

Department of Agriculture

COMMITTEE ON INTELLIGENCE

COMMITTEE ON INDIAN AFFAIRS

COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENT AFFAIRS

RANKING MEMBER
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

United States Senate

Senator Tom Coburn, MD

COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS

COMMITTEE ON THE JUDICIARY

RANKING MEMBER
SUBCOMMITTEE ON THE CONSTITUTION

February 3, 2011

Via U.S. Mail and Electronic Mail

The Honorable Thomas James Vilsack
Secretary of Agriculture
United States Department of Agriculture
1400 Independence Avenue, S.W.
Washington, D.C. 20250

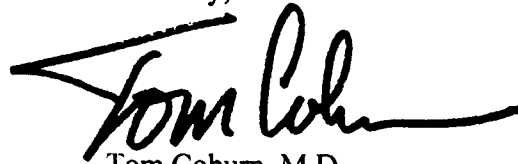
Dear Secretary Vilsack:

The United States Department of Agriculture ("USDA") administers several programs that provide important financial benefits to certain American farmers and other individuals. These programs and payments take the form of direct payments, land conservation programs, and a number of loan programs. These programs include, but are not limited to, the programs outlined in the attached Schedule A.

For each program listed in Schedule A, please provide the following information for all individuals or farming entities that received any payment from these programs during Fiscal Years 2007, 2008, 2009 and 2010, who also had an adjusted gross income of \$1,000,000 or greater: (1) name of individual, business, or farming entity; (2) total adjusted gross income for the Fiscal Year in which the payment was made; (3) name of each program the recipient received benefits through; (4) amount of benefits received from each program; and (5) total amount of all program benefits received during each Fiscal Year. This information should be produced in an electronic usable format, such as Microsoft Excel.

Please provide the above information by February 18, 2011. If you have any questions, including the format in which the information should be produced, please contact

Sincerely,



Tom Coburn, M.D.
United States Senator

SCHEDULE A

With respect to each United States Department of Agriculture program listed below, please provide the requested information on or before February 18, 2011:

- Direct Payments;
- Counter-Cyclical Payments;
- Marketing Assistance Loan Program;
- Average Crop Revenue Election;
- Milk Income Loss Program;
- Noninsured Crop Disaster Assistance Program;
- Supplemental Revenue Assistance Payments Program;
- Livestock Indemnity Program;
- Livestock Forage Disaster Program;
- Emergency Assistance for Livestock, Honey Bees, and Farm-Raised Fish Program;
- Tree Assistance Program;
- Farm Storage Facility Loans;
- Farm Labor Housing Loans and Grants;
- Housing Repair Loans and Grants;
- Dairy Indemnity Program;
- Any other ad hoc payments or programs, including, but not limited the Crop Assistance Program;
- Conservation Reserve Program;
- Wetlands Reserve Program;
- Grasslands Reserve Program;
- Farmland Protection Program;
- Environmental Quality Incentives Program;
- Conservation Security (Stewardship) Program;
- Conservation Security (Stewardship) Program
- Wildlife Habitat Incentives Program;
- Grassroots Source Water Protection Program;
- Agriculture Water Enhancement Program;
- Agricultural Management Assistance Program;
- Chesapeake Bay Watershed Program;
- Voluntary Public Access and Habitat Incentives Program;
- Cooperative Conservation Partnership Initiative;
- Direct Farm Loans;
- Guaranteed Farm Loans;
- Business and Industry Guaranteed Loan Program;
- Intermediary Relending Program;
- Biorefinery Assistance Loan Guarantees;
- Rural Energy for America Program Guaranteed Loan Program; and
- Rural Economic Development Loan and Grant Program.



United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

February 18, 2011

The Honorable Tom Coburn, M.D.
United States Senate
172 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Coburn:

Thank you for your letter of February 3, 2011, requesting information on individuals and farming entities with Adjusted Gross Income (AGI) exceeding \$1 million that received program payments during fiscal years 2007, 2008, 2009, and 2010. The Department of Agriculture (USDA) does not capture the recipient's AGI for any of the programs listed on the Schedule A provided with your letter.

The enclosed information indicates whether the authorizing statutes established an AGI eligibility threshold for each of the programs. For programs with an AGI eligibility threshold, the program application requests the applicant to self certify his or her income eligibility. During the application review process USDA validates the self certification against the Internal Revenue Service's (IRS) database of AGI. However, the IRS only indicates whether their records indicate a program participant exceeds any AGI limits established in the authorizing statute, and does not provide actual tax information or dollar amounts. Additionally, as noted in the enclosure, several of these programs do provide USDA with a waiver authority for individuals or entities that exceed the program's AGI threshold. But, USDA does not record or store any data on the applicants' and recipients' AGI.

If you have any further questions, please do not hesitate to have your staff contact
Congressional Relations, at

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Vilsack", written over a horizontal line.

Thomas J. Vilsack
Secretary

Enclosure

Availability of Data for Select USDA Programs

Program	Response
Direct Payments;	Recipient AGI is not captured by program. Program AGI threshold for FY 2007 and 2008 was average adjusted gross income not exceeding \$2,500,000, unless at least 75% of AGI was derived from farming, ranching, or forestry operations. Program AGI threshold for FY 2009 and 2010 was average adjusted gross farm income not exceeding \$750,000 and average adjusted gross nonfarm income not exceeding \$500,000. The national total of direct payments not made as of the date of this attachment's submission due to this program AGI threshold was \$30,887,390 in FY 2009, and \$31,355,436 in FY 2010.
Counter-Cyclical Payments;	Recipient AGI is not captured by program. Program AGI threshold for FY 2007 and 2008 was average adjusted gross income not exceeding \$2,500,000, unless at least 75% of AGI was derived from farming, ranching, or forestry operations. Program AGI threshold for FY 2009 and 2010 was average adjusted gross nonfarm income below \$500,000. The National total of counter-cyclical payments not made as of the date of this attachment's submission due to this program AGI threshold was \$1,362,102 in FY 2009, and \$10,725 in FY 2010.
Marketing Assistance Loan Program (Marketing Loan Gains or Loan Deficiency Payments);	Recipient AGI is not captured by program. Program AGI threshold for FY 2007 and 2008 was average adjusted gross income not exceeding \$2,500,000, unless at least 75% of AGI was derived from farming, ranching, or forestry operations. Program AGI threshold for FY 2009 and 2010 was average adjusted gross nonfarm income not exceeding \$500,000. The National total of market loan gains or loan deficiency payments not made as of the date of this attachment's submission due to this program AGI threshold is still under review. Outlays were very minimal due to high crop prices.

Enclosure: Availability of Data for Select USDA Programs

Average Crop Revenue Election;	Recipient AGI is not captured by program. Program AGI threshold for FY 2009 and 2010 was average adjusted gross nonfarm income not exceeding \$500,000. This program is for the 2009-2010 crop years and the first payments are being issued in FY 2011. The National total of Average Crop Revenue Election payments for FY 2009 not made as of the date of this attachment's submission due to this program AGI threshold is \$2,222,431. Market price information is not available yet to determine FY 2010 Average Crop Revenue Election payments.
Milk Income Loss Program;	Recipient AGI is not captured by program. Prior to FY 2009, there were no AGI limitations. Program AGI threshold for FY 2009 and 2010 was average adjusted gross nonfarm income not exceeding \$500,000. The National total of Milk Income Loss Program payments not made due to this program's AGI threshold is still under review.
Noninsured Crop Disaster Assistance Program;	Recipient AGI is not captured by program. This program did not have an AGI limitation, and was subject to a gross revenue limitation not to exceed \$2,000,000 for the prior year. Program AGI threshold for FY 2009 and 2010 was average adjusted gross nonfarm income not exceeding \$500,000. The National total of noninsured crop disaster assistance program payments not made as of the date of this attachment's submission due to this program AGI threshold is still under review.
Supplemental Revenue Assistance Payments Program;	Recipient AGI is not captured by program. Program AGI threshold for FY 2008 was average adjusted gross income not exceeding \$2,500,000, unless at least 75% of AGI was derived from farming, ranching, or forestry operations. Program AGI threshold for FY 2009 and 2010 was average adjusted gross nonfarm income not exceeding \$500,000. The National total of 2008 SURE payments not made as of the date of this attachment's submission due to this program's AGI threshold was \$32,446.
Livestock Indemnity Program;	Recipient AGI is not captured by program.

Enclosure: Availability of Data for Select USDA Programs

	Program AGI threshold for FY 2008 was average adjusted gross income not exceeding \$2,500,000, unless at least 75% of AGI was derived from farming, ranching, or forestry operations. Program AGI threshold for FY 2009 and 2010 was average adjusted gross nonfarm income not exceeding \$500,000. The National total of Livestock Indemnity Program payments not made due to this program's AGI threshold is \$28,081 for 2009, and \$113,117 for 2010.
Livestock Forage Disaster Program;	Recipient AGI is not captured by program. Program AGI threshold for FY 2008 was average adjusted gross income not exceeding \$2,500,000, unless at least 75% of AGI was derived from farming, ranching, or forestry operations. Program AGI threshold for FY 2009 and 2010 was average adjusted gross nonfarm income not exceeding \$500,000. The National total of payments not made as of the date of this attachment's submission due to this program's AGI threshold is zero.
Emergency Assistance for Livestock, Honey Bees, and Farm-Raised Fish Program;	Recipient AGI is not captured by program. Program AGI threshold for FY 2008 was average adjusted gross income not exceeding \$2,500,000, unless at least 75% of AGI was derived from farming, ranching, or forestry operations. Program AGI threshold for FY 2009 and 2010 was average adjusted gross nonfarm income not exceeding \$500,000. The National total of payments not made as of the date of this attachment's submission due to this program's AGI threshold is zero.
Tree Assistance Program;	Recipient AGI is not captured by program. Program AGI threshold for FY 2008 was average adjusted gross income not exceeding \$2,500,000, unless at least 75% of AGI was derived from farming, ranching, or forestry operations. Program AGI threshold for FY 2009 and 2010 was average adjusted gross nonfarm income not exceeding \$500,000. The National total of payments not made as of the date of this attachment's submission due to this program's AGI threshold for FY 2009 is \$77,441 and zero for FY 2010.
Farm Storage Facility Loans;	Recipient AGI is not captured by program.

Enclosure: Availability of Data for Select USDA Programs

	AGI is not an eligibility criterion.
Farm Labor Housing Loans and Grants;	For FY 2009, five individuals with AGI exceeding \$1 million received a total of \$1,210,386 in benefits. For FY 2010, one individual with AGI exceeding \$1 million received a total of \$178,800 in benefits.
Housing Repair Loans and Grants;	Program AGI threshold is below 50% of the area's median income.
Dairy Indemnity Program;	AGI is not an eligibility criterion.
Any other ad hoc payments or programs, including, but not limited to the Crop Assistance Program;	Recipient AGI is not captured by ad hoc and other payment programs.
Conservation Reserve Program;	Recipient AGI is not captured by program. For FY 2009 and subsequent years, program AGI threshold is average adjusted gross nonfarm income not exceeding \$1,000,000, unless not less than 66.66 percent of the average adjusted gross income of the person or legal entity is average adjusted gross farm income. For FY 2010, four individuals with AGI exceeding \$1 million received a total of \$75,540 in benefits. For FY 2010, as of the date of this attachment's submission, total payments of \$1,401,127 were not made due to this program's AGI threshold.
Wetlands Reserve Program;	Recipient AGI is not captured by program. Program AGI threshold for FY 2007 and 2008 was average adjusted gross income not exceeding \$2,500,000. Program AGI threshold for FY 2009 and 2010 was average adjusted gross nonfarm income not exceeding \$1,000,000, unless a waiver is granted by the Chief of the NRCS.

Enclosure: Availability of Data for Select USDA Programs

	For FY 2009, two individuals with AGI exceeding \$1 million received a total of \$10,234,520 in benefits.* For FY 2010, eight individuals with AGI exceeding \$1 million received a total of \$74,041,244 in benefits.*
Grasslands Reserve Program;	Recipient AGI is not captured by program. Program AGI threshold for FY 2007 and 2008 was average adjusted gross income not exceeding \$2,500,000. Program AGI threshold for FY 2009 and 2010 was average adjusted gross nonfarm income not exceeding \$1,000,000, unless a waiver is granted by the Chief of the NRCS. For FY 2010, one individual with AGI exceeding \$1 million received a total of \$2,797,200 in benefits.*
Farmland Protection Program;	Recipient AGI is not captured by program. Program AGI threshold for FY 2007 and 2008 was average adjusted gross income not exceeding \$2,500,000. Program AGI threshold for FY 2009 and 2010 was average adjusted gross nonfarm income not exceeding \$1,000,000, unless a waiver is granted by the Chief of the NRCS. For FY 2009, one individual with AGI exceeding \$1 million received a total of \$630,000 in benefits.*
Environmental Quality Incentives Program;	Recipient AGI is not captured by program. Program AGI threshold for FY 2007 and 2008 was average adjusted gross income not exceeding \$2,500,000. Program AGI threshold for FY 2009 and 2010 was average adjusted gross nonfarm income not exceeding \$1,000,000, unless a waiver is granted by the Chief of the NRCS.

Enclosure: Availability of Data for Select USDA Programs

	For FY 2010, three individuals with AGI exceeding \$1 million received a total of \$385,097 in benefits.*
Conservation Security/ Stewardship Program;	Recipient AGI is not captured by program. The Conservation Security Program AGI threshold for FY 2007 and 2008 was average adjusted gross income not exceeding \$2,500,000. The Conservation Stewardship Program AGI threshold for FY 2009 and 2010 was average adjusted gross nonfarm income not exceeding \$1,000,000, unless a waiver is granted by the Chief of the NRCS.
Wildlife Habitat Incentives Program;	Recipient AGI is not captured by program. Program AGI threshold for FY 2007 and 2008 was average adjusted gross income not exceeding \$2,500,000. Program AGI threshold for FY 2009 and 2010 was average adjusted gross nonfarm income not exceeding \$1,000,000, unless a waiver is granted by the Chief of the NRCS. For FY 2009, one individual with AGI exceeding \$1 million received a total of \$187,540 in benefits.* For FY 2010, one individual with AGI exceeding \$1 million received a total of \$100,000 in benefits.*
Grassroots Source Water Protection Program	Recipient AGI is not captured by program. Program AGI threshold for FY 2007 and 2008 was average adjusted gross income not exceeding \$2,500,000. Program AGI threshold for FY 2009 and 2010 was average adjusted gross nonfarm income not exceeding \$1,000,000, or unless a waiver is granted by the Administrator of the FSA.
Agriculture Water Enhancement Program;	Recipient AGI is not captured by program.

