

# Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet

## NRCS Conservation Programs

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 (AMA, AWEP, CBWI, CCPI, CIG, CSP, EQIP, GRP, FRPP, WHIP, and WRP)<sup>1</sup> unless waived by the Chief of the Natural Resources Conservation Service (NRCS) on a case-by-case basis. The determination for approval will be based upon whether the proposed application will protect environmentally sensitive land of special significance.

When an applicant requests an AGI waiver, the Designated Conservationist (DC) should have the applicant prepare a written request for an AGI waiver addressed to the Chief. The DC will submit the applicant's written request, along with this completed waiver request worksheet package, through appropriate channels to the State Conservationist (STC) for initial review (Note: Federally recognized Tribes are not subject to AGI limitations).

For those requests that meet all the requirements listed in Section 5, the STC will forward this complete waiver package through the Regional Conservationist to the Chief for consideration or decision. State Conservationists shall provide written notification to all applicants of the Chief's decision with appropriate appeal rights or acknowledgement of waiver.

### Section 1: Application Program Information and Eligible Categories

Identify the program and length of applicant's proposed contract or easement (List only one program per waiver request):

Applicant's Name: \_\_\_\_\_

State: \_\_\_\_\_ Location (County): \_\_\_\_\_

Program \_\_\_\_\_ Length of contract/easement \_\_\_\_\_ Application No. \_\_\_\_\_

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, or
- (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 land. (Note: Programs with agreements less than 15 years in duration will need to be in partnership with another type of agreement to meet this criterion).

### Section 2: National Priority or Emphasis

The conservation practice(s)/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 applies):

Program	National Program Priority or Emphasis
<i>e.g. EQIP</i>	<i>Promotion of at-risk species habitat conservation</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(s) 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/Report Title: \_\_\_\_\_
- State Water Quality Plan, Plan/Report Title: \_\_\_\_\_
- National Air Quality Plan, Plan/Report Title: \_\_\_\_\_
- U.S. Fish and Wildlife Recovery Plan Title: \_\_\_\_\_
- National Fish Habitat Action Plan Title: \_\_\_\_\_
- Nationally accepted Agricultural Water Enhancement Program (AWEP, CCPI or CIG) Project Name: \_\_\_\_\_
- Other Federal, regional, State or Tribal plan, or report, Plan/Report Title: \_\_\_\_\_

Briefly provide the justification and a description on how the conservation practice(s)/activity on this land will address the identified resource issues in the national, regional, State, or Tribal plan or report?

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**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 as identified per the Coastal Zone Management Act of 1972 that have a direct and significant impact on coastal waters, includes 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 area(s);  
Name of recharge or depletion area (s) \_\_\_\_\_

(Continued on next page)

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

\_\_\_\_\_

(Submit a letter from State or Tribal Historical Preservation Officer that supports the conservation practice(s)/activity on the subject land).

- Invasive Species (List): \_\_\_\_\_
- Pollinators (List): \_\_\_\_\_
- Water Quality (Describe): \_\_\_\_\_
- Wetlands (Describe): \_\_\_\_\_
- Other critical resource issues \_\_\_\_\_

Briefly describe how the conservation practice(s)/activity will benefit the identified critical resource(s) (identified in the above list) on the subject land:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### Section 5: Package Submission Requirements

Include the following in the submission package: **(all items required)**

- Overview of the conservation practices/activities to be implemented on the environmentally sensitive land, describe the current resource baseline condition and the future condition, include objectives and describe how the applicant's project is a critical or integral component in achieving Federal, regional, Tribal or State plan objectives (i.e., size of the land area under review in relation to the amount of critical areas to be addressed or needing treatment).
- National, regional, State, or Tribal Plan referenced in Section 3. (Provide copy of pertinent information from the plan and appropriate web link, if a web link to document is available on the internet).
- Aerial photograph of the applicant's land to be enrolled in the USDA program and surrounding project area. (Identify on the photograph the planned conservation practices/activities).
- Letter of support from Federal (other than NRCS)/Tribal/State Agency or regional commission with expertise regarding the critical resource (e.g. the project will benefit threatened and endangered species, a letter of support from US Fish and Wildlife Service and/or the State Fish and Wildlife Agency).
- Applicant's written request for the AGI waiver.

**Section 6: Certification**

**State Conservationist**

I have completed a review of this AGI waiver request package and find it to be complete. (If not supported, file for further reference).

Support                       Do Not Support, Reason: \_\_\_\_\_

State Conservationist/ Director: \_\_\_\_\_ Date: \_\_\_\_\_

**Regional Conservationist Concurrence:**

Concur                       Do Not Concur, Reason: \_\_\_\_\_

Regional Conservationist: \_\_\_\_\_ Date: \_\_\_\_\_

**Chief Approval**

Approved                       Not Approved, Reason: \_\_\_\_\_

Chief: \_\_\_\_\_ Date: \_\_\_\_\_

Note: 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.

1/ Applicable Programs

- AMA - Agricultural Management Assistance
- CBWI - Chesapeake Bay Watershed Initiative
- CCPI – Cooperative Conservation Partnership Initiative
- CSP – Conservation Stewardship Program
- FRPP – Farm and Ranch Lands Protection Program
- WRP - Wetlands Reserve Program

- AWEP - Agricultural Water Enhancement Program
- CIG - Conservation Innovation Grants
- EQIP – Environmental Quality Incentives Program
- GRP – Grassland Reserve Program
- WHIP – Wildlife Habitat Incentive Program