

## ADDENDUM FOR BIOMASS CROP ASSISTANCE PROGRAM (BCAP) APPLICATIONS (ESTABLISHMENT AND ANNUAL PAYMENTS) IN PROJECT AREAS 2, 3, 4 and 5

To qualify as an eligible producer for plantation acreage enrollment, a landowner or operator must present their written production agreement to the Farm Service Agency. The agreement must provide for the planting, production and harvesting of the giant miscanthus rhizomes, according to the specialized agronomic technology developed by the agreement parties.

The production agreements between the producer and a third-party must include the following:

- the planting of only the “Illinois Clone” cultivar of giant miscanthus;
- rate of rhizomes per acre to be planted, consistent with the BCAP Project Area Mitigation and Monitoring Plan;
- agreement that cultivar is approved for planting through the Ohio Seed Improvement Association's Quality Assurance program;
- agreement to monitor, report and allow for evaluation of and response to the potential spread of the miscanthus beyond the field perimeter, consistent with the BCAP Project Area Monitoring and Mitigation Plan;
- commitment for a delivery to a biomass conversion facility; and
- commitment to participate in training and information sessions consistent with the BCAP Project Area Mitigation and Monitoring Plan.

Contract participants must also agree to:

- not plant giant miscanthus on certain acreage within approximately 1,300 feet from any known *Miscanthus sinensis* or *Miscanthus sacchariflorus* in order to limit the potential for cross-pollination resulting in viable seed.
- protect planted fields with buffer zones to help ensure control of the spread of unwanted rhizomes, seeds or other plant material outside of the established planted field area. These buffer zones must be established at least 25 feet from the edge of the planted field.
- the terms and conditions of conservation practices set forth in NRCS Conservation Plan.
- not destroy biomass crops by tilling, building structures such as homes, barns, sheds, or using the contract acreage for other than its intended purpose of biomass harvest or other typical grassland production operations, these actions shall result in termination from the BCAP program. The contract holder will be required to refund all monies received for all annual payments and cost share payments plus interest and a 25 percent liquidated damage penalty based upon the annual rental rate per acre.

**NOTE:** The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a - as amended). The authority for requesting the information identified on this form is 7 CFR Part 1450, the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), and the Food, Conservation, and Energy Act of 2008 (Pub. L. 110-246). The information will be used by CCC to review a participant's (must be located within a designated project area) contract under the Biomass Crop Assistance Program. The information collected on this form may be disclosed to other Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated). Providing the requested information is voluntary. However, failure to furnish the requested information will result in an inability on the part of CCC to review a participant's (must be located within a designated project area) contract under the Biomass Crop Assistance Program.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0560-0082. The time required to complete this information collection is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The provisions of appropriate criminal and civil fraud, privacy, and other statutes may be applicable to the information provided. **RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.**

The U.S. Department of Agriculture (USDA) prohibits discrimination in all of 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, political beliefs, genetic information, 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, Assistant Secretary for Civil Rights, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Stop 9410, Washington, DC 20250-9410, or call toll-free at (866) 632-9992 (English) or (800) 877-8339 (TDD) or (866) 377-8642 (English Federal-relay) or (800) 845-6136 (Spanish Federal-relay). USDA is an equal opportunity provider and employer.

## ADDENDUM FOR BIOMASS CROP ASSISTANCE PROGRAM (BCAP) APPLICATIONS (ESTABLISHMENT AND ANNUAL PAYMENTS) IN PROJECT AREA 7

To qualify as an eligible producer for acreage enrollment, a landowner or operator must present their written production agreement to the Farm Service Agency. The agreement must provide for the planting, production and harvesting of the perennial native grasses, according to the specialized agronomic technology developed by the agreement parties.

The production agreements between the producer and a third-party must include the following:

- the planting of perennial native grasses for energy purposes;
- the seeding rate per acre and production capacity of not less than 1.5 tons per acre; and
- provide evidence of a perennial native grasses production agreement with a biomass conversion facility.

Contract participants must also agree to:

- keep and submit accurate records of the disposition and/or sale of all materials removed from contract acreage
- the terms and conditions of conservation practices set forth in Final NRCS Conservation Plan.
- not destroy biomass crops by tilling, building structures such as homes, barns, sheds, or using the contract acreage for other than its intended purpose of biomass harvest or other typical grassland production operations, these actions shall result in termination from the BCAP program. The contract holder will be required to refund all monies received for all annual payments and cost share payments plus interest and a 25 percent liquidated damage penalty based upon the annual rental rate per acre.

**NOTE:** *The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a - as amended). The authority for requesting the information identified on this form is 7 CFR Part 1450, the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), and the Food, Conservation, and Energy Act of 2008 (Pub. L. 110-246). The information will be used by CCC to review a participant's (must be located within a designated project area) contract under the Biomass Crop Assistance Program. The information collected on this form may be disclosed to other Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated). Providing the requested information is voluntary. However, failure to furnish the requested information will result in an inability on the part of CCC to review a participant's (must be located within a designated project area) contract under the Biomass Crop Assistance Program.*

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## ADDENDUM FOR BIOMASS CROP ASSISTANCE PROGRAM (BCAP) APPLICATIONS (ESTABLISHMENT AND ANNUAL PAYMENTS) IN PROJECT AREAS 6 AND 8 AND SUPPLEMENT TO THE BCAP-24 APPENDIX

To qualify as an eligible producer for acreage enrollment, a landowner or operator must present their written production agreement to the Farm Service Agency. The agreement must provide for the planting, production and harvesting of the camelina, according to the specialized agronomic technology developed by the agreement parties.

The production agreements between the producer and a third-party must include the following:

- the planting of camelina;
- the seeding rate per acre; and
- commitment for a delivery to a biomass conversion facility.

Contract participants must also agree to:

- keep and submit accurate records of the disposition and/or sale of all materials removed from contract acreage
- the terms and conditions of conservation practices set forth in NRCS Conservation Plan.
- not destroy biomass crops by tilling, building structures such as homes, barns, sheds, or using the contract acreage for other than its intended purpose of biomass harvest or other typical camelina production operations, these actions shall result in termination from the BCAP program. The contract holder will be required to refund all monies received for all annual payments and cost share payments plus interest and a 25 percent liquidated damage penalty based upon the annual rental rate per acre.
- Refund annual rental payments and liquidated damages in accordance with the BCAP-24 Contract Appendix. However, CCC and the producer agree that notwithstanding other provisions in the BCAP-24 Appendix, if a participant voluntarily chooses to terminate the Contract after the terms and conditions of the Contract have been met for the first two crop years, a refund of the annual payments will not be required and liquidated damages will not be assessed. Such voluntary requests for termination must be written and submitted to the County office where the Contract is administered. Also, the written request must contain the signature of all participants who signed the Contract and the Contract must be in full compliance at the time of submission or postmark. Requests to voluntarily terminate the Contract must be made no later than a date determined by the Deputy Administrator.

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## ADDENDUM FOR BIOMASS CROP ASSISTANCE PROGRAM (BCAP) APPLICATIONS (ESTABLISHMENT AND ANNUAL PAYMENTS) IN PROJECT AREA 10

To qualify as an eligible producer for plantation acreage enrollment, a landowner or operator