Enclosure: Availability of Data for Select USDA Programs

	Program AGI threshold for FY 2007 and 2008 was average adjusted gross income not exceeding \$2,500,000. Program AGI threshold for FY 2009 and 2010 was average adjusted gross nonfarm income not exceeding \$1,000,000, unless a waiver is granted by the Chief of the NRCS.
Agricultural Management Assistance Program;	Recipient AGI is not captured by program. Program AGI threshold for FY 2007 and 2008 was average adjusted gross income not exceeding \$2,500,000. Program AGI threshold for FY 2009 and 2010 was average adjusted gross nonfarm income not exceeding \$1,000,000, unless a waiver is granted by the Chief of the NRCS.
Chesapeake Bay Watershed Program;	Recipient AGI is not captured by program. Program AGI threshold for FY 2007 and 2008 was average adjusted gross income not exceeding \$2,500,000. Program AGI threshold for FY 2009 and 2010 was average adjusted gross nonfarm income not exceeding \$1,000,000, unless a waiver is granted by the Chief of the NRCS.
Voluntary Public Access and Habitat Incentives Program;	Recipient AGI is not captured by program. Program AGI threshold for FY 2007 and 2008 was average adjusted gross income not exceeding \$2,500,000. Program AGI threshold for FY 2009 and 2010 was average adjusted gross nonfarm income not exceeding \$1,000,000, unless a waiver is granted by the Administrator of FSA.
Cooperative Conservation Partnership Initiative;	Recipient AGI is not captured by program. Program AGI threshold for FY 2007 and 2008 was average adjusted gross income not exceeding \$2,500,000. Program AGI threshold for FY 2009 and 2010 was average adjusted gross nonfarm income not exceeding \$1,000,000, unless a waiver is granted by the Chief of the NRCS.
Direct Farm Loans;	Recipient AGI is not captured by program.

Enclosure: Availability of Data for Select USDA Programs

Guaranteed Farm Loans;	Recipient AGI is not captured by program.
Business and Industry Guaranteed Loan Program;	Recipient AGI is not captured by program. AGI information is not required by regulation as part of the application process. However, applicants are required to pass financial feasibility tests that demonstrate the applicant's ability to repay the Government.
Intermediary Relending Program;	Only non-profit entities are eligible for program.
Biorefinery Assistance Loan Guarantees;	Recipient AGI is not captured by program. AGI information is not required by regulation as part of the application process. However, applicants are required to pass financial feasibility tests that demonstrate the applicant's ability to repay the Government.
Rural Energy for America Program Guaranteed Loan Program; and	Recipient AGI is not captured by program. AGI information is not required by regulation as part of the application process. However, applicants are required to pass financial feasibility tests that demonstrate the applicant's ability to repay the Government.
Rural Economic Development Loan and Grant Program.	Recipient AGI is not captured by program. AGI information is not required by regulation as part of the application process. However, applicants are required to pass financial feasibility tests that demonstrate the applicant's ability to repay the Government.

**Indicates obligations which are estimates of total contract financial assistance and easement acquisition where applicable – not limited to disbursements made in year of funding.*



United States
Department of
Agriculture

Office of the
General
Counsel

Washington,
D.C.
20250-1400

May 11, 2011

MEMORANDUM FOR STEVEN C. SILVERMAN
DEPUTY GENERAL COUNSEL

FROM

Laurie Ristino 
Senior Counsel
Conservation & Environment Division

SUBJECT: Redactions of AGI Waiver Forms

This memorandum responds to a request from Senator Coburn's office for a rationale explaining redactions of portions of Adjusted Gross Income (AGI) Waiver Request Worksheets for Natural Resources Conservation Service (NRCS or the agency) Programs. These redactions were made by the agency in order to comply with section 1619 of the 2008 farm bill, Pub. L. No. 110-246.

Section 1619 is a provision broadly protecting producer information. Section 1619 provides, in pertinent part, that

the Secretary of Agriculture shall not disclose information provided by an agricultural producer or owner of agricultural land concerning the agricultural operation, farming or conservation practices *or the land itself*, in order to participate in programs of the Department;...
(emphasis added)

We understand that the portions of the forms that were redacted by NRCS were specific attributes of the applicants' land that NRCS would not have had such information but for the applicants' application to participate in NRCS programs. Consequently, the requirements of section 1619 apply and require withholding of such information.

Adjusted Gross Income Waivers Granted by the Natural Resources Conservation Service in Fiscal Years 2009 and 2010

Wetland Reserve Program	Recipient AGI is not captured by program. Program AGI threshold for FY 2007 and 2008 was average adjusted gross income not exceeding \$2,500,000. Program AGI threshold for FY 2009 and 2010 was average adjusted gross nonfarm income not exceeding \$1,000,000, unless a waiver is granted by the Chief of the NRCS. For FY 2009, two individuals with AGI exceeding \$1 million received a total of \$10,234,520 in benefits. For FY 2010, eight individuals with AGI exceeding \$1 million received a total of \$74,041,244 in benefits.	<table><tr><td></td><td>WRP 2010</td><td>WRP 2009</td></tr><tr><td>1</td><td>5,800,000</td><td>10,000,000</td></tr><tr><td>2</td><td>21,947,815</td><td>234,520</td></tr><tr><td>3</td><td>7,924,250</td><td></td></tr><tr><td>4</td><td>900,853</td><td></td></tr><tr><td>5</td><td>80,000</td><td></td></tr><tr><td>6</td><td>31,755,730</td><td></td></tr><tr><td>7</td><td>5,405,393</td><td></td></tr><tr><td>8</td><td>227,203</td><td></td></tr><tr><td>Total</td><td>\$ 74,041,244</td><td>\$10,234,520</td></tr></table>		WRP 2010	WRP 2009	1	5,800,000	10,000,000	2	21,947,815	234,520	3	7,924,250		4	900,853		5	80,000		6	31,755,730		7	5,405,393		8	227,203		Total	\$ 74,041,244	\$10,234,520
	WRP 2010	WRP 2009																														
1	5,800,000	10,000,000																														
2	21,947,815	234,520																														
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6	31,755,730																															
7	5,405,393																															
8	227,203																															
Total	\$ 74,041,244	\$10,234,520																														
Grassland Reserve Program	Recipient AGI is not captured by program. Program AGI threshold for FY 2007 and 2008 was average adjusted gross income not exceeding \$2,500,000. Program AGI threshold for FY 2009 and 2010 was average adjusted gross nonfarm income not exceeding \$1,000,000, unless a waiver is granted by the Chief of the NRCS. For FY 2010, one individual with AGI exceeding \$1million received a total of \$2,797,200 in benefits.	<table><tr><td></td><td>GRP 2010</td></tr><tr><td></td><td>\$2,797,200</td></tr></table>		GRP 2010		\$2,797,200																										
	GRP 2010																															
	\$2,797,200																															
Environmental Quality Incentive Program	Recipient AGI is not captured by program. Program AGI threshold for FY 2007 and 2008 was average adjusted gross income not exceeding \$2,500,000. Program AGI threshold for FY 2009 and 2010 was average adjusted gross nonfarm income not exceeding \$1,000,000, unless a waiver is granted by the Chief of the NRCS. For FY 2010, four individuals with AGI exceeding \$1 million received a total of \$592,097 in benefits.	<table><tr><td></td><td>EQIP 2010</td></tr><tr><td>1</td><td>299,847</td></tr><tr><td>2</td><td>50,000</td></tr><tr><td>3</td><td>210,000</td></tr><tr><td>4</td><td>32,250</td></tr><tr><td></td><td>\$592,097</td></tr></table>		EQIP 2010	1	299,847	2	50,000	3	210,000	4	32,250		\$592,097																		
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Adjusted Gross Income Waivers Granted by the Natural Resources Conservation Service in Fiscal Years 2009 and 2010

Farmland Protection Program	Recipient AGI is not captured by program. Program AGI threshold for FY 2007 and 2008 was average adjusted gross income not exceeding \$2,500,000. Program AGI threshold for FY 2009 and 2010 was average adjusted gross nonfarm income not exceeding \$1,000,000, unless a waiver is granted by the Chief of the NRCS. For FY 2009, one individual with AGI exceeding \$1 million received a total of \$630,000 in benefits.	FRPP 2009 \$630,000	
Wildlife Habitat Incentive Program	Recipient AGI is not captured by program. Program AGI threshold for FY 2007 and 2008 was average adjusted gross income not exceeding \$2,500,000. Program AGI threshold for FY 2009 and 2010 was average adjusted gross nonfarm income not exceeding \$1,000,000, unless a waiver is granted by the Chief of the NRCS. For FY 2009, one individual with AGI exceeding \$1 million received a total of \$187,540 in benefits. For FY 2010, two individuals with AGI exceeding \$1 million received a total of \$549,662 in benefits.	WHIP 2009 1 187,540 2 \$187,540	WHIP 2010 100,000 449,662 \$549,662

easement \$5,153,854
restoration \$251,539
total (ea) \$5,405,393

Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet NRCS Conservation Programs (FY 2010)

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, AVEP, CEWI, CCPI, CIG, CSP, EQIP, GRP, FRPP, WHIP, and WRP) 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: *Little Ranch LLC*

State: *Florida* Location (County): *Okeechobee*

Program: *WRP* Length of contract/easement: *Perpetual 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>WRP</i>	<i>Promotion of at-risk species habitat conservation, wetland restoration of land impacted by agricultural production, connectivity to an existing WRP project that would allow further restoration of both projects, regional significant corridor for T+E species, high potential to significantly improve waterfowl and wading bird habitat.</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: *Florida's Wildlife Legacy Initiative, and Wildlife Habitat Conservation Needs in Florida*
- ☒ State Water Quality Plan, Plan/Report Title: *Lake Okeechobee TMDL and Water Quality Status report for Kissimmee River*
- ☐ National Air Quality Plan, Plan/Report Title: _____
- ☒ U.S. Fish and Wildlife Recovery Plan Title: *Audubon's Crested Caracara Recovery Plan.*
- ☐ National Fish Habitat Action Plan Title: _____
- ☒ Nationally accepted Agricultural Water Enhancement Program (AWEP, CCPI or CIG) Project Name: *World Wildlife Fund Florida, Florida Ranchlands Environmental Services Project CIG.*
- ☒ Other Federal, regional, State or Tribal plan, or report, Plan/Report Title: *Comprehensive Everglades Restoration Plan, and The Phase II Technical Plan for the Lake Okeechobee Watershed Construction Project*

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?

The restoration of wetland habitats, including Fresh Water Marsh, Wet Prairie, Wetland Mixed Forest and the associated transitional communities of Mesic Flatwoods and Prairie Hammocks will restore critical habitat to many federally listed vertebrate species. These communities are identified in several reports as priority habitats, including the FFWCC State Wildlife Action Plan, USFWS Recovery Plan, and the FFWCC Wildlife Habitat Conservation Needs in Florida, for species including the Eastern indigo snake, Audubon's Crested Caracara and Woodstork.

Placing a Wetlands Reserve Program conservation easement over the property and restoring the native wetland and prairie systems will increase water retention, improve water quality, and increase aquifer recharge which are identified in the Comprehensive Everglades Restoration Plan (CERP) and the Phase II Technical Plan for the Lake Okeechobee Watershed Construction Project as essential practices to the protection and restoration of the Everglades system.

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):

- ☐ Historical or cultural resource; List historical or cultural resource; *No known or state listed sites on the property.*

(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: _____

6/24/10

Jeffrey Ward
Acting SRC

Regional Conservationist Concurrence:

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/ Director: See Previous Page

Date: _____

Deputy Chief for Science & Technology

☐ Concur

☐ Do Not Concur

 Deputy Chief: N/A

 Date: N/A

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

☒ Concur

☐ Do Not Concur

 Deputy Chief: R. A. Johnson

 Date: 06/29/10

Regional Conservationist

☒ Concur

☐ Do Not Concur

 Regional Conservationist: Leonard Jordan

 Date: 7/1/10

Chief

☒ Approved

☐ Not Approved

 Chief: [Signature]

 Date: 7-5-10

If Not Approved, Reason(s): _____

Note: Contracts need to 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.

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

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, AWEF, CBWI, CCPI, CIG, CSP, EQIP, GRP, FRPP, WHIP, and WRP)¹ 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: Lyons Investments LP

State: CA Location (County): Stanislaus

Program WRP Length of contract/easement Perpetual Application No. 1

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>

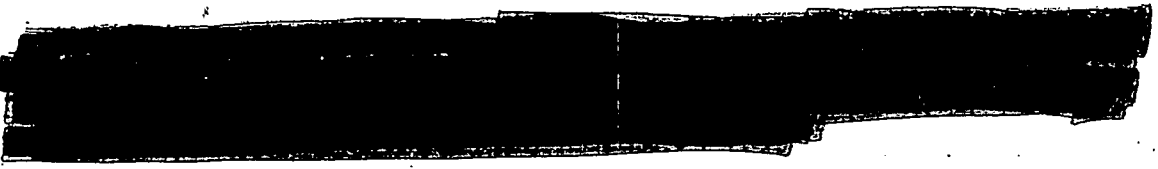
WRP Restores critical wetland, riparian, and native upland habitats; Provides habitat for at-risk species including the potential for reintroduction of the Federally Endangered Riparian Brush Rabbit, which is now limited to 3 small populations in the nearby area.

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: Central Valley Habitat Joint Venture
Implementation Plan; State passed Propositions 1E and 84 _____
- ☐ State Water Quality Plan, Plan/Report Title: _____
- ☐ National Air Quality Plan, Plan/Report Title: _____
- ☒ U.S. Fish and Wildlife Recovery Plan Title: Endangered Riparian Brush Rabbit; Endangered
Riparian Wood Rat; Endangered Least Bell's Vireo; Threatened Valley Elderberry Longhorn
Beetle; _____
- ☒ National Fish Habitat Action Plan Title: Endangered Fall-run Chinook salmon; Threatened
Central Valley Steelhead _____
- ☐ Nationally accepted Agricultural Water Enhancement Program (AWEP,
CCPI or CIG) Project Name: _____
- ☒ Other Federal, regional, State or Tribal plan, or report,
Plan/Report Title: Federal and State 'San Joaquin River Restoration Program' joint BOR,
USFWS, NMFS, Ca. Dept. of Fish and Game, and Ca. Dept. of Water Resources; Local Tuolumne River
Trust's 'Lower Tuolumne River Parkway: A Framework for the Future' _____

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?



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:

[REDACTED]

- ☐ 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): [REDACTED]

- ☒ Other critical resource issues [REDACTED]

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

[REDACTED]

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).

[REDACTED]

☒ 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).

- San Joaquin River Restoration Program <http://www.restoresjr.net/background.html>
- Joint Venture Implementation Plan as well as Partners In Flight Plans:
<http://www.centralvalleyjointventure.org/plans/>
- USFWS Recovery Plans:
http://ecos.fws.gov/tess_public/TESSWebpageRecovery?sort=1
- Tuolumne River Trust:
http://www.tuolumne.org/content/index.php?topic=programs_central

☒ 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).

[REDACTED]

☒ 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).

