

RIM-WRP Questions and Answers

3/24/10

1. **Will BWSR and NRCS pay for the restoration and management of donated land?**

Under certain circumstances donated acres are eligible for restoration payments as long as those acres meet the partnership's objectives.

2. **For applications where the non-cropland acres exceed 20% can the excess acres be donated?**

Yes. See the specific guidance in the General Eligibility Guidance.

Occasionally, it will be desired to include under easement certain lands that will not provide a benefit to the functions and values of the restored wetlands or that are ineligible for easement compensation. In certain situations, these areas can be enrolled as donated acres, or land that is included in the easement without compensation. The enrollment of donated areas will be allowed primarily to simplify the definition and maintenance of easement boundaries as they relate to property ownership.

Note that donated acres that are enrolled should not be considered as "adjacent lands" with respect to the maximum : :1 enrollment criteria or the 20 percent limit on "other lands". In other words, an application could exceed either of these criteria if the amount exceeded is enrolled as eligible donated acres.

3. **If an application is selected for funding in RIM-WRP is the landowner allowed to farm the land the next year?**

The landowner may continue cropping the land until the easement closes and then the following conditions apply:

- a. An easement closes before October 1st of the current year; any crop planted that year may be harvested, but crops will not be allowed to be planted the following year.
- b. An easement closes after October 1st of the current year; any crop planted that year may be harvested, and a crop will be allowed to be planted and harvested the following year.

For any other specific situations or requests contact the State WRP Program Manager for approval.

4. **What are the exceptions to the 7 year ownership provision?**

Until the Final Rule for WRP is published we will not know for sure. If an applicant has a situation where they feel an exception or waiver is warranted, have the landowner write in their own words a letter explaining why the provision should be waived.

5. **Where can NRCS employees go to verify AGI, HEL and Wetland compliance?**

NRCS employees with Level 2 E-Auth access can use the FSA Subsidiary Reports. See below.

USDA NRCS
United States Department of Agriculture
Natural Resources Conservation Service

2008 Farm Bill

FSA Subsidiary Reports

- Subsidiary reports can be used to determine eligibility for other easement programs and when the Easements Business Tool indicates that a landowner in AGI ineligible based on the Commodity limitation.
<https://indianocean.sc.egov.usda.gov/Subsidiary/Subsidiary.do>
- The Subsidiary Print does not reflect the current AGI status due to pending FSA software changes, per FSA notice PL-189 available at
http://www.fsa.usda.gov/Internet/FSA_Notice/pl_189.pdf
- Manual verification of eligibility must be done on the Eligibility tab until the Subsidiary Print is fixed.

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- Use the following web address to navigate to the FSA Subsidiary Website.
- <https://indianocean.sc.egov.usda.gov/Subsidiary/Subsidiary.do>

- Search for the participant in question using the SCIMS look-up (Customer Search)
- Click the Eligibility tab for the year 2009

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Eligibility Tab on Subsidiary

- Select Year 2009. Data may not yet be completed.
- To print for the case file, use standard Explorer File menu, Print option

Address: <https://indianocean.sc.egov.usda.gov/Subsidiary/Eligibility.do>

USDA United States Department of Agriculture
Farm Service Agency Subsidiary Eligibility

Home Eligibility Business File Combined Producers Payment Limitations Recording County Subsidiary Print Reports Fiduciary Log Out

Links: Get Change Alerts, Customer Search

Customer Name: RANCH
Tax ID: 0953
Tax Type: E
Recording County:
Year: 2009 Go

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- Once the participant is found the report will display as shown.

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Subsidiary Eligibility Tab, Three AGI Determinations

Adjusted Gross Income

Commodity Program Certification/OOC Determination

Compliant - Producer **NRCS will use this one temporarily**

Exempt

Not Met - OOC

Direct Payment Certification/OOC Determination

Compliant - Producer

Compliant - Agent

Exempt

Not Filed

Not Met - OOC

Not Met - Producer

Conservation Program Certification/OOC Determination

Compliant - Producer **NRCS will use when available from FSA**

Exempt

Not Met - OOC

Effective Program Year:

Date Documentation Filed by Producer:

OOC Disapproval Date:

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- NOTE:** Do not use the Subsidiary Print tab as shown as this data has not been properly updated.

