



Hawaii Conservation Reserve Enhancement Program Adjusted Gross Income (AGI) Limitation Waiver Request Considerations

Under the 2008 Farm Bill, a person or entity that exceeds the AGI limitation (\$1,000,000; unless 2/3 of AGI is from agricultural production) are not eligible to receive payments under certain farm bill programs, including Hawaii CREP. However, the 2008 Farm Bill also allows for an AGI waiver on a case-by-case basis if it is determined that environmentally sensitive land of special significance will be protected. Hawaii CREP has been successful in using the allowed AGI waiver for just such special significance projects.

The below information is a guide for those parties interested in the farm bill programs but are excluded due to the AGI limitation. Approval of AGI waivers is not guaranteed; however, this document is meant to provide current information on submitting an AGI waiver request, helpful information in considering if your project is eligible for a waiver, and what to include in a request.

What are Environmentally Sensitive Land of Special Significance

Farm Service Agency has identified the following critical resources for environmentally sensitive land of special significance for Hawaii CREP. AGI waiver requests must meet one or more of the following critical resources:

- Coastal Resources - coastal zones that have a direct and significant impact on coastal waters. The State of Hawaii is identified as a coastal zone.
- Federal or State listed threatened, endangered, candidate species, species of concern, or at risk species - this criteria is especially significant in Hawaii.
- Groundwater recharge area - Hawaiian aquifers are generally recharged in the upper elevations however it is not limited solely to upper elevations.
- Historical or cultural resources - a letter from the State Historic Preservation Office in support of conservation management is encouraged, but not mandatory.
- Water Quality - most of Hawaii CREP projects will benefit water quality
- Wetlands - or potential wetlands
- Other critical resource issues - such as climate change, energy conservation, etc

For each of the identified critical resources, letters of support from applicable agencies or individuals are strongly encouraged. The State CREP Coordinator can assist with identifying these parties.

Supporting Plans

Environmentally sensitive lands of special significance should be supported by environmental or natural resource plans or reports. Below is a list of some of these plans and reports that can be considered in AGI waiver requests.

- State Wildlife Action Plans/Reports - Hawaii's Comprehensive Wildlife Conservation Strategy



- State Water Quality Plan/Report - Hawaii Department of Health, Hawaii Division of Aquatic Resources, Local Action Strategy, and Hawaii Commission of Water Resources Management.
- U.S. Fish and Wildlife Recovery Plan
- National Fish Habitat Action Plan - Hawaii Fish Habitat Partnership
- Nationally accepted Agricultural Water Enhancement Program
- Other federal, regional, or state report/plan - The State of the Birds 2009 Report, Watershed Partnership plans, County plans, etc

AGI waiver requests should also provide for justification on how the project will address the identified resource issues in the plans. The State CREP Coordinator can provide additional information on plans/reports.

Requirements for Hawaii CREP and Process

Below outlines the basic requirements as well as the general process for an AGI waiver for Hawaii CREP.

- Apply for the farm bill program with the administrative agency, for Hawaii CREP - Farm Service Agency (FSA).
- FSA will notify you if you are ineligible for the program due to AGI limitation.
- A written request to the County Committee is required to apply for the AGI waiver. Supporting documents should be supplied along with the waiver request. You have approximately 30 days to request an AGI waiver once ineligibility documentation has been received.
- The waiver request should include an overview of the proposed project, associated plans/reports, letters of support, and any additional information that supports the request (photographs, threatened or endangered species sightings, historical background, etc).
- AGI waiver will be reviewed and recommended for submission by the County Committee and State Technical Committee. After this review, the waiver request will be forward to the national office for determination.

The majority of the application will be compiled by Farm Service Agency, however providing them with the correct information is essential.

For further questions on Hawaii CREP and associated AGI waiver requests, please contact the State CREP Coordinator for more details.

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