[REDACTED]

☒ Applicant's written request for the AGI waiver.

[REDACTED]

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: 8/17/09

Regional Conservationist Concurrence: Acting Deputy Chief, Programs

☒ Concur

☐ Do Not Concur, Reason: _____

Regional Conservationist: Leonard Jordan

Date: 8/17/09

Chief Approval

☒ Approved

☐ Not Approved, Reason: _____

Chief: Sam White

Date: 8-18-09

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

TH. \$234,520

easement \$219,520
restoration \$15,000

Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet NRCS Conservation Programs

Submitted to NHQ – 17 September 2009

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, AWEF, CBWI, CCPI, CIG, CSP, EQIP, GRP, FRPP, WHIP, and WRP)¹ 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: Harbor Street Limited Partnership, Joseph Falzone, General Partner

State: NH Location (County): Rockingham

Application No. NH WRP Permanent Easement with Restoration

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>
<u>WRP</u>	<u>Wetland restoration through permanent easement acquisition</u>

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: New Hampshire Wildlife Action Plan
- ☒ State Water Quality Plan, Plan/Report Title: NH Coastal Conservation Plan
- ☐ National Air Quality Plan, Plan/Report Title: EPA Nonattainment Area's
- ☐ 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: The Land Conservation Plan for New Hampshire's Coastal Watersheds,
Town of Nottingham Long Range Plan, Bear-Paw Regional Greenways Conservation Area
Plan.

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?

Conservation and restoration of the parcel through the establishment of a permanent easement will prevent development of a property that has demonstrated wildlife, water quality, aesthetic, and recreational attributes. Specifically, 46% of the property is recognized as being Tier 1 (highest quality) forested floodplain habitat, and 70% of the site lies within a conservation focus area as identified in the NH Wildlife Action Plan. The property contains over 3000' of river frontage and lies within the Lamprey River watershed. The Lamprey River is the greatest contributor of fresh water to the Great Bay Estuary, the most productive estuary in the Gulf of Maine. The NH Department of Environmental Services has classified the water quality in the Lamprey River as impaired and its restoration is a priority within the New Hampshire Coastal Conservation Plan.

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: _____

☐ 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:

Discussion w/ NH staff (SUE) 9/18/18.

Easement Acquisition

total cost \$219,520

Section 5: Package Submission Requirements

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

60% of Acres Restored - cost \$15,000

- ☒ 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).

NH Wildlife Action Plan located @:

http://www.wildlife.state.nh.us/Wildlife/wildlife_plan.htm

NH Coastal Conservation Plan located @:

<http://www.rpc-nh.org/coastal-conservation.htm>

- ☒ 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: 9/18/09

Regional Conservationist Concurrence:

☒ Concur

☐ Do Not Concur, Reason: _____

Regional Conservationist: _____

Date: 9/25/09

Chief Approval

☒ Approved

☐ Not Approved, Reason: _____

Chief: _____

Date: 9-25-09

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.

I/ 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

\$21,947,815

Attachment C 2010 AGI Limitation Waiver Worksheet 1

**Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet
NRCS Conservation Programs (FY 2010)**

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, AWEF, CBWI, CCPI, CIG, CSP, EQIP, GRP, FRPP, WHIP, and WRP); 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.

Applicants will need to 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 this completed waiver request worksheet package, through appropriate channels to the State Conservationist (STC). State Conservationists 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 STC will forward the complete waiver package through the Regional Conservationist to the Chief for approval. State Conservationists shall 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: Westby Ranch State: FL

Location (County): Highlands Program WRP Application No.

Length of contract/easement Perpetuity NRCS Contract Amount \$

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

- X (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 or
- X (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 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

e.g. EQIP Reduction of soil erosion, Promotion of at-risk species habitat conservation, etc.

WRP Protect, restore and enhance wetlands on property to achieve greatest wetland functions and Values, and optimum wildlife habitat.

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):

- X State Wildlife Action Plan, Plan/Report Title: Florida's Wildlife Legacy Initiative
- X State Water Quality Plan, Plan/Report Title: Water Quality Status Report – Kissimmee River and Fisheating Creek
- National Air Quality Plan, Plan/Report Title: _____
- X U.S. Fish and Wildlife Recovery Plan Title: Audubon's Crested Caracara Recovery Plan
- National Fish Habitat Action Plan Title: _____
- Nationally accepted Agricultural Water Enhancement Program (AWEP, CCPI or CIG) Project Name: _____
- X Other Federal, regional, State or Tribal plan, or report, Plan/Report Title: Wildlife Habitat Conservation Needs in Florida

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):

- X Agricultural viability (Prime and Unique Farmland) - _____
- Air Quality, nonattainment area _____
- X Climate change and energy - _____
- Name of coastal resource _____
- X Federal or State listed threatened, endangered, candidate species of concern, or at risk species.
List species: _____
- X Groundwater recharge or depletion area(s);
Name of recharge or depletion area (s) _____
- X 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).
- X Invasive Species (List): _____
- X Pollinators (List): _____
- X Water Quality (Describe): _____
- X Wetlands (Describe): _____

Other critical resource issues _____

Section 5: Description/Overview

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

National priorities identified in Section 2;

Objective(s) of the Federal, regional, Tribal or State plan identified in Section 3; and

The critical resource issue(s) 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.

(Add additional page(s) as needed to clearly describe project and the potential outcomes)

Section 6: Package Submission Requirements

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

Completed (AGI) Limitation Waiver Request Worksheet

National, Regional, State, or Tribal Plan referenced in Section 3. (Provide copy of pertinent information from the plan and/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 should 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. 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).

Farm Bill Application Questionnaire/Checklist (only for AMA, AWEP, CBWI, EQIP, and WHIP, contract and appendix does not need to be signed).

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/ Director: _____ Date: 6/25/10

Deputy Chief for Programs:

Concur Do Not Concur, Reason: _____

Deputy Chief for Programs: _____ Date: 7/13/10

Regional Conservationist:

Concur Do Not Concur, Reason: _____

Regional Conservationist: _____ Date: 7/14/10

Chief Approval

Approved Not Approved, Reason: _____

Chief: _____ Date: 7-15-10

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 AWEP - Agricultural Water Enhancement Program

CBWI - Chesapeake Bay Watershed Initiative CIG - Conservation Innovation Grants

CCPI - Cooperative Conservation Partnership Initiative EQIP - Environmental Quality Incentives Program

CSP - Conservation Stewardship Program GRP - Grassland Reserve Program

FRPP - Farm and Ranch Lands Protection Program WHIP - Wildlife Habitat Incentive Program

\$ 31,755,730

Attachment C 2010 AGI Limitation Waiver Worksheet 1

**Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet
NRCS Conservation Programs (FY 2010)**

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, AWEF, CBWI, CCPI, CIG, CSP, EQIP, GRP, FRPP, WHIP, and WRP), 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.

Applicants will need to 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 this completed waiver request worksheet package, through appropriate channels to the State Conservationist (STC). State Conservationists 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 STC will forward the complete waiver package through the Regional Conservationist to the Chief for approval. State Conservationists shall 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: Blue Head Ranch, LLC State: FL

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

Length of contract/easement Perpetuity NRCS Contract Amount \$ _____

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

- X (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 or
- X (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 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

e.g. EQIP Reduction of soil erosion, Promotion of at-risk species habitat conservation, etc.

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):

- X State Wildlife Action Plan, Plan/Report Title: Florida's Wildlife Legacy Initiative
- X State Water Quality Plan, Plan/Report Title: Water Quality Status Report – Kissimmee River and Fisheating Creek
- National Air Quality Plan, Plan/Report Title: _____
- X U.S. Fish and Wildlife Recovery Plan Title: Audubon's Crested Caracara Recovery Plan
- National Fish Habitat Action Plan Title: _____
- Nationally accepted Agricultural Water Enhancement Program (AWEP, CCPI or CIG) Project Name: _____
- X Other Federal, regional, State or Tribal plan, or report, Plan/Report Title: Wildlife Habitat Conservation Needs in Florida

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):

- X Agricultural viability (Prime and Unique Farmland) – _____
- Air Quality, nonattainment area
- X Climate change and energy – _____

Name of coastal resource _____

- X Federal or State listed threatened, endangered, candidate species of concern, or at risk species.

- X Groundwater recharge or depletion area(s);
Name of recharge or depletion area (s) _____

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).

- X Invasive Species (List): _____
- X Pollinators (List): _____
fritillary), ruby-throated hummingbirds
- X Water Quality (Describe) _____
- X Wetlands (Describe): _____

Other critical resource issues _____

Section 5: Description/Overview

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

National priorities identified in Section 2;

Objective(s) of the Federal, regional, Tribal or State plan identified in Section 3; and

The image is a dark, heavily degraded scan of a document page. It appears to be a ledger or a form with a vertical line on the left side and faint horizontal lines across the page. The image is almost entirely black with significant noise and artifacts, making the content illegible.

The critical resource issue(s) identified in Section 4

A large, dark, rectangular area representing a redacted document page. The area is mostly black with some visible texture and noise. On the right side, there are several small, light-colored rectangular tabs or markers protruding from the edge.

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.

(Add additional page(s) as needed to clearly describe project and the potential outcomes)

Section 6: Package Submission Requirements

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

Completed (AGI) Limitation Waiver Request Worksheet

National, Regional, State, or Tribal Plan referenced in Section 3. (Provide copy of pertinent information from the plan and/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 should 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. 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).

Farm Bill Application Questionnaire/Checklist (only for AMA, AWEP, CBWI, EQIP, and WHIP, contract and appendix does not need to be signed).

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/ Director:

Date: 6/20/10

Deputy Chief for Programs:

☒ Concur ☐ Do Not Concur, Reason:

Deputy Chief for Programs::

Date: 7/13/10

Regional Conservationist:

☒ Concur ☐ Do Not Concur, Reason:

Regional Conservationist:

Date: 7/14/10

Chief Approval

☒ Approved ☐ Not Approved, Reason:

Chief:

Date: 7-15-10

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 AWEP - Agricultural Water Enhancement Program

CBWI - Chesapeake Bay Watershed Initiative CIG - Conservation Innovation Grants

CCPI - Cooperative Conservation Partnership Initiative EQIP - Environmental Quality Incentives Program

CSP - Conservation Stewardship Program GRP - Grassland Reserve Program

FRPP - Farm and Ranch Lands Protection Program WHIP - Wildlife Habitat Incentive Program

easement \$4,600,000
restoration \$1,200,000
TH (est) \$5,800,000

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, AWEF, CBWI, CCPI, CIG, CSP, EQIP, GRP, FRPP, WHIP, and WRP) 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: LUX FARMS, LLC

State: NC Location (County): HYDE

Program WRP Length of contract/easement Perpetual 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

e.g. EQIP Promotion of at-risk species habitat conservation

WRP Promotion of habitat for migratory birds and wetland dependent wildlife. Improved water quality in the adjacent estuary.

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: NC Wildlife Action Plan
- ☒ State Water Quality Plan, Plan/Report Title: Pasquotank River Basinwide Water Quality Plan and Tar-Pamlico River Basinwide Water Quality Plan
- ☐ National Air Quality Plan, Plan/Report Title: NONE

☒ National Fish Habitat Action Plan Title: National Fish Habitat Action Plan and The Southeast Aquatic Habitat Plan

☐ Nationally accepted Agricultural Water Enhancement Program (AWEP, CCPI or CIG) Project Name: NONE, but in 2008 NCCF applied for a project within the drainage district.

☒ Other Federal, regional, State or Tribal plan, or report, Plan/Report Title: NC Coastal Habitat Protection Plan; NC Oyster Fisheries Management Plan; NC Natural Heritage Program Biennial Protection Plan; NC Ecosystem Enhancement Program Basinwide Plan; The Comprehensive Conservation and Management Plan-Albemarle-Pamlico National Estuary Program; USFWS Southeast United States Waterbird Conservation Plan; The Nature Conservancy's Conservation Action Plan; NC's Outer Banks and Sounds.

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?

See Addendum 1 for documentation of plans listed above and justification for activities proposed.

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: see Addendum 2a for further explanation
- ☒ 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: _____

☒ 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).

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

See Addendum 2b for additional information.

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: Mary K Combs Date: Dec 16, 2009

Regional Conservationist Concurrence:

☒ Concur

☐ Do Not Concur, Reason: _____

Regional Conservationist: Lenard Jordan Date: 3/9/2010

Chief Approval

☒ Approved

☐ Not Approved, Reason: _____

Chief: [Signature] Date: 3-11-2010

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.

I/ 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

Lux Farms, North Carolina- Additional Acres Request for AGI Waiver

Lux Farms, LLC was granted An AGI ownership waiver for enrollment into the Wetland Reserve Program (WRP) on March 11, 2010. Since that time, the applicant has requested that an additional to enroll an additional 423 acres into WRP. The additional acreage is contiguous to the original offer and will add to the environmental benefits of the easement.

	Original waiver request	Additional	Total
Acres	+/- 3,842	+/- 423	+/- 4,265
Easement cost (Est.)	\$3,504,400	\$1,142,100	\$4,646,500
Restoration Cost (Est.)	To be determined after surveys		\$1,200,000

A number of partners, including USFWS, NC Coastal Federation, and NC State University are providing significant resources to plan and design the restoration and the additional acreage.

Deputy Chief for Easements and Landscape Planning

☒ Concur

☐ Do Not Concur, Reason: _____

Deputy Chief for Easements and Landscape Planning: DAVID Y. ACTING Date: 4.23.10
for

Regional Conservationist:

☒ Concur

☐ Do Not Concur, Reason: _____

Regional Conservationist: Dan E. Gelber Date: 4/22/10

Chief Approval

☒ Approved

☐ Not Approved, Reason: _____

Chief: D. White Date: 4-27-10

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.

easement \$7,824,250
restoration \$100,000
Total \$7,924,250

Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet NRCS Conservation Programs (FY 2010)

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, AWEF, CBWL, CCPI, CIG, CSP, EQIP, GRP, FRPP, WHIP, and WRP)¹ 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.

Applicants will need to 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 this completed waiver request worksheet package, through appropriate channels to the State Conservationist (STC). State Conservationists 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 STC will forward the complete waiver package through the Regional Conservationist to the Chief for approval. State Conservationists shall 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: Cumberland & Western Resources, LLC

State: Texas

Property also known as Eagle Nest Lake and Osceola Plantation

Location (County): Brazoria Program: WRP Application No: 66-7442-10-00018

Length of contract/easement: Permanent NRCS Contract Amount: \$7,824,250 (4471 acres)

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 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 environmentally sensitive land of special significance. (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
e.g. EQIP	Reduction of soil erosion, Promotion of at-risk species habitat conservation, etc.
<u>WRP</u>	<u>Restoration and protection of critical and unique wetlands</u>

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: Texas Wildlife Action Plan, Texas Parks and Wildlife Department
- ☒ State Water Quality Plan, Plan/Report Title: State Water Plan, Texas Water Development Board
- ☐ National Air Quality Plan, Plan/Report Title: _____
- ☒ U.S. Fish and Wildlife Recovery Plan Title: Columbia Bottomlands Conservation Plan
- ☐ 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: Gulf Coast Joint Venture Plan.