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United States Department Of Agriculture
Farm Service Agency
Producer Subsidiary Print

SCIMS Info
Business Type Information
2009 Individual

Summary Eligibility Information
Recording County:
Office Phone:

	2009
AD-1026	Not Filed
Actively Engaged-Determination	Not Filed
Suspended Producer	Not Suspended
Adjusted Gross Income	Compliant - CCC-526
Cash Rent Tenant-Determination	Awaiting Determination
Cropland Factor	0.0000
Conservation Compliance-Farm Tract	In Compliance
Highly Erodible Land Conservation	Compliant
Planted Converted Wetland	Compliant
Converted Wetland	Compliant

- Do not use the Subsidiary Print.
- It incorrectly displays CCC-526 certification.

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4/20/09

1. Who signs the AD-1153 WRP Application form?

For individuals i.e. husband and wife, it is the person who is going to be the main point of contact for the easement acquisition and restoration.

For instances where more than one person or couple are listed on the deed as owners; time permitting, have all owners sign the application is preferred. But, in situations where this is not practical, an authorized designee should sign the application. Keep in mind that before closing steps should be taken to obtain Power of Attorney forms from the other owners authorizing that person to act on their behalf.

For entities, corporations, LLC, Trusts, etc. an authorized agent should be named in the trust or incorporation documents. It is the entities responsibility to provide proper signature authority in a timely manner for an application to be eligible for consideration.

2. Who signs the SF-1199 Direct Deposit form?

For individuals i.e. husband and wife, it is the person who is going to be the main point of contact for the easement acquisition and restoration.

For groups of individuals sharing joint ownership of the property, one person will need to be designated by the others as the “obligating vendor”. This designation will not have an effect on who receives the easement payment, since that is determined prior to closing, but will give NRCS the ability to obligate funds. As a point of clarification, closing agents will be issuing 1099s at the time of closing to all deeded landowners. For example, three husband and wife couples with joint ownership; NRCS uses one person’s SSN and direct deposit information to obligate funds and assign payment to the closing agent. At closing, the closing agent writes 3 checks to the couples, or more if requested, equally dividing the easement payment amongst the landowners.

For entities, a duly authorized representative will sign on behalf of the entity.

2. Can the State Conservationist waive the 7 year ownership requirement of WRP?

The final WRP Rule is still yet to be published. Indications are that a State Conservationist will have the ability to waive the 7 year ownership requirement for specific reasons, an inheritance for example. However, do not consider the ability to waive the ownership requirement as the rule but rather the exception.

3. How many applications need to be submitted and who to?

Submit two (2) copies of the entire application packet to John P. Corrigan, WRP Specialist, at the NRCS State office in St. Paul

4. Can Federal candidate species be considered in Section III-A?

Yes. Federal species to be considered in Section III-A include; Endangered, Threatened and Candidate species, including designated critical habitat (Topeka shiner).

5. Section I-C – “Water Quality Benefits of the Easement – predominant soil in the easement is HEL/PHEL”. Do we use the same guidelines as determining HEL fields for Conservation Compliance (i.e. 1/3 or more of the field)?

No. For purposes of RIM-WRP scoring, the determination is based on the entire easement area offered rather than a field basis. Points are awarded if >50% of the offered acres are HEL/PHEL.

4/9/09

1. What are the definitions for Cropland and Non-cropland that should be used on the Calculation Sheet?

The RIM-WRP Program is using the definitions found in the RIM Rules.

These definitions are as per RIM Rules section 8400.3030,
<https://www.revisor.leg.state.mn.us/rules/?id=8400.3030>

Subp. 2. Agricultural crop production

"Agricultural crop production" means an agricultural activity:

- A. including but not limited to tillage, planting, or harvesting operations; and
- B. devoted to the production of horticultural, row, close grown, introduced pasture, or introduced hayland crops.

