washington, DC
Friends of Family Farmers - Salem, OR
Future Harvest CASA - Cockeysville, MD
Georgia Organics - Atlanta, GA
Grassworks Inc. - Gilman, WI
Growing Power, Inc. - Milwaukee, WI
Growing Power, Inc. - Chicago Office - Chicago, IL
Illinois Stewardship Alliance - Springfield, IL
Institute for Agriculture and Trade Policy - Minneapolis, MN
Iowa Environmental Council - Des Moines, IA
Iowa Natural Heritage Foundation - Des Moines, IA
Kansas Rural Center - Topeka, KS
Leopold Center - Ames, IA
Maine Organic Farmers and Gardeners Association - Unity, ME
Michael Fields Agricultural Institute - East Troy, WI
Michigan Food & Farming Systems (MIFFS) - East Lansing, MI
Michigan Young Farmer Coalition - Canton, MI
Midwest Organic and Sustainable Education Service - Spring Valley, WI
Mississippi Sustainable Agriculture Network (MSAN) - Oxford, MS
Mudd Family Partnership - Newton, MA
National Organic Coalition - New Haven, CT
National Young Farmers Coalition - Washington, DC
NODPA - Deerfield, MA

Northeast Organic Farming Association of New York - Newark, New York
Northeast Organic Farming Association-Interstate Council - Stillwater, NY
Northeast Sustainable Agriculture Working Group (NESAWG) - New Paltz, NY
Ohio Ecological Food and Farm Association - Columbus
Oregon Tilth - Corvallis, OR
Organic Seed Alliance - Port Townsend, WA
Organic Valley - LaFarge, WI
PCC Farmland Trust - Seattle, WA
Practical Farmers of Iowa - Ames, IA
Roots of Change - Oakland, CA
Rural Advancement Foundation International-USA - Pittsboro, NC
Slow Food USA - New York, NY
Sustainable Living Project - Potsdam, NY
Tilth Producers of Washington - Seattle, WA
Union of Concerned Scientists - Washington, DC
Virginia Association for Biological Farming - Moseley, VA
Washington Sustainable Food & Farming Network - Mount Vernon, WA
Wild Farm Alliance - Watsonville, CA
Wisconsin Farmers Union - Madison, WI
Wisconsin Land and Water Conservation Association, Inc, - Madison, WI
Women, Food and Agriculture Network - Story City, IA