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) _____

- ☐ 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: Potential loss to development.

Section 5: Description/Overview

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

- National priorities identified in Section 2;
- Objective(s) of the Federal, regional, Tribal or State plan identified in Section 3; and
- The critical resource issue(s) 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.

(Add additional page(s) as needed to clearly describe project and the potential outcomes)

Objective(s) of the Federal, regional, Tribal or State plan identified in Section 3:

The Texas Parks and Wildlife, State Wildlife Action Plan identifies fifteen statewide conservation priorities.

The Texas Water Development Board (TWDB), State Water Plan contains in Chapter 10, Water Management Strategies. Section 10.2 provides an overview of recommended strategies. Strategies listed in part 10.2.7 identify private land stewardship and states "Land stewardship practices that help control nuisance vegetation, maintain and restore suitable vegetation in riparian areas, reseed with native plants, maintain open space land and wildlife habitat, conserve wetlands (emphasis added), and control erosion through reduction of overgrazing will promote the health and efficiency of the state's watersheds and should be encouraged."

The rapid destruction of bottomland hardwood forests in this area, and the concerns of conservationists about preserving a sustainable area of this habitat, gave rise to the Columbia Bottomlands Conservation Plan (U.S. Fish and Wildlife Service 1997). The Plan proposes a goal of 28,328 acres of habitat conserved under the combined efforts of private, state, and federal entities, thus ensuring protection of at least 10% of the original ecosystem area.

The Gulf Coast Joint Venture: Texas Mid-Coast Initiative, North American Waterfowl Management Plan. identifies four broad strategies of wetland conservation that are important for achieving their goals and

objectives.

Wetlands – See description above regarding National priorities identified in Section 2.

Section 6: Package Submission Requirements

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

- ☒ Completed (AGI) Limitation Waiver Request Worksheet
- ☒ National, Regional, State, or Tribal Plans referenced in Section 3. (Provide copy of pertinent information from the plan and/or appropriate web link, if available.
 1. Texas Parks and Wildlife Department, State Wildlife Action Plan, page 517:
http://www.tpwd.state.tx.us/publications/pwdpubs/pwd_pl_w7000_1187a/media/II.pdf
 2. Texas Water Development Board, State Water Plan; Chapter 10 Strategies:
http://www.twdb.state.tx.us/publications/reports/State_Water_Plan/2007/2007StateWaterPlan/CHAPTER%2010%20final_112706.pdf
 3. Columbia Bottomlands Conservation Plan; [http://www.bioone.org/doi/pdf/10.3375/0885-8608\(2008\)28%5B74:CSAVCI%5D2.0.CO%3B2?cookieSet=1](http://www.bioone.org/doi/pdf/10.3375/0885-8608(2008)28%5B74:CSAVCI%5D2.0.CO%3B2?cookieSet=1)
 4. Gulf Coast Joint Venture, Texas Mid-Coast Initiative, North American Waterfowl Management Plan, Conservation Strategies, page 13
<http://www.gcjv.org/docs/TXMidCoastpub.pdf>
- ☒ 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 should 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. 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).
- ☐ Farm Bill Application Questionnaire/Checklist (only for AMA, AWEP, CBWL, EQIP, and WHIP, contract and appendix does not need to be signed).
- ☐ NRCS-CPA-1155 Conservation Plan or Schedule of Operations. (only for AMA, AWEP, CBWL, 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/ Director: _____

Donnell Holmquist APR 13 2010

Deputy Chief for Programs: *ELP*

☒ Concur

☐ Do Not Concur, Reason: _____

Deputy Chief for Programs: _____

Mary L. Hacking Date: *4.23.10*
for

Regional Conservationist: _____

☐ Concur

☐ Do Not Concur, Reason: _____

Regional Conservationist: _____

Thom P. Chis Date: *4/29/10*

Chief Approval

☒ Approved

☐ Not Approved, Reason: _____

Chief: _____

Donnell Holmquist Date: *4-29-10*

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.

I/ 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

easement \$830,019
 restoration \$70,834
 Total est \$900,853
 Exhibit 3

Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet NRCS Conservation Programs (FY 2010)

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, AWEF, CBWI, CCPI, CIG, CSP, EQIP, GRP, FRPP, WHIP, and WRP)¹ 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.

Applicants will need to 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 this completed waiver request worksheet package, through appropriate channels to the State Conservationist (STC). State Conservationists 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 STC will forward the complete waiver package through the Regional Conservationist to the Chief for approval. State Conservationists shall 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: William A. Borchardt

State: Kansas

Location (County): Republic

Program: WRP

Application No. 66-6215-0900NTF

Length of easement: Permanent NRCS Easement Purchase Amount: \$830,019.00

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 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 environmentally sensitive land of special significance. (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

WRP

Protecting and restoring this valuable wetland resource will provide quality habitat for migratory birds and other wildlife, protect water quality, and reduce flood damages.

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: Breeding Waterfowl Habitat Preservation
Program – Non-Glaciated Prairie and Mountain Region of the Central Flyway – Region six –
Denver, Colorado, May 1979
- ☐ 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: _____

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) _____
- ☐ 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): Res _____

☒ Wetlands (Describe):

☐ Other critical resource issues _____

Section 5: Description/Overview

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

- National priorities identified in Section 2;
- Objective(s) of the Federal, regional, Tribal or State plan identified in Section 3; and
- The critical resource issue(s) 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.

(Add additional page(s) as needed to clearly describe project and the potential outcomes)

In January of 2009, the Kansas Natural Resources Conservation Service (NRCS) received an application for enrollment _____ of land for a permanent easement under the Wetlands Reserve Program (WRP)

Environmental reviews and preliminary title work also indicated no issues of significance. Based upon this, we completed all necessary work up to the point of closing on the easement.

This wetland resource has been recognized by the KDWP, Environmental Protection Agency, NRCS, and the FWS. in the "Land and Water Conservation Fund Concept plan for Kansas"

Approval of this waiver request would result in being enrolled in a permanent easement under the WRP.

Other private, state, and federal agencies in Kansas are actively working to preserve and restore this wetland resource. If the area is accepted into the WRP, it will likely be the focus of restoration and acquisition of additional wetland acreage by those same partners. These efforts, if successful in utilizing other partnership funds, could lead to a several times larger wetland complex.

I am attaching copies of various reports and documentation showing the significance of the for your review. A timely and favorable consideration of this request is appreciated as we are ready to move to closing upon approval of the waiver.

Section 6: Package Submission Requirements

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

- ☒ Completed (AGI) Limitation Waiver Request Worksheet
- ☒ 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 should 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. 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).
- ☐ Farm Bill Application Questionnaire/Checklist (only for AMA, AWEP, CBWI, EQIP, and WHIP, contract and appendix does not need to be signed).
- ☐ 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/ Director:

Troy M. [Signature] ACTING FOR 4/28/10

Deputy Chief for ~~Financial Assistance and Community Development~~ Easements and Landscape Planning

☒ Concur

☐ Do Not Concur
Deputy Chief for ~~Programs~~ ELP:

Paul [Signature] acting

Date: 05/28/10

Regional Conservationist

☒ Concur

☐ Do Not Concur

Regional Conservationist:

Shawn W. [Signature]

Date: 7/1/2010

Chief

☒ Approved

☐ Not Approved

Chief:

Rene [Signature]

Date: 7-1-10

If Not Approved, Reason(s):

Note: Contracts need to 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.

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

easement \$5,153,854
restoration \$251,539
total (est) \$5,405,393

Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet NRCS Conservation Programs (FY 2010)

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, AWEF, CBWI, CCPI, CIG, CSP, EQIP, GRP, FRPP, WHIP, and WRP) 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: *Little Ranch LLC*

State: *Florida* Location (County): *Okeechobee*

Program: *WRP* Length of contract/easement: *Perpetual 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>WRP</i>	<i>Promotion of at-risk species habitat conservation, wetland restoration of land impacted by agricultural production, connectivity to an existing WRP project that would allow further restoration of both projects, regional significant corridor for T+E species, high potential to significantly improve waterfowl and wading bird habitat.</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: *Florida's Wildlife Legacy Initiative, and Wildlife Habitat Conservation Needs in Florida*
- ☒ State Water Quality Plan, Plan/Report Title: *Lake Okeechobee TMDL and Water Quality Status report for Kissimmee River*
- ☐ National Air Quality Plan, Plan/Report Title: _____
- ☒ U.S. Fish and Wildlife Recovery Plan Title: *Audubon's Crested Caracara Recovery Plan.*
- ☐ National Fish Habitat Action Plan Title: _____
- ☒ Nationally accepted Agricultural Water Enhancement Program (AWEP, CCPI or CIG) Project Name: *World Wildlife Fund Florida, Florida Ranchlands Environmental Services Project CIG.*
- ☒ Other Federal, regional, State or Tribal plan, or report, Plan/Report Title: *Comprehensive Everglades Restoration Plan, and The Phase II Technical Plan for the Lake Okeechobee Watershed Construction Project*

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?

The restoration of wetland habitats, including Fresh Water Marsh, Wet Prairie, Wetland Mixed Forest and the associated transitional communities of Mesic Flatwoods and Prairie Hammocks will restore critical habitat to many federally listed vertebrate species. These communities are identified in several reports as priority habitats, including the FFWCC State Wildlife Action Plan, USFWS Recovery Plan, and the FFWCC Wildlife Habitat Conservation Needs in Florida, for species including the Eastern indigo snake, Audubon's Crested Caracara and Woodstork.

Placing a Wetlands Reserve Program conservation easement over the property and restoring the native wetland and prairie systems will increase water retention, improve water quality, and increase aquifer recharge which are identified in the Comprehensive Everglades Restoration Plan (CERP) and the Phase II Technical Plan for the Lake Okeechobee Watershed Construction Project as essential practices to the protection and restoration of the Everglades system.

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):

- ☐ Historical or cultural resource; List historical or cultural resource; *No known or state listed sites on the property.*
(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

Jeffrey Ward
Acting SRC

Date:

6/24/10

Regional Conservationist Concurrence:

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/ Director: See Previous Page

Date: _____

Deputy Chief for Science & Technology

☐ Concur

☐ Do Not Concur

 Deputy Chief: N/A

 Date: N/A

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

☒ Concur

☐ Do Not Concur

 Deputy Chief: Rudolph

 Date: 06/29/10

Regional Conservationist

☒ Concur

☐ Do Not Concur

 Regional Conservationist: Leonard Jordan

 Date: 7/1/10

Chief

☒ Approved

☐ Not Approved

 Chief: [Signature]

 Date: 7-5-10

If Not Approved, Reason(s): _____

Note: Contracts need to 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.

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

easement \$ 212,200
restoration \$ 15,000
TTL \$ 227,200
Supporting Doc ④

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, AWEF, CBWI, CCPI, CIG, CSP, EQIP, GRP, FRPP, WHIP, and WRP) 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: Harbor Street Limited Partnership, Joseph Falzone, General Partner

State: NH Location (County): Rockingham

Application Number – NH1005- Stingy River

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
e.g. EQIP	Promotion of at-risk species habitat conservation

WRP Wetland restoration through permanent easement acquisition, Preservation of Highly Ranked Habitat, In the vicinity of another easement and abuts potential conservation projects in the area, providing opportunity for protecting part of a network of open spaces

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(5)

Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet NRCS Conservation Programs

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: *NH Fish and Game's Wildlife Action Plan*
- ☐ 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: *Wild and Scenic Lamprey River Management Plan,*

And the Land Conservation Plan for New Hampshire's Coastal Watershed

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?

- The protection of this property is a priority in multiple conservation plans. 148 acres of the property make up 20% of the Core Area of the Pawtuckaway Conservation Focus Area in the Land Conservation Plan for New Hampshire's Coastal Watershed. Other pending and completed conservation projects along with this one would protect 75% of the Core Area. It could also support this report's larger goals by creating a 515 acre block of protected land by adding 154 acres to the land already being conserved by private owners and the Southeast Land Trust. Protecting this parcel through a WRP easement will protect about 3,000 feet of the Pawtuckaway River, 35 acres of wetland, and valuable wildlife habitat from development.
- 34 acres of the property are Highest Ranked Wildlife Habitat according to the NH Fish and Game's Wildlife Action Plan. The property contains identified habitat for four state endangered species, three species of special concern, and three species of interest to NH Fish and Game.
- The conservation of this parcel also supports the Wild and Scenic Lamprey River Management Plan, which states goals to maintain the water quality and ecological health of the Lamprey River. The property abuts the Pawtuckaway River, one of the cleanest tributaries to the Lamprey River.

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):

Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet NRCS Conservation Programs

- ☐ 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) -

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

- ☐ 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:

SUPPORTING DOC
17

**Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet
NRCS Conservation Programs**

• Water Quality:

• Wetlands:

• Climate Change and Energy:

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).

Attachments

1. *The Land Conservation Plan for New Hampshire's Coastal Watersheds* located @ <http://www.rpc-nh.org/coastal-conservation.htm>
2. *New Hampshire Fish and Game's Wildlife Action Plan* located @ http://www.wildlife.state.nh.us/Wildlife/wildlife_plan.htm
3. *The Wild and Scenic Lamprey River Management Plan* located @ http://www.lampreyriver.org/Plan/LRMP_11.07_FINAL.pdf

Section 6: Package Submission Requirements

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

- ☒ Completed (AGI) Limitation Waiver Request Worksheet
- ☒ National, Regional, State, or Tribal Plan referenced in Section 3. (Provide copy of pertinent information from the plan and/or appropriate web link, if available.
<http://www.gadnr.org/cwcs/>)
- ☒ 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 should 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. 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).
- ☒ Farm Bill Application Questionnaire/Checklist (only for AMA, AWEP, CBWI, EQIP, and WHIP, contract and appendix does not need to be signed).
- ☒ 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 5: Description/Overview

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

- o National priorities identified in Section 2;
- e Objective(s) of the Federal, regional, Tribal or State plan identified in Section 3; and
- e The critical resource issue(s) 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.

(Add additional page(s) as needed to clearly describe project and the potential outcomes)

National priorities identified in Section 2:

Objective of the Federal, regional, Tribal or State plan identified in Section 3:

One of the goals identified in the GA State Action plan is: "Facilitate restoration of important wildlife habitats through reintroduction of prescribed fire, hydrologic enhancements, and vegetation restoration".

The critical resource issue(s) identified in Section 4:

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: A Comprehensive Wildlife Conservation Strategy for GA. Dated Aug 31, 2005
- ☐ 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: _____

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) _____
- ☐ 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: _____

Exhibit 3

Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet NRCS Conservation Programs (FY 2010)

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, AWEF, CBWI, CCPI, CIG, CSP, EQIP, GRP, FRPP, WHIP, and WRP) 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.