Subp. 3a. Agricultural land

"Agricultural land" means land devoted for use as pasture or hayland for domestic livestock or dairy animals, or to agricultural crop production, or to growing nursery stocks, or for use as animal feedlots, and may include contiguous land associated with these uses.

Subp. 29. Introduced hayland

"Introduced hayland" means an area devoted to the production of forage that has been cultivated in a rotation of row crops or small grains or interseeded with introduced or native species at least twice during the ten years prior to applying for enrollment in a conservation easement program. These areas must have been harvested by mechanical methods at least two years during the five years prior to applying for enrollment in a conservation easement program.

Subp. 30. Introduced pasture

"Introduced pasture" means an area devoted to the production of forage that has been cultivated in a rotation of row crops or small grains or interseeded with introduced or native species at least twice during the ten years prior to applying for enrollment in a conservation easement program. These areas must have been harvested by grazing at least two years during the five years prior to applying for enrollment in a conservation easement program.

Subp. 31a. Land with crop history

"Land with crop history" means land that has produced horticultural, row, or close grown crops or that has been enrolled at a cropland rate in a federal or state conservation program at least two of the five years prior to applying for enrollment in a conservation easement program, or land that meets the definition of introduced hayland in subpart 29, or land that meets the definition of introduced pasture in subpart 30. For the purposes of parts [8400.3000](#) to [8400.3930](#), land with crop history includes acres devoted to "set aside" or "conserving use" for the United States Department of Agriculture programs.

2. Is CRP eligible for RIM-WRP ?

Existing non-tree establishment CRP land is eligible for RIM-WRP. WRP is not allowed to enroll CRP that was established to trees; therefore it is not eligible for the RIM-WRP partnership.

3. Is CRP considered cropland or non-crop?

Use the cropland rates on the Calculation Sheet for CRP land.

4. Is the upland and wetland definition for eligibility the same as the definition of cropland and non-cropland?

NO!!! See the cropland and non-cropland definition above. The definition of wetland and upland is found in the eligibility documents previously sent to all offices.

5. The maximum upland to wetland ratio is 8:1, what is the minimum?

There is no minimum acreage stipulated for the RIM-WRP Partnership. If an applicant only wants to offer the wetland and wants to farm right up to the edge we generally would not allow this to occur. We would want the applicant to offer sufficient upland to provide a buffer for wildlife, water quality, erosion, etc. that would ensure the stability and health of the wetland. There is no set minimum but instead we would rely on the NRCS FOTG standards, the site specifics and local judgment to propose a minimum buffer. Generally, it is recommended that at least a 100 foot buffer be included around wetland areas when feasible and practical to consider.

6. How are group projects handled?

Group projects that require more than one applicant (easement) to adequately restore a wetland or group of wetlands should meet eligibility requirements as a group and not individually. For example, if the applicant is a part of a joint project with 10 other landowners, some of the applications could be all wetland and others all upland buffer. The eligibility criteria must be met for the entire project regardless of individual application ratios. Only one Wetland Restoration Evaluation Worksheet and one Land Eligibility Acreage Calculator are prepared for the project, with copies in each landowner (easement) application package. This rule only applies to new projects. In other words, an application containing all upland adjacent to a previously restored wetland in RIM, WRP or another program would not be eligible.

7. Is land currently enrolled in expiring 20 year RIM Easement eligible?

YES - This land would be eligible and it would be considered cropland for the Calculation Sheet.

8. What landuse, cropland or non-cropland should be used on the Calculation Sheet for wetlands previously restored under another state or federal program as well as those that may be covered by an existing USFWS “No Fill, Drain, Burn” easement?

Wetlands Previously Restored – use the land use that was in place prior to the restoration. For example if the prior land use was cropland and then restored under CRP, use the cropland rate.

No Fill, Drain or Burn Easements - These generally restrict the use of the land below a certain elevation, but allow other uses, such as cropping as long as no additional filling, draining or burning occurs. In these situations use the current existing land use of either cropland or non-cropland to determine payment.

9. **Are all of the required submittals on the RIM-WRP Application Checklist really required?**

YES – Follow the Application Checklist!!