

Part 512 – Conservation Program Contracting

Subpart J – Exhibits

512.116 Adjusted Gross Income Limitation Waiver Request Worksheet

A person or legal entity that exceeds the adjusted gross income (AGI) requirements of the 2008 Farm Bill will not be eligible to receive payments in Farm Bill programs (Agricultural Management Assistance Program (AMA), Agricultural Water Enhancement Program (AWEP), Chesapeake Bay Watershed Initiative (CBWI), Cooperative Conservation Partnership Initiative (CCPI), Conservation Innovative Grants (CIG), Conservation Stewardship Program (CSP), Environmental Quality Incentives Program (EQIP), Grassland Reserve Program (GRP), Farm and Ranch Lands Protection Program (FRPP), Wildlife Habitat Incentives Program (WHIP), and Wetlands Reserve Program (WRP)) unless waived by the Chief of the Natural Resources Conservation Service. Waivers are considered on a case-by-case basis. The determination for approval will be based on whether the proposed application will protect environmentally sensitive land of special significance.

Applicants must prepare a written request for an AGI limitation waiver addressed to the Chief. (**Note:** Federally recognized Tribes are not subject to AGI limitations). The designated conservationist will submit the applicant's written request, along with the completed waiver request worksheet package, through appropriate channels to the State Conservationist (SC). SCs will complete an initial review of the waiver request package to ensure that the request is of the highest quality and that the waiver request is justified.

For those requests that meet all the requirements listed in this worksheet, the SC will forward the complete waiver package through the Regional Conservationist to the Chief for approval. SCs must provide written notification to all applicants of the Chief's decision with appropriate appeal rights or acknowledgement of the waiver.

Section 1: Application Program Information and Eligible Categories

(List only one program per waiver request.)

Applicant's Name: _____ State: _____

Location (County): _____ Program: _____ Application No.: _____

Length of contract: _____ NRCS Contract Amount: \$ _____

Length of Easement: _____ Easement Costs (est.): \$ _____ Restoration Costs (est.):
\$ _____

The waiver request must show that use of conservation program funding by an individual addresses at least one of the following categories.

- (1) Critical to the success of a project that benefits **multiple producers** in a community, watershed, or other geographic area that will protect environmentally sensitive land of special significance.

- (2) Enables USDA to achieve enduring conservation treatment through a long-term agreement that is greater than 15 years in duration or through a deed restriction on the environmentally sensitive land of special significance. (Note: Programs with agreements less than 15 years in duration must be in partnership with another type of agreement to meet this criterion).

Section 2: National Priority or Emphasis

The conservation practice or activity to be implemented on the applicant’s land must benefit one or more of the national priorities or emphasis areas specific to the applicable program.

List the farm bill program the applicant intends to participate in and identify the national priorities or emphasis (program specific) that will be addressed. List all that apply:

Program	National Program Priority or Emphasis
<i>(e.g., EQIP, reduction of soil erosion, promotion of at-risk species habitat conservation, etc.)</i>	

Section 3: Federal, Regional, Tribal, or State Resource Management Plan or Report

The environmentally sensitive land of special significance is clearly identified in an approved Federal, regional, Tribal, or State environmental or natural resource plan or report. The planned conservation practice or activity will protect or be an integral component in addressing the Federal, regional, Tribal, or State plan’s objectives. Check all that apply:

- State wildlife action plan, plan or report title: _____
- State water quality plan, plan or report title: _____
- National air quality plan, plan or report title: _____
- U.S. Fish and Wildlife recovery plan title: _____
- National fish habitat action plan title: _____
- Nationally accepted AWEP, CCPI or CIG) project name: _____
- Other Federal, regional, State or Tribal plan or report:
Plan or report title: _____

Section 4: Critical Resource

Projects with conservation activities that when implemented must directly impact one or more of the following critical resources. Check all that apply:

- Agricultural viability (prime and unique farmland)
- Air Quality, nonattainment area
- Climate change and energy
- Coastal resources (Coastal zones identified in the Coastal Zone Management Act of 1972 that have a direct and significant impact on coastal waters, including coral reef areas)
Name of coastal resource: _____
- Federal or State listed threatened, endangered, candidate species of concern, or at-risk species
List species: _____
- Groundwater recharge or depletion areas

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Name of recharge or depletion areas: _____

- Historical or cultural resource. List historical or cultural resource:

(Submit a letter from State or Tribal historical preservation officer that supports the conservation practice or activity on the subject land.)

- Invasive species (list): _____
- Pollinators (list): _____
- Water quality (describe): _____
- Wetlands (describe): _____
- Other critical resource issues: _____

Section 5: Description/Overview

Describe the environmentally sensitive land and the conservation practices or activities to be applied. Include cost of restoration and cost of easement if applicable. Include objectives and describe how the applicant's project or activity funded through the identified program is a critical and an integral component in addressing:

- National priorities identified in section 2
- Objectives of the Federal, regional, Tribal, or State plan identified in section 3
- The critical resource issues identified in section 4

In the description include the current resource baseline condition and the future condition. Include in the description the substantial positive and direct outcome (quantify as much as possible) expected from implementing the proposed contract.

(Note: Add additional pages as needed to clearly describe project and the potential outcomes.)

Section 6: Package Submission Requirements

Include all of the following items in the submission package:

- Completed AGI Limitation Waiver Request Worksheet.
- National, regional, State, or Tribal plan referenced in section 3 (Provide a copy of pertinent information from the plan or appropriate Web link, if available.)
- Aerial photograph identifying the applicant's land to be enrolled in the USDA program and the environmentally sensitive land of special significance. A map or photograph must be included of the surrounding project area, if applicable. Identify on the photograph the planned conservation practices to be applied.
- Letter of support from Federal (other than NRCS), Tribal, State agency, or regional commission with expertise regarding the critical resource (e.g., if the project will benefit threatened and endangered species, a letter of support from U.S. Fish and Wildlife Service or the State Fish and Wildlife Agency).
- Farm Bill Application Questionnaire/Checklist (only for AMA, AWEP, CBWI, EQIP, and WHIP). The contract and appendix do not need to be signed.

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Form NRCS-CPA-1155, "Conservation Plan or Schedule of Operations" (only for AMA, AWEP, CBWI, EQIP, and WHIP).

Applicant's written request for the AGI waiver.

Section 7: Certification

State Conservationist

I have completed a review of this AGI waiver request package and find it to be complete and the requested contract will protect environmentally sensitive land of special significance. (If not supported, file for further reference.)

Support

Do Not Support Reason:

State Conservationist or Director: _____ Date: _____

Regional Conservationist

Concur

Do Not Concur

Regional Conservationist: _____ Date: _____

Deputy Chief for Science and Technology

Concur

Do Not Concur

Deputy Chief for Science and Technology: _____ Date: _____

Deputy Chief for Financial Assistance and Community Development (FACD) or Easements and Landscape Planning (ELP)

Concur

Do Not Concur

Deputy Chief FACD or ELP: _____ Date: _____

Chief

Approved

Not Approved

Chief: _____ Date: _____

If not approved, reasons:

Note: Contracts must be obligated within the same fiscal year as the waiver. Waiver determinations for conservation programs will be based on the year for which the conservation program contract or agreement is approved and the determination will apply for the entire term of the subject agreement or contract.