Applicants will need to 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 this completed waiver request worksheet package, through appropriate channels to the State Conservationist (STC). State Conservationists 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 STC will forward the complete waiver package through the Regional Conservationist to the Chief for approval. State Conservationists shall 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: W.C. Bradley Farms, Inc. State: Georgia

Location (County): Stewart Program WHIP Application No. 724310104YH

Length of contract/easement 4 years NRCS Contract Amount \$ 100,000

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 or Migratory Bird Habitat
- ☐ (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 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
WHIP 1-Promotion of at-risk species habitat conservation, 2- Develop or enhance wildlife habitat.

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: [Signature]

Date: 9-16-10

Deputy CHIEF: [Signature]

FACT: [Signature]

☒ Do Not Concur

DATE: 9/20/10

Regional Conservationist Concurrence:

☒ Concur

☐ Do Not Concur, Reason: _____

Regional Conservationist: [Signature]

Date: 9/20/10

Chief Approval

☒ Approved

☐ Not Approved, Reason: _____

Chief: [Signature]

Date: 9-21-10

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

☐ 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).

☐ 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:

The conservation practices in this plan will remove the threats to sage grouse by leaving residual cover in nesting areas, marking fences to avoid fence collision mortality, reseeding bare ground and weed areas, reseeding construction areas, removing unnecessary fences, and restore wet meadows for forb and insect production in brood rearing habitat. This WHIP contract will address all of these resource concerns.

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 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: Sage Grouse Recovery Plan
- ☐ 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: USFS/BLM Sage Steppe Restoration Plan

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?

The conservation practices associated with this plan will address all threats related to sage grouse survival/recovery. In addition, the practices will directly follow the recovery plan for the sage-steppe ecosystem through restoration of brood rearing habitat by restoring the wet meadow complex. Fence removal of problem fences, marking of fences in critical areas, planting of construction site, weedy areas of range sites, and critical riparian habitats.

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 _____

- ☐ Groundwater recharge or depletion area(s);

Name of recharge or depletion area (s) _____

(Continued on next page)

\$449,662

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, AWP, CBWI, CCPI, CIG, CSP, EQIP, GRP, FRPP, WHIP, and WRP)¹ 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: Sam S Jaksick Jr Family Trust

State: CA Location (County): Modoc

Program WHIP Length of contract/easement 2020 Application No. 729104104XI

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>
<u>WHIP</u>	<u>Sage Grouse Initiative - at risk species habitat conservation</u>

☒ 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) [REDACTED]

☒ 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). [REDACTED]

☒ Applicant's written request for the AGI waiver. [REDACTED]

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: 3/3/09

Regional Conservationist Concurrence:

☒ Concur ☐ Do Not Concur, Reason: _____

Regional Conservationist: _____

Date: 8/5/09

Chief Approval

☒ Approved ☐ Not Approved, Reason: _____

Chief: _____

Date: 8-20-09

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

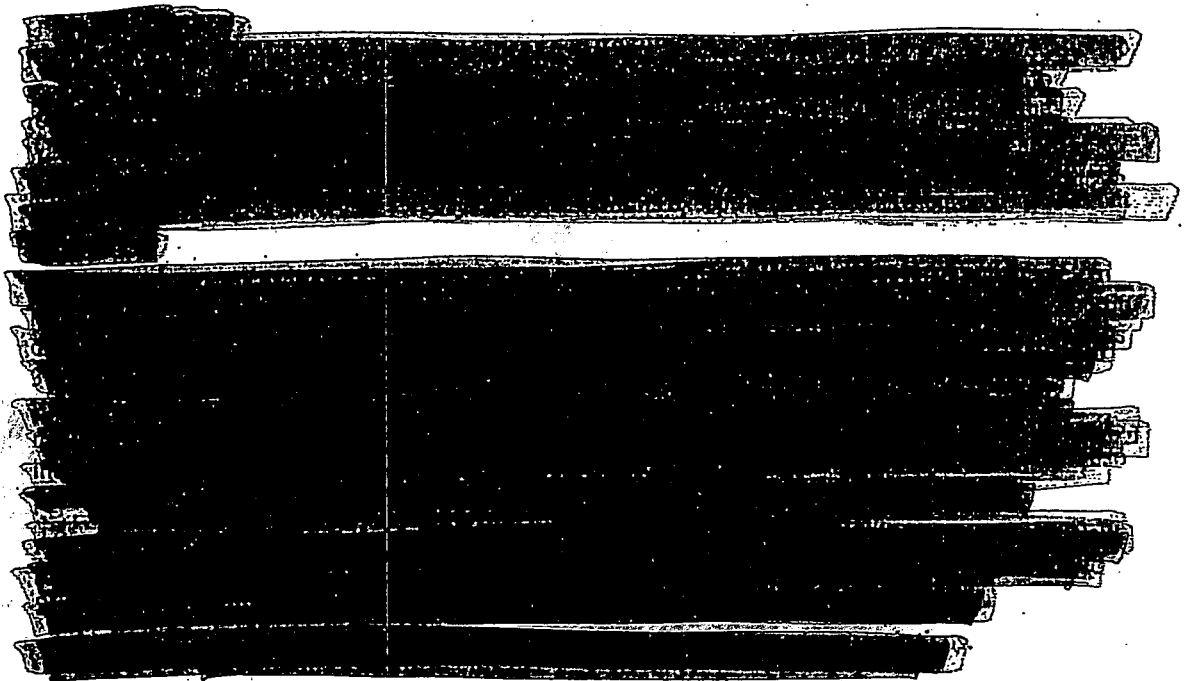
AMA - Agricultural Management Assistance
CBWI - Chesapeake Bay Watershed Initiative
CCPI - Cooperative Conservation Partnership Initiative
CSP - Conservation Stewardship Program
FRPP - Farm and Ranch Lands Protection Program
WRP - Wetlands Reserve Program

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

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).

New Jersey Wildlife Action Plan

http://www.state.nj.us/dep/few/ensp/wap/pdf/wap_draft.pdf

US Fish and Wildlife Service Bog Turtle Recovery Plan

<http://www.fws.gov/northeast/nyfo/es/bogturtle.pdf>

National Fish Habitat Action Plan - Eastern Brook Trout Joint Venture

http://fishhabitat.org/index.php?option=com_content&view=article&id=102:ebtjv&catid=44:partner-profiles&Itemid=37

New Jersey Highlands Act - Regional Master Plan

http://www.highlands.state.nj.us/nihighlands/master/rmp/final/highlands_rmp_112008.pdf

North American Waterfowl Mgmt Plan - Atlantic Coast Joint Venture

<http://www.acjv.org/planning.htm>

Name of coastal resource _____

- ☒ Federal or State listed threatened, endangered, candidate species of concern, or at risk species.

List species: [REDACTED]

- ☐ Groundwater recharge or depletion area(s);

Name of recharge or depletion area (s) _____

- ☐ 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): [REDACTED]

- ☐ Pollinators (List): _____

- ☒ Water Quality (Describe): [REDACTED]

- ☒ Wetlands (Describe): [REDACTED]

- ☐ 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:

[REDACTED]

- ☒ U.S. Fish and Wildlife Recovery Plan Title: Bog Turtle Recovery Plan
- ☒ National Fish Habitat Action Plan Title: Eastern Brook Trout Joint Venture
- ☐ Nationally accepted Agricultural Water Enhancement Program (AWEP, CCPI or CIG) Project Name: _____

- ☒ Other Federal, regional, State or Tribal plan, or report, Plan/Report Title:
NJ Highlands Regional Master Plan
Atlantic Coast Joint Venture of the North America Waterfowl Management Plan

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?

Allowing this Wildlife Habitat Incentives Program (WHIP) contract would benefit several of New Jersey's Resource Management plans.

The New Jersey Wildlife Action Plan for the Skylands region notes that the contamination and alteration of waterways and wetlands in the region negatively effect all wetland dependent species and species groups. Also reduction in stream flows and the persistence of dams have negative impacts on riparian and riverine species. Human encroachment into these areas also causes invasive non native plant species to flourish. These invasive species out compete the native plant communities and can effect wetland hydrology. The Wildlife Action plan also notes that a large portion of critical wildlife habitat in the region is on private land.

The US Fish and Wildlife Service Bog Turtle Recovery plan will have components met with this project. Bog turtles are found within a mile of this site and suitable foraging and hibernation/overwintering habitat will be created.

This project will also benefit the Eastern Brook Trout Joint Venture under the National Fish Habitat Action Plan. This group's aim is to enhance and restore brook trout habitat. By breaching the dam and restoring the natural flow of the Pohatcong Creek we will enhance the habitat for the brook trout that reside in the stream.

We will also be supporting the Atlantic Coast Joint Venture of the North American Waterfowl Management Plan by creating waterfowl habitat in critical areas within the Atlantic flyway.

The New Jersey Highlands Regional Master Plan has been written to implement the New Jersey Highlands Act. The Highlands Act emphasizes the protection, enhancement, and restoration of water resources throughout the Highlands Region, including the ground and surface waters that support aquatic ecosystem sustainability and provide necessary water supplies for the State.

All of these plans support the removal of the dam and restoration the stream (396 Fish Passage), restoration of wetlands (657 Wetland Restoration), and the control of invasive non native plant species (314 Brush Management) being proposed in the Conservation Plan and the WHIP program contract. These plans also show the Skylands and Highlands area to be environmentally sensitive land of special significance.

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)

\$187,540

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, AWEF, CBWL, CCPI, CIG, CSP, EQIP, GRP, FRPP, WHIP, and WRP)¹ 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

Applicant's Name: TALC LLC

State: NJ

Location (County): Warren County

Program: WHIP

Length of contract/easement: 6 years Application No.: 722B29090AJ

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

- WHIP
1. Promote restoration of declining or important native fish and wildlife habitats.
 2. Protect, restore, develop or enhance fish and wildlife habitat to benefit at risk species.
 3. Reduce the impacts of invasive species on fish and wildlife habitats.
 4. Protect, restore, develop or enhance declining or important aquatic wildlife species' habitat.

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: NJ Wildlife Action Plan
- ☐ State Water Quality Plan, Plan/Report Title: _____
- ☐ National Air Quality Plan, Plan/Report Title: _____

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: [Signature]

Date: 9-16-10

☒ Concur

☐ Do Not Concur

Deputy Chief/FACT: [Signature]

DATE: 9/20/10

Regional Conservationist Concurrence:

☒ Concur

☐ Do Not Concur, Reason: _____

Regional Conservationist: [Signature]

Date: 9-20-10

Chief Approval

☒ Approved

☐ Not Approved, Reason: _____

Chief: [Signature]

Date: 9-21-10

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.

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

☐ 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).

☐ 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:

The practices in this plan will remove the threats to sage grouse by leaving residual cover in nesting areas, marking fences to avoid fence collision mortality, reseeding bare ground and weed areas, reseeding construction areas, removing unnecessary fences, and restore wet meadows for forb and insect production in brood rearing habitat. This EQIP contract will only cover the grade control structures used for wet meadows, and will supplement the WHIP contract doing the other components.

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 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: Sage Grouse Recovery Plan
- ☐ 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: USFS/BLM Sage Steppe Restoration Plan

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?

The conservation practices associated with this plan will address all threats related to sage grouse survival/recovery. In addition, the practices will directly follow the recovery plan for the sage-steppe ecosystem through restoration of brood rearing habitat by restoring the wet meadow complex with grade control structures.

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)

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, AWEF, CBWI, CCPI, CIG, CSP, EQIP, GRP, FRPP, WHIP, and WRP)¹ 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: Sam S Jaksick Jr Family Trust

State: CA Location (County): Modoc

Program EQIP Length of contract/easement 2012 Application No. 749104104XH

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>
<u>EQIP</u>	<u>Sage Grouse Initiative - at risk species habitat conservation</u>

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/ Director: _____

Date: APR 22 2010

Deputy Chief for Programs: FACD & SET

☒ Concur

☐ Do Not Concur, Reason: _____

Deputy Chief for Programs: FACD

Date: 4/27/10

Deputy Chief for SET Michele Lauer

DATE: 4/27/10

Regional Conservationist:

☒ Concur

☐ Do Not Concur, Reason: _____

Regional Conservationist: Thomas W. Chitt

Date: 4/28/2010

Chief Approval

☒ Approved

☐ Not Approved, Reason: _____

Chief: _____

Date: 4-29-10

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

Section 5: Description/Overview

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

- National priorities identified in Section 2;
- Objective(s) of the Federal, regional, Tribal or State plan identified in Section 3; and
- The critical resource issue(s) 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.

(Add additional page(s) as needed to clearly describe project and the potential outcomes)

See Attachment #9

Section 6: Package Submission Requirements

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

- ☒ Completed (AGI) Limitation Waiver Request Worksheet.
- ☒ National, Regional, State, or Tribal Plan referenced in Section 3. (Provide copy of pertinent information from the plan and/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 should 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. 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). _____
- ☒ Farm Bill Application Questionnaire/Checklist (only for AMA, AWEP, CBWL, EQIP, and WHIP, contract and appendix does not need to be signed). _____
- ☒ NRCS-CPA-1155 Conservation Plan or Schedule of Operations. (only for AMA, AWEP, CBWL, EQIP, and WHIP). _____
- ☒ Applicant's written request for the AGI waiver. _____

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: **See Attachment #2** _____
- ☐ State Water Quality Plan, Plan/Report Title: _____
- ☐ National Air Quality Plan, Plan/Report Title: _____
- ☒ U.S. Fish and Wildlife Recovery Plan Title: **See Attachment #3** _____
- ☐ 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: **See Attachments #4 and # 5** _____

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) _____
- ☐ 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 _____

Exhibit 3

Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet NRCS Conservation Programs (FY 2010)

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)¹ 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.

Applicants will need to 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 this completed waiver request worksheet package, through appropriate channels to the State Conservationist (STC). State Conservationists 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 STC will forward the complete waiver package through the Regional Conservationist to the Chief for approval. State Conservationists shall 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: The Rice Family Trust State: Texas

Location (County): Hutchinson Program: EQIP - CCPI Application No.: 747442106UJ

Length of contract/easement 2 years NRCS Contract Amount \$35,250

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 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 environmentally sensitive land of special significance. (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
e.g. EQIP	<i>Reduction of soil erosion, Promotion of at-risk species habitat conservation, etc.</i>
<u>EQIP-CCPI</u>	<u>Substantial benefits to invasive species management, and promotion of at-risk species habitat conservation.</u>

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/ Director: *[Signature]*Date: 7/14/10Deputy Chief for ^{FACD} Programs:
☒ Concur

☐ Do Not Concur, Reason: _____
Deputy Chief for Programs: *[Signature]*Date: 7/20/10

Regional Conservationist:

☒ Concur

☐ Do Not Concur, Reason: _____
Regional ^{Acting} Conservationist: *[Signature]*Date: 7/20/10

Chief Approval

☒ Approved

☐ Not Approved, Reason: _____
Chief: *[Signature]*Date: 7-22-10

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.

