



Natural Resources Conservation Service  
6200 Jefferson Street NE, Room 305  
Albuquerque, New Mexico 87109  
Phone: (505) 761-4400 Fax: (505) 761-4463  
Web site: [www.nm.nrcs.usda.gov](http://www.nm.nrcs.usda.gov)

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February 24, 2009

NEW MEXICO BULLETIN NO. 300-9-03

**SUBJECT: LTP - EQIP – GUIDANCE FOR PROCESSING EQIP APPLICATIONS ON LANDS ALREADY ENROLLED IN CSP**

**TO: All Offices**

**Purpose. To establish guidance for processing EQIP applications on lands already enrolled in CSP.**

Expiration Date. September 30, 2009.

The purpose of this bulletin is to restate established guidance for processing EQIP applications on lands which are already enrolled in CSP. These lands require special treatment due to the potential for eligibility or duplicate payment problems; however, all EQIP applications should be accepted and treated according to applicable program policy.

While the EQIP manual explicitly allows CSP contract holders to participate in EQIP, and CSP policy encourages NRCS to support participant efforts to continue to improve lands enrolled in CSP, there are two potential concerns with new EQIP enrollments for existing CSP contract holders. They are duplicate payments and eligibility issues as follows:

**1) Duplicate payments** on the same land are prohibited by the rules of both programs. Participants must not receive two payments for the same practice/activity on the same land (see CPM 518.80 B). Examples of duplicative CSP enhancements activities and EQIP practices include:

CSP [ENM] Inject/direct incorporate manure into soil and (590) Nutrient Management;  
CSP [EPM] Reducing pesticide spray overlap and (595) Pest Management; and  
CSP [EHM] Use of continuous no-till for cropland to improve wildlife habitat, and (329) Residue and Tillage Management, No-Till.

Payment for an activity that contributes to an index or scale based enhancement payment, (and does not mimic a practice), would **not** be considered duplicative with an EQIP practice payment. For example:

CSP [ESM] Improve soil conditioning and quality by implementing conservation measures that result in increase or change in a Soil Conditioning Index (SCI) score of at least 0.1, and (329) Residue and Tillage Management, No-Till; and  
CSP [EWM] Irrigation Enhancement Index Level 1 - 60 – 64 percent, and (449) Irrigation Water Management.

(MORE)

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**2) CSP eligibility requirements** establish minimum treatment levels for lands enrolled in CSP. These minimums are often sufficiently rigorous to preclude the presence of resource concerns needed to qualify for EQIP. The particulars of minimum CSP treatment levels are included in each sign-up notice. For example:

In 2005 the sign-up established the minimum level of treatment for Tier III assuring that riparian corridors, including streams and natural drainages, within the agricultural operation are buffered to restore, protect, or enhance riparian resources. In most circumstances, this would preclude use of the EQIP Prescribed Grazing Riparian Management Incentive implemented in fiscal year 2008.

All CSP contract lands should have soil and water quality resource concerns treated to minimum levels described in the applicable CSP sign-up announcement. Applying an EQIP contract on these lands to treat either of these resource concerns would require a quantifiable improvement in already treated resource condition, and should be carefully documented.

Most other situations with potential conflicts between CSP and EQIP, land is not eligible for simultaneous EQIP assistance and CSP enrollment. Typically, it is anticipated producers will prefer to keep their CSP contracts and withdraw their EQIP applications. However, if a producer wishes to request CSP contract cancellation, NRCS can consider this option subject to the normal contract cancellation process. CSP contract cancellation requires approval from the State Conservationist and may include consequences outlined in the CSP contract appendix.

Accordingly, **District Conservationists may not finalize new EQIP contracts on CSP lands without written Area and State Office approval.** The DC may request an exemption from this policy if site conditions provide a clearly distinguishable difference between CSP and EQIP practices, and between CSP eligibility criteria and EQIP resource concerns to be treated. To request an exemption, the DC should prepare a written summary of the facts, with appropriate references to the applicable sign-up announcement (available on the National CSP web page: <http://www.nrcs.usda.gov/programs/csp/>) and submit them for review and approval to the Area Conservationist and Assistant State Conservationist for Programs.

If you have comments or questions about this policy, please contact Norman Vigil, ASTC for Programs, at 505-761-4404, or Seth Fiedler, Resource Conservationist, at 505-761-4416.

/s/

DENNIS L. ALEXANDER  
State Conservationist