// 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

Section 6: Package Submission Requirements

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

- ☒ Completed (AGI) Limitation Waiver Request Worksheet
- ☒ National, Regional, State, or Tribal Plan referenced in Section 3. (Provide copy of pertinent information from the plan and/or appropriate web link, if available.
<http://www.gadnr.org/cwcs/>)
- ☒ 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 should 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. 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).
- ☒ Farm Bill Application Questionnaire/Checklist (only for AMA, AWEP, CBWI, EQIP, and WHIP, contract and appendix does not need to be signed).
- ☒ 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 5: Description/Overview

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

- National priorities identified in Section 2;
- Objective(s) of the Federal, regional, Tribal or State plan identified in Section 3; and
- The critical resource issue(s) 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.

(Add additional page(s) as needed to clearly describe project and the potential outcomes)

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: A Comprehensive Wildlife Conservation Strategy for GA, Dated Aug 31, 2005
- ☐ 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: _____

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
- ☐ Groundwater recharge or depletion area(s);
Name of recharge or depletion area (s) _____
- ☐ 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: _____

Exhibit 3

Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet NRCS Conservation Programs (FY 2010)

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)¹ 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.

Applicants will need to 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 this completed waiver request worksheet package, through appropriate channels to the State Conservationist (STC). State Conservationists 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 STC will forward the complete waiver package through the Regional Conservationist to the Chief for approval. State Conservationists shall 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: W.C. Bradley Farms, Inc. State: Georgia

Location (County): Stewart Program EQIP Application No. 744310104Y1

Length of contract/easement 4 Years NRCS Contract Amount \$ 50,000

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 or Migratory Bird Habitat
- ☐ (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 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
<u>EQIP</u>	<u>Promotion of at-risk species habitat conservation</u>

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: 8/31/2010
[Signature]
Deputy Chief, F&CD Acting for DATE 9/7/10

Regional Conservationist Concurrence:

☒ Concur

☐ Do Not Concur, Reason: _____

Regional Conservationist: Dyan E. Gilbert Date: 9/1/10

Chief Approval

☒ Approved

☐ Not Approved, Reason: _____

Chief: [Signature] Date: 9-10-10

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.

// 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

☐ 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).

☐ 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:

The conservation practices in this plan will remove the threats to sage grouse by leaving residual cover in nesting areas, marking fences to avoid fence collision mortality, manage meadow for forb and insect production in brood rearing habitat as well as remove and replace invasive vegetation such as western juniper.

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 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: Sage Grouse Recovery Plan
- ☐ 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: USFS/BLM Sage Steppe Restoration Plan

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?

The conservation practices associated with this plan will address all threats related to sage grouse survival/recovery. In addition the practices will directly follow the recovery plan for the sage-steppe ecosystem through removal of juniper and weeds as well as follow a grazing system.

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 _____

- ☐ Groundwater recharge or depletion area(s);
Name of recharge or depletion area (s) _____

(Continued on next page)

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, AWP, CBWI, CCPI, CIG, CSP, EQIP, GRP, FRPP, WHIP, and WRP)¹ 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: DSLRL LLC DBA SX Lowry Ranch

State: CA Location (County): Modoc

Program EQIP Length of contract/easement 2017 Application No. 749104104XJ

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>
<u>EQIP</u>	<u>Sage Grouse Initiative - at risk species habitat conservation</u>

☒ 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).

☐ Farm Bill Application Questionnaire/Checklist (only for AMA, AWEP, CBWI, EQIP, and WHIP, contract and appendix does not need to be signed).

☐ 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 enable 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. (If not supported, file for further reference).

☒ Support ☐ Do Not Support, Reason: _____

State Conservationist/ Director: Donald H. Hoshorn Date: JUL 26 2010

Deputy Chief for Programs: ELP

☒ Concur ☐ Do Not Concur, Reason: _____

Deputy Chief for Programs: ELP

Date: 7/28/10

Regional Conservationist:

☒ Concur ☐ Do Not Concur, Reason: _____

Regional Conservationist: Diane E. Hubbard Date: 7/27/10

Chief Approval

☒ Approved ☐ Not Approved, Reason: _____

Chief: [Signature] Date: 7-28-10

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.

Section 5: Description/Overview

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

- National priorities identified in Section 2;
- Objective(s) of the Federal, regional, Tribal or State plan identified in Section 3; and
- The critical resource issue(s) 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.

(Add additional page(s) as needed to clearly describe project and the potential outcomes)

National priorities identified in Section 2 above:

Objective(s) of the Federal, regional, Tribal or State plan identified in Section 3:

The Texas Parks and Wildlife, State Wildlife Action Plan identifies fifteen statewide conservation priorities. This proposed project is consistent with four of the priorities: Support Conservation Easements. The Action Plan also identifies high priority eco-regions of the state based on existing threats to conservation

The critical resource issue(s) identified in Section 4

Section 6: Package Submission Requirements

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

- ☒ Completed (AGI) Limitation Waiver Request Worksheet
- ☒ National, Regional, State, or Tribal Plans referenced in Section 3. (Provide copy of pertinent information from the plan and/or appropriate web link, if available.
 1. Texas Parks and Wildlife Department, State Wildlife Action Plan, page 517:
http://www.tpwd.state.tx.us/publications/pwdpubs/pwd_pl_w7000_1187a/media/IL.pdf
- ☒ 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 should be included of the surrounding project area, if applicable. Identify on the photograph the planned conservation practices to be applied.

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: Texas Wildlife Action Plan. Texas Parks and Wildlife Department
- ☐ 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: _____

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) _____
- ☐ 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: _____

Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet NRCS Conservation Programs (FY 2010)

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, AWEF, CBWL, CCPI, CIG, CSP, EQIP, GRP, FRPP, WHIP, and WRP)¹ 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.

Applicants will need to 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 this completed waiver request worksheet package, through appropriate channels to the State Conservationist (STC). State Conservationists 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 STC will forward the complete waiver package through the Regional Conservationist to the Chief for approval. State Conservationists shall 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: Portilla Ranch Holdings, LTD

State: Texas

Location (County): San Patricio Program: GRP Application No: TBD

Length of contract/easement: Permanent NRCS Contract Amount: \$2,797,200 (1554 acres)

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 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 environmentally sensitive land of special significance. (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 <i>e.g. EQIP</i>	National Program Priority or Emphasis <i>Reduction of soil erosion, Promotion of at-risk species habitat conservation, etc.</i>
<u>GRP</u>	<u>Protection of critical and unique grasslands</u>

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/ Director:

Al Turner acting Date: 8/16/10
Deputy Chief for Programs: ELP
☒ Concur

☐ Do Not Concur, Reason: _____

Deputy Chief for Programs:

ELP Gregory K. Johnson Date: 8/18/10
ACTING

Regional Conservationist:

☒ Concur

☐ Do Not Concur, Reason: _____

Regional Conservationist:

Acting Philip Henegan Date: 8/17/2010

Chief Approval

☒ Approved

☐ Not Approved, Reason: _____

Chief:

Sam White Date: 8.25.10

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.

I/ 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

Section 5: Description/Overview

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

- National priorities identified in Section 2;
- Objective(s) of the Federal, regional, Tribal or State plan identified in Section 3; and
- The critical resource issue(s) 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.

(Add additional page(s) as needed to clearly describe project and the potential outcomes)

See attachment on next page.

Section 6: Package Submission Requirements

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

- ☒ Completed (AGI) Limitation Waiver Request Worksheet
- ☒ National, Regional, State, or Tribal Plan referenced in Section 3. (Provide copy of pertinent information from the plan and/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 should 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. 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).
- ☐ Farm Bill Application Questionnaire/Checklist (only for AMA, AWEP, CBWI, EQIP, and WHIP, contract and appendix does not need to be signed).
- ☐ 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.

Attachment C

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: MS's Comprehensive Wildlife Conservation Strategy
- ☐ 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: USFWS - Strategic Habitat Conservation and the Power of Partnerships

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) _____
- ☐ 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 _____

Attachment C

Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet
NRCS Conservation Programs (FY 2010)

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, AWEPP, CBWI, CCPI, CIG, CSP, EQIP, GRP, FRPP, WHIP, and WRP)¹ 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.

Applicants will need to 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 this completed waiver request worksheet package, through appropriate channels to the State Conservationist (STC). State Conservationists 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 STC will forward the complete waiver package through the Regional Conservationist to the Chief for approval. State Conservationists shall 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: W. M. Vandell, III and G. Ruffner Page, Jr. State: MS

Location (County): Tallahatchie Program WRP Application No. 66-4423-10-010CL

Length of contract/easement 10 NRCS Contract Amount \$ 80,000

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 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 environmentally sensitive land of special significance. (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). Leaseholder agreement with USFWS for 15 years.

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
e.g. EQIP	Reduction of soil erosion, Promotion of at-risk species habitat conservation, etc.
<u>WRP</u>	<u>Restore, protect and enhance wetlands</u>

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(9)

Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet
NRCS Conservation Programs

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: 4/1/2010

Deputy Chief ELP

DATE

Regional Conservationist Concurrence:

☒ Concur

☐ Do Not Concur, Reason: _____

Regional Conservationist: _____

Date: 4/20/10

Chief Approval

☒ Approved

☐ Not Approved, Reason: _____

Chief: _____

Date: 4.29.10

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

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Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet
NRCS Conservation Programs

- ☒ 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 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/ Director: *Prothy J. Harris*Date: 7/14/10

Deputy Chief for Programs:

☒ Concur

☐ Do Not Concur, Reason: _____
Deputy Chief for Programs: *FACD*Date: 7/20/10

Regional Conservationist:

☒ Concur

☐ Do Not Concur, Reason: _____
Regional Conservationist: *Michelle Flanagan*Date: 7/20/10

Chief Approval

☒ Approved

☐ Not Approved, Reason: _____
Chief: *WTH*Date: 7-22-10

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.

I/ 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

\$639,000

Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet NRCS Conservation Programs

Submitted to NHQ - 21 August 2009

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)¹ 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: Harbor Street Limited Partnership, Joseph Falzone, General Partner

State: NH Location (County): Rockingham

Application No. NH FRPP TPL-Raspberry Farm 73142809TPL

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

NRCS costs
\$639,000

- ☐ (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).

Total costs
\$1.485 million

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
e.g. EQIP	Promotion of at-risk species habitat conservation
FRPP	Conservation of agricultural property through conservation easement acquisition

40-2AC
w/ Jody
Walker Aste.
NH.
8/24

Note: This request came in late because
State was waiting for report to clear
hazardous site, etc. mpl. 7. 8/24

Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet NRCS Conservation Programs

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: New Hampshire Wildlife Action Plan
- ☒ State Water Quality Plan, Plan/Report Title: NH Department of Environmental Services Water Source Protection Program
- ☒ National Air Quality Plan, Plan/Report Title: EPA Nonattainment Area's
- ☐ 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: The Land Conservation Plan for New Hampshire's Coastal Watersheds, Independence Scenic Byway Plan-- NH Department of Transportation Scenic Byways Program

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?

This FRPP Applicant Project is currently ranked #1 (highest) on the NH FRPP Applications which were evaluated on the most recent ranking cutoff of August 7, 2009.

Conservation of the Raspberry Farm property through an FRPP funded easement will prevent development of a property that has demonstrated wildlife, agricultural, water quality and scenic attributes. Specifically, 77% of the property is recognized as being Tier 1 (highest quality) habitat in the state Wildlife Action Plan. The property is within the Upper Taylor River conservation focus area identified in New Hampshire's Coastal Conservation Plan. The property is within a wellhead protection area identified by the NH Department of Environmental Services. Finally, the property is located on the Independence Scenic Byway - a part of the NH DOT's Scenic Byways Program.

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)

**Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet
NRCS Conservation Programs**

☒ 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):

Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet
NRCS Conservation Programs

☐ 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:

Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet
NRCS Conservation Programs
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).

[REDACTED]

- ☒ 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).

[REDACTED]

NH Wildlife Action Plan located @:

http://www.wildlife.state.nh.us/Wildlife/wildlife_plan.htm

NH Department of Environmental Services Water Source Protection Program located @:

<http://des.nh.gov/organization/divisions/water/dwgb/dwspp/index.htm>

NH Coastal Conservation Plan located @:

<http://www.rpc-nh.org/coastal-conservation.htm>

NH American Independence Scenic Byway Program located @:

<http://www.byways.org/explore/byways/15788/>

- ☒ 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).

[REDACTED]

- ☒ 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).

[REDACTED]

- ☒ Applicant's written request for the AGI waiver.

[REDACTED]

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: *[Signature]*

Date: 8/21/09

Acting for George W. Click

Regional Conservationist Concurrence:

☒ Concur

☐ Do Not Concur, Reason: _____

Do Not Concur, Reason

Deputy Chief for Programs

Regional Conservationist: *[Signature]*

Date: 8/27/09

Chief Approval

☒ Approved

☐ Not Approved, Reason: _____

Chief: *[Signature]*

Date: 8-27-09

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

**Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet
For Conservation Reserve Program**

A person or legal entity that exceeds the AGI requirements of the 2008 Farm Bill will not be eligible to receive payments for certain farm bill programs except when a waiver is authorized by the Administrator on a case-by-case basis if it is determined that environmentally sensitive land of special significance will be protected.

When a producer requests an AGI waiver, the County Committee should have the producer prepare a written request for an AGI waiver addressed to the Administrator. The County Committee will submit the producer's written request, along with the completed waiver request worksheet package, to the State Committee for review (Note: Federally recognized Tribes are not subject to AGI limitations).

For those requests that meet all the requirements listed in Section 5, the State Committee will forward a complete waiver package through DAFP for the Administrator's approval. State Committee's shall provide written notification to all producers of requirements not met with appeal rights or acknowledgement of waivers approved by the Administrator.

Producer Name: Jack Alexander

State: Arkansas Location (County): Crawford

Section 1: Program and length of proposed contract(s)/easements/ contract number

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

Program	CRP SAFE 38C	Length of Contract	15 years	Contract Number	10001, 10002, 10003, 10004, 10005, and contract associated with T-2917 pending approval
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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 a partnership with another type of agreement to meet these criteria.

Section 2: National Priority or Emphasis

The conservation practice(s)/activity to be implemented on the producer'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 producer intends to participate in and identify the national priorities or emphasis (program specific) that will be addressed. (List all that apply):

Program
(e.g. CRP)

CRP SAFE 38C

National Program Priority or Emphasis
(Promotion of at-risk species habitat conservation)

promotion of at-risk species habitat conservation

**Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet
For Conservation Reserve Program (Continued)**

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

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/Report Title: Arkansas Wildlife Action Plan
- ☐ 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?

As specified by the Arkansas Wildlife Action Plan, forestry activities, crop production activities, and urban development comprise three of the top five problems faced by Species of Greatest Conservation Need (SGCN) within the Arkansas Valley Ecoregion (Arkansas Wildlife Action Plan, pg. 1129). Mr. Alexander's voluntary obligation to reforest nearly 500 acres of prime cropland under an extended easement to ensure prolonged wildlife habitat directly addresses the above three mentioned problems along with a host of others. Because of the magnitude of this project and because Mr. Alexander is one of the largest landowners in these bottoms, the conservation example he is setting for surrounding landowners may also prove to have significant future conservation implications with regards to additional producer participation.

Section 4: Critical Resource

The conservation practice(s) or activity will be applied to the land that directly impacts a critical resource as identified in a resource plan identified in section 3 and is within or adjacent to the agricultural operation. Must meet one or more of the following critical resources: (check all that apply):

- ☐ Air Quality, nonattainment area
- ☐ Coastal Resources (Coastal zones as identified per the Coastal Zone Management Act of 1972 that have a direct and significant impact on coastal waters)
- ☐ Name of coastal resource:
- ☒ Federal or State listed threatened, endangered, candidate species or concern, or at risk species.
List species: (See Attachment: AR SAFE Practices: CP38C Wildlife Habitat- Hardwood Trees, pgs. 1-2 and Arkansas State Wildlife Action Plan, pgs. 1120-1124)
- ☐ Groundwater recharge area; Name of recharge area
- ☐ Historical or cultural resource; List historical or cultural resource:
(Submit a letter from State or Tribal Historical Preservation Officer that supports this conservation practice(s)/activity on the subject land).
- ☐ Prime or Unique Farmland
- ☒ Water Quality

- ☒ Wetlands
☒ Other critical resource issues, such as climate change and energy conservation: carbon sequestration

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

The establishment of wetlands/bottomland hardwoods/cottonwoods will 1) create suitable habitat for numerous at-risk, migratory, and state game and non-game species associated with bottomland hardwood, riparian, wetland, and aquatic habitats in conjunction with various adjacent state, federal, and private properties, 2) reduce soil loss and

For Conservation Reserve Program (Continued)

Section 5: Package Submission Requirements

Include the following in the submission package: (all items required): (See Attachment: Section 5)

- ☒ Overview of the conservation practice(s)/activity to be implemented on the environmentally sensitive land, describe the current resource baseline condition and the future condition, include objectives and describe how this project(s) on the producer's land 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).
- <http://www.wildlifearkansas.com/>
- ☒ Aerial photograph of the producer's land to be enrolled in the USDA program and surrounding project area. (Identify on the photograph the planned conservation practice(s)/activities).
- ☒ Letter of support from federal (other than FSA)/Tribal/State Agency or regional commission within 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).
- ☒ Producer's written request for the AGI waiver.

Section 6: Certification

STC

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:

STC:

Shirley Lee Edrington Date: 3/10/10

Administrator Approval

☐ Approved ☐ Not Approved, Reason: _____

Administrator: _____ 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.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer

Union, IA

**Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet
For Conservation Reserve Program**

A person or legal entity that exceeds the AGI requirements of the 2008 Farm Bill will not be eligible to receive payments for certain farm bill programs except when a waiver is authorized by the Administrator on a case-by-case basis if it is determined that environmentally sensitive land of special significance will be protected.

When a producer requests an AGI waiver, the County Committee should have the producer prepare a written request for an AGI waiver addressed to the Administrator. The County Committee will submit the producer's written request, along with the completed waiver request worksheet package, to the State Committee for review (Note: Federally recognized Tribes are not subject to AGI limitations).

For those requests that meet all the requirements listed in Section 5, the State Committee will forward a complete waiver package through DAFP for the Administrator's approval. State Committee's shall provide written notification to all producers of requirements not met with appeal rights or acknowledgement of waivers approved by the Administrator.

Producer Name: Dennis P. Francis

State: Iowa Location (County): Union

Section 1: Program and length of proposed contract(s)/easements/ contract number

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

Program CRP Length of Contract 10 Contract Number NEW

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 a partnership with another type of agreement to meet these criteria.

Section 2: National Priority or Emphasis

The conservation practice(s)/activity to be implemented on the producer'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 producer intends to participate in and identify the national priorities or emphasis (program specific) that will be addressed. (List all that apply):

Program
(e.g. CRP)
CRP - Continuous

National Program Priority or Emphasis
(Promotion of at-risk species habitat conservation)
Environmental Priority - CP-22 Riparian Buffer

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OCT 15 2009

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Page 1 of 3

2

**Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet
For Conservation Reserve Program (Continued)**

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

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/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: NRCS Conservation plan

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?
assist with water quality issues

Section 4: Critical Resource

The conservation practice(s) or activity will be applied to the land that directly impacts a critical resource as identified in a resource plan identified in section 3 and is within or adjacent to the agricultural operation. Must meet one or more of the following critical resources: (check all that apply):

- ☐ Air Quality, nonattainment area _____
- ☐ Coastal Resources (Coastal zones as identified per the Coastal Zone Management Act of 1972 that have a direct and significant impact on coastal waters)
Name of coastal resource: _____
- ☐ Federal or State listed threatened, endangered, candidate species or concern, or at risk species.
List species: _____
- ☐ Groundwater recharge area; Name of recharge area _____
- ☐ Historical or cultural resource; List historical or cultural resource: _____
(Submit a letter from State or Tribal Historical Preservation Officer that supports this conservation practice(s)/activity on the subject land).
- ☐ Prime or Unique Farmland
- ☒ Water Quality
- ☐ Wetlands
- ☐ Other critical resource issues, such as climate change and energy conservation: _____

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

CP-22 will allow the riparian area along the Platte River to be restored. This will improve water quality on the Platte River and will stabilize the riparian area.

**Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet
For Conservation Reserve Program (Continued)**

Section 5: Package Submission Requirements

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

- ☒ Overview of the conservation practice(s)/activity to be implemented on the environmentally sensitive land, describe the current resource baseline condition and the future condition, include objectives and describe how this project(s) on the producer's land

Section 6: Certification

STC

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: _____

STC: _____

Date: _____

Administrator Approval

☐ Approved ☐ Not Approved, Reason: _____

Administrator: _____

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.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet For Conservation Reserve Program

A person or legal entity that exceeds the AGI requirements of the 2008 Farm Bill will not be eligible to receive payments for certain farm bill programs except when a waiver is authorized by the Administrator on a case-by-case basis if it is determined that environmentally sensitive land of special significance will be protected.

When a producer requests an AGI waiver, the County Committee should have the producer prepare a written request for an AGI waiver addressed to the Administrator. The County Committee will submit the producer's written request, along with the completed waiver request worksheet package, to the State Committee for review (Note: Federally recognized Tribes are not subject to AGI limitations).

For those requests that meet all the requirements listed in Section 5, the State Committee will forward a complete waiver package through DAFP for the Administrator's approval. State Committee's shall provide written notification to all producers of requirements not met with appeal rights or acknowledgement of waivers approved by the Administrator.

Producer Name: K2L Company

State: Oregon Location (County): Gilliam

Section 1: Program and length of proposed contract(s)/easements/ contract number

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

Program CP-10 Length of Contract 10 Years Contract Number 206A

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 a partnership with another type of agreement to meet these criteria.

Section 2: National Priority or Emphasis

The conservation practice(s)/activity to be implemented on the producer'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 producer intends to participate in and identify the national priorities or emphasis (program specific) that will be addressed. (List all that apply):

Program (e.g. CRP)	National Program Priority or Emphasis (Promotion of at-risk species habitat conservation)
CRP	Promotion of at-risk species habitat conservation

**Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet
For Conservation Reserve Program (Continued)**

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

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/Report Title: ODFW Wildlife diversity Plan 635-100-0136 covering land that is adjacent to the CRP acres.
- ☐ State Water Quality Plan, Plan/Report Title: _____
- ☐ National Air Quality Plan Plan/Report Title: _____
- ☐ 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?

Section 4: Critical Resource

The conservation practice(s) or activity will be applied to the land that directly impacts a critical resource as identified in a resource plan identified in section 3 and is within or adjacent to the agricultural operation. Must meet one or more of the following critical resources: (check all that apply):

- ☐ Air Quality, nonattainment area _____
- ☐ Coastal Resources (Coastal zones as identified per the Coastal Zone Management Act of 1972 that have a direct and significant impact on coastal waters) _____
- Name of coastal resource: _____
- ☒ Federal or State listed threatened, endangered, candidate species or concern, or at risk species.
- List species: Washington Ground Squirrel
- ☐ Groundwater recharge area; Name of recharge area _____
- ☐ Historical or cultural resource; List historical or cultural resource: _____
- (Submit a letter from State or Tribal Historical Preservation Officer that supports this conservation practice(s)/activity on the subject land).
- ☐ Prime or Unique Farmland
- ☐ Water Quality
- ☐ Wetlands
- ☐ Other critical resource issues, such as climate change and energy conservation: _____

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

**Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet
For Conservation Reserve Program (Continued)**

Section 5: Package Submission Requirements

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

- ☐ Overview of the conservation practice(s)/activity to be implemented on the environmentally sensitive land, describe the current resource baseline condition and the future condition, include objectives and describe how this project(s) on the producer's land 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 producer's land to be enrolled in the USDA program and surrounding project area. (Identify on the photograph the planned conservation practice(s)/activities).
- ☐ Letter of support from federal (other than FSA)/Tribal/State Agency or regional commission within 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).
- ☒ Producer's written request for the AGI waiver.

Section 6: Certification

STC

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: _____

STC: _____

Date: _____

Administrator Approval

☐ Approved ☐ Not Approved, Reason: _____

Administrator: _____

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.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

The following is GAO's response to the U.S. Department of Agriculture's letter dated October 9, 2008.

GAO's Comments

1. The report number has changed to GAO-09-67.
2. We recognized in the report that resource constraints limit USDA's ability to effectively enforce the adjusted gross income (AGI) requirements. As we stated, according to USDA officials, these resource constraints hamper the department's ability to examine complex tax and financial information, and field staff have other competing responsibilities that limit the time available for enforcing the AGI requirements.
3. We acknowledge that a small percentage of USDA's total farm program payments were made to individuals who exceeded the 2002 Farm Bill's income eligibility caps. The small percentage is to be expected: only a very small percentage of all individuals who file a tax return report an AGI exceeding \$2.5 million to the IRS. Furthermore, the fact that only a small percentage of recipients are potentially ineligible does not relieve USDA of its responsibility to enforce the AGI requirements. This percentage is also likely to increase because the 2008 Farm Bill lowers the income eligibility caps. Therefore, USDA will be at greater risk of making improper payments to more than the 2,702 individuals we found unless it has better management controls in place.

USDA is correct in stating that not all of the farm programs and payments listed in appendix III of this report were subject to the AGI limitation under the 2002 Farm Bill. That table was not intended to list only programs subject to the AGI limitation. To provide clarity, we have included a note below the table in appendix III explaining this fact.

4. We believe that it is important to place our discussion of income eligibility requirements in the context of other key eligibility requirements to provide a more comprehensive understanding of the conditions under which individuals may receive farm program payments. Although USDA is correct that the requirements for actively engaged in farming are not part of the AGI provision, we mention the issue of actively engaged in farming in this report to provide more

information regarding concerns we have previously raised about USDA's oversight of farm program payments.¹

5. As noted in the report, the 2008 Farm Bill directed the Secretary of Agriculture to establish statistically valid procedures to conduct targeted audits of persons or entities most likely to exceed the legislation's income eligibility caps. Therefore, to provide context for our discussion on how USDA ensured recipients met eligibility requirements, we provided information regarding concerns we had previously raised in our 2004 report about how USDA selected farm operations for compliance review.²
6. USDA is correct in stating that when the entity is AGI compliant and an interest holder is not AGI compliant, the entity is still eligible to receive a payment. However, the payment to the entity must be reduced by the share held by that interest holder. In our analysis of entities, we attributed payments to each interest holder based on the payment share of the interest holder as recorded in the Farm Service Agency's Permitted Entity database. For the 1,346 potentially ineligible individuals who we identify as receiving a payment through an entity, USDA did not reduce the payment to the entity based on the share held by the individual. (For further discussion of the methodology we used, see app. I.)
7. We have identified potentially ineligible recipients on the basis of their reported AGI. While we cannot name these recipients, we believe that providing as much demographic information as we can about these recipients, such as whether they reside near the farming operation, is helpful to users of this report.
8. USDA believes we should provide more information about the examples we cite in this report. Providing this information would allow USDA, which does not have authority to access tax information, to identify individual filers. Internal Revenue Code Section 6103 prohibits us from disclosing any additional information. We note here that some of the payments were issued directly to individuals while others were issued indirectly through entities. Regarding USDA's comment on

¹GAO, *Farm Program Payments: USDA Needs to Strengthen Regulations and Oversight to Better Ensure Recipients Do Not Circumvent Payment Limitations*, GAO-04-407 (Washington, D.C.: Apr. 30, 2004).

²GAO-04-407.

whether we made a commensurate reduction in the payment when the payment was made to an entity, we attributed payments to each interest holder based on the payment share of the interest holder as recorded in the Farm Service Agency's Permitted Entity database. With respect to USDA's comment on requesting authority to gain access to information on potentially improper payments, we recommended that the Secretary of Agriculture direct the Administrator of the Farm Service Agency to work with the Internal Revenue Service to develop a system for verifying the income eligibility for all recipients of farm program payments. We further stated that if the Secretary determines that it does not have the authority to develop such a system with the Commissioner of the Internal Revenue Service, we recommended that the Secretary request this authority from Congress, as appropriate.

9. We believe that explaining our use of the term "potentially improper payments" in the footnotes on pages 4 and 25 is sufficient.
10. Appendix I of this report specifies the documents we reviewed. As we noted, we reviewed guidance that USDA field offices use to determine compliance with the AGI requirements, including relevant statutes and regulations and agency policy and guidance. We believe that the intent of the AGI eligibility requirement is clear in the 2002 Farm Bill.

Appendix III: U.S. Department of Agriculture Farm Program Payments by Program or Payment Type, Fiscal Years 2003-2006

Program or payment name	2003	2004	2005	2006	Total
Agricultural Management Assistance Program	\$3,549,373	\$8,783,305	\$7,279,695	\$2,333,998	\$21,946,371
American Indian Livestock Feed Program	0	0	473,247	7,376,094	7,849,341
Bioenergy Program	148,137,098	150,436,473	99,076,283	57,400,527	455,050,381
Commodity certificate exchange gains ^a	185,219,153	337,296,134	330,138,042	210,263,930	1,062,917,259
Conservation Reserve Program	1,770,210,297	1,808,271,945	1,973,549,573	1,686,117,516	7,238,149,331
Conservation Security Program	0	179,485,573	593,563,202	142,088,837	915,137,612
Cottonseed Payment Program	49,834,565	14,588	0	1,645	49,850,798
Counter-cyclical payments	1,746,682,529	805,809,924	3,008,760,716	3,954,423,534	9,515,676,703
Crop disaster programs ^b	2,035,849,601	748,959,493	2,881,168,505	147,655,261	5,813,632,860
Dairy Market Loss Assistance Program ^c	1,204,615	600,054	337,566	7,094,864	9,237,099
Direct payments	4,149,832,019	5,289,336,282	5,686,444,172	4,558,939,310	19,684,551,783
Emergency Conservation Program	44,760,627	22,177,233	57,934,232	86,618,801	211,490,893
Emergency Livestock Feed Assistance Program	(41,485)	100,326,373	(148,398)	4,123,078	104,259,568
Environmental Quality Incentives Program ^d	545,495,052	790,482,178	465,584,695	415,334,213	2,216,896,138
Grassland Reserve Program	0	1,348,981	2,835,751	5,913,591	10,098,323
Grassroots Source Water Protection Program	0	0	3,191,760	0	3,191,760
Hard white wheat incentive payments	0	9,023,427	3,166,216	5,094,077	17,283,720
Karnal bunt fungus compensation payments	3,022,159	0	0	0	3,022,159
Lamb Meat Adjustment Assistance Program	17,586,607	5,395,203	14,773,899	36,054	37,791,763
Livestock Compensation Program ^e	1,203,319,891	(463,156)	70,440,660	213,533,953	1,486,831,348
Loan deficiency payments ^f	666,181,783	457,310,464	4,258,016,314	3,896,456,928	9,277,965,489
Market Access Program	95,485,882	124,004,633	33,542,876	0	253,033,391
Marketing loan gains	189,552,996	114,572,970	384,974,403	246,292,577	935,392,946
Milk Income Loss Contract payments	1,220,761,113	220,703,830	7,308,438	345,843,432	1,794,616,813
Milk Income Loss Transition Program	559,861,054	6,843,823	1,850,455	412,035	568,967,367
Noninsured Assistance Program ^g	237,573,500	122,717,376	107,896,616	64,781,316	532,968,808

**Appendix III: U.S. Department of Agriculture
Farm Program Payments by Program or
Payment Type, Fiscal Years 2003-2006**

Program or payment name	2003	2004	2005	2006	Total
Peanut Quota Buyout Program	1,220,317,818	24,989,195	22,302,136	21,201,291	1,288,810,440
Soil and Water Agricultural Assistance Program	2,694,734	1,859,399	1,138,084	719,832	6,412,049
Sugarcane Payment Program	0	55,800,000	(1,569)	0	55,798,431
Tobacco Transition Payment Program ^a	51,120,568	4,501	(341)	0	51,124,728
Trade Adjustment Assistance for Farmers	0	9,739,427	14,669,796	2,578,164	26,987,387
Tree Assistance Program	0	1,764,917	3,549,270	4,981,844	10,296,031
Wetlands Reserve Program	21,572,999	18,094,066	9,438,694	7,610,100	56,715,859
Wildlife Habitat Incentives Program	2,265,957	13,994,413	14,154,645	9,124,686	39,539,701
Refunds of farm program payments made before 2003 ⁱ	(292,867,811)	(8,828,137)	(2,663,318)	(248,116)	(304,607,382)
Other programs ^j	34,813,627	45,874,190	182,899,792	91,320,530	354,908,139
Total	\$15,913,996,321	\$11,466,729,077	\$20,237,646,107	\$16,195,423,902	\$63,813,795,407

Source: GAO analysis of Farm Service Agency data.

Notes: (1) Table includes programs and payments subject to the AGI provisions as well as those not subject to the AGI provisions. (2) For commodity certificate exchange gains and payments made under the Marketing Assistance Loan Program through cooperative marketing associations, we used program year data. (3) Totals may not add due to rounding. (4) Negative payments represent receivables due to overdisbursements and other payment anomalies in a prior year.

^aIncludes cotton user marketing certificate gains.

^bIncludes the Apple and Potato Quality Loss Program, Apple Market Loss Assistance Program, Sugar Beet Disaster Program, Quality Loss Program, Crop Loss Disaster Assistance Program, Florida Hurricane Citrus Disaster Program, Crop Hurricane Damage Program, Hurricane Indemnity Program, Florida Hurricane Nursery Disaster Program, Florida Hurricane Vegetable Disaster Program, Multi-Year Crop Loss Disaster Assistance Program, and Single Year Crop Loss Disaster Assistance Program, as well as Crop Disaster North Carolina payments, Crop Disaster Virginia payments, and Florida Nursery Loss payments.

^cIncludes the Dairy Indemnity Program, Dairy Options Pilot Program, and Dairy Market Loss Assistance Program.

^dIncludes the Environmental Quality Incentives Program and the Automated Conservation Program Environmental Long Term payments.

^eIncludes the Livestock Assistance Program, Livestock Indemnity Program, Avian Influenza Indemnity Program, 2002 Cattle Feed Program, Pasture Flood Compensation Program, and Pasture Recovery Program.

^fIncludes the Acreage Grazing Payments Program.

^gIncludes supplemental appropriations for the Noninsured Assistance Program.

^hIncludes the Tobacco Loss Assistance Program and Supplement Tobacco Loss Assistance Program.

ⁱIncludes market loss assistance payments and production flexibility contract payments.

**Appendix III: U.S. Department of Agriculture
Farm Program Payments by Program or
Payment Type, Fiscal Years 2003-2006**

¹Includes the Agricultural Conservation Program, Oilseed Payment Program including supplemental appropriations for the Oilseed Payment Program, Wool and Mohair Market Loss Assistance Program, Yakima Basin Water Program, Idaho Oust Program, Livestock Compensation Program—Grants For Catfish Producers, Annual Agreement for Agricultural Conservation Program payments, Extra-long Staple Cotton Special Provision Program, Farm Storage Facility Loans, Finality Rule and Equitable Relief, New Mexico Tebuthiuron Application Losses Program, Aquaculture Block Grant, Tree Indemnity Program, Loan Deficiency Payments for Non-Contract Production Flexibility Contract Growers, Milk Marketing Fee, Tri-Valley Growers Program, New York Onion Producers Program, Market Loss Onion Producer Program, and Interest payments.

Appendix IV: Distribution of Income for Individuals Receiving Farm Program Payments Compared with All Tax Filers, 2006

Adjusted gross income	Tax returns for individuals receiving farm program payments				Tax returns for all individuals		
	Number of returns	Percent	Average adjusted gross income per return (Dollars in thousands)	Average farm payment per return ^a (Dollars in thousands)	Number of returns	Percent	Average adjusted gross income per return (Dollars in thousands)
Under \$0 (loss) to \$0	73,492	6.6	\$(90.1)	\$17.2	2,675,594	1.9	\$(34.1)
\$1 to under \$5,000	35,639	3.2	2.6	6.9	11,633,370	8.4	2.7
\$5,000 to under \$10,000	50,661	4.5	7.6	6.6	11,786,747	8.5	7.5
\$10,000 to under \$15,000	58,298	5.2	12.5	7.0	11,711,680	8.5	12.5
\$15,000 to under \$20,000	62,797	5.6	17.5	7.9	10,937,694	7.9	17.5
\$20,000 to under \$25,000	56,323	5.0	22.5	8.9	9,912,261	7.2	22.5
\$25,000 to under \$30,000	53,858	4.8	27.5	9.5	8,749,761	6.3	27.5
\$30,000 to under \$40,000	99,846	9.0	34.9	10.0	14,151,824	10.2	34.8
\$40,000 to under \$50,000	94,041	8.4	45.0	10.4	10,687,193	7.7	44.8
\$50,000 to under \$75,000	193,446	17.3	61.9	10.3	18,854,917	13.6	61.4
\$75,000 to under \$100,000	125,646	11.3	86.2	11.4	11,140,408	8.0	86.2
\$100,000 to under \$200,000	137,058	12.3	134.4	12.0	12,088,423	8.7	132.9
\$200,000 to under \$500,000	51,424	4.6	295.7	13.1	3,121,485	2.3	286.8
\$500,000 to under \$1,000,000	13,280	1.2	686.0	13.0	589,306	0.4	678.1
\$1,000,000 to under \$1,500,000	3,836	0.3	1,216.6	13.3	150,431	0.1	1,210.1
\$1,500,000 to under \$2,000,000	1,801	0.2	1,723.7	14.1	64,007	0.0 ^b	1,721.9
\$2,000,000 to under \$5,000,000	2,818	0.3	2,988.8	12.6	98,724	0.1	2,989.4

**Appendix IV: Distribution of Income for
Individuals Receiving Farm Program
Payments Compared with All Tax Filers, 2006**

Adjusted gross income	Tax returns for individuals receiving farm program payments				Tax returns for all individuals		
	Number of returns	Percent	Average adjusted gross income per return (Dollars in thousands)	Average farm payment per return* (Dollars in thousands)	Number of returns	Percent	Average adjusted gross income per return (Dollars in thousands)
\$5,000,000 to under \$10,000,000	741	0.1	6,793.4	14.1	24,975	0.0 ^b	6,863.2
\$10,000,000 or more	455	0.0 ^b	21,962.0	9.1	15,956	0.0 ^b	28,357.7
Total/Average	1,115,460	100.0	\$92.3	\$10.6	138,394,754	100.0	\$58.0

Source: GAO analysis of USDA and IRS data, and IRS Statistics of Income.

Note: Totals may not add due to rounding.

*Farm program payments are based on fiscal year 2006 data.

^bRounds to zero.



United States Department of Agriculture
Office of Inspector General
Washington, D.C. 20250



JUN 29 2011

The Honorable Tom A. Coburn
United States Senate
172 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Coburn:

On February 22, 2011, you requested that the Office of Inspector General (OIG) review the assertions made by the Farm Service Agency (FSA) regarding its data-matching with the Social Security Administration's Death Master File. Specifically, you requested that we verify FSA's finding that less than 2 percent of the fiscal year (FY) 2007 payments made to deceased individuals were improper and warranted further review.

This letter is to apprise you that we have completed our preliminary review to track and reconcile the data FSA used to determine that less than 2 percent of the FY 2007 payments made to deceased individuals were improper. When attempting to reconcile the data in FSA's summary and detailed listings,¹ our review found a number of data inconsistencies and inaccuracies that affected FSA's reported improper payment error rate. Some payments identified as improper by the FSA field offices were omitted from the overpayment totals (for instance, those cases where equitable relief² or waivers were approved for the payment errors) or the field offices incorrectly entered data on the detailed listing. For example, some FSA field offices entered non-numeric characters in data fields reserved for numeric information, which resulted in those entries being erroneously counted as zero (or deleted) in the total figure for that State. If we include the omitted payments as overpayments (e.g., including the cases where equitable relief or waivers were approved) and make the formatting corrections to the data (without making any other adjustments due to other inconsistencies and inaccuracies), the improper payment error rate would exceed the amount reported by FSA.

However, given the data inconsistencies and inaccuracies that we found, this reconstructed improper payment error rate may be unreliable. In order to reconstruct a more reliable improper

¹ The summary listing was prepared by the FSA national office by compiling total payment data from the detailed listings prepared by the FSA State offices. The detailed listings compiled by the FSA State offices included a line entry for payment data by entity or producer submitted by each applicable county office in each State. The FSA national office compiled a summary listing using the summary totals reported on the FSA State offices' detailed listings.

² Relief may be authorized for a participant who is determined to be out of compliance with program requirements and thereby ineligible for any payment, if either of the following applies: the participant, acting in good faith, relied on the action or advice of an authorized FSA representative to the detriment of the participant or the participant failed to comply fully with the program requirements but made a good faith effort to comply with the requirements. 7-CP, "Finality Rule and Equitable Relief," Rev. 2 - Amend. 1, Par. 52, dated September 26, 2003.

payment error rate from FSA's data, we would need to perform a number of time-intensive procedures. We would need to reconcile each line of data with other data fields and make adjustments to correct for the various inconsistencies and inaccuracies that we found. These inconsistencies and inaccuracies affected at least four different fields on the detailed listings: Payment Amount; Explanation and Actions Completed; Overpayment Amount; and Total. The detailed listings have more than 120,000 lines of data. We would need to contact the FSA field offices to resolve questionable items, and FSA would need to provide OIG with updated information. We believe we would have to spend between \$150,000 to \$200,000 to complete this task. However, since we would be simply using FSA data and not verifying the data, we would not be able to opine as to the reliability of the reconstructed rate at the conclusion of this task. To test the reliability of the data and to come up with an independently verified improper payment error rate, we would have to expend considerably more than our initial cost estimate. This would likely involve considerable time and travel to the field to perform a detailed examination of a representative number of case files.

When we discussed these inconsistencies and inaccuracies in the FY 2007 data, FSA national officials acknowledged that there were problems with the FY 2007 data. They stated that they have improved this reporting process since FY 2007, which was the first year that FSA performed the data match and reconciliation with the Social Security Administration's Death Master File. For FY 2008 and subsequent years, FSA has circulated quarterly reports of identified deceased persons, based on the data reconciliation process, to State and county offices. FSA field offices are required to conduct additional data review and verification for such persons before issuing any payment, and must document in writing why the person, his/her estate, or his/her authorized representative is eligible for payment.

In addition to the above-cited modifications in its policies and procedures, FSA issued a final rule on December 29, 2010, to strengthen its controls. The above-described procedural changes were specified in the final rule. The final rule also added clarifying language that a payment will not be made on behalf of a deceased person except in specific factual circumstances.³ If effectively implemented, we believe that the full range of FSA policies and procedures should address the goal of further minimizing any improper payments to deceased persons. As the agency responsible for administering this program, FSA needs to monitor and evaluate the effectiveness of these newly implemented policies and procedures.

As described above, in order to validate or verify the improper payment error rate in FY 2007 or any subsequent fiscal year to deceased producers, we would need to allocate significant audit resources. We believe that reviewing and verifying data from several years back, from a system which no longer functions as it did in prior years, would not provide beneficial results as FSA has stated that it has since improved its reconciliation and verification process. We believe our limited resources could be more valuably spent at this time conducting other high priority work,

³ These circumstances include situations where the payments were earned by the persons before the persons died and were requested by the persons themselves or their authorized representative before they died or after their death by a person authorized by law, independent of the FSA regulations, to act for those persons.

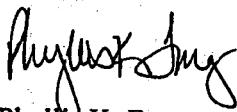
The Honorable Tom A. Coburn

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such as that related to the implementation of the *Improper Payments Elimination and Recovery Act*, which was signed into law on July 22, 2010. We will, however, assess the need for a followup review of FSA's enhanced controls in our future audit plans.

If you have any questions or require additional information, please do not hesitate to contact me at _____ or have a member of your staff contact _____ for _____

Sincerely,



Phyllis K. Fong
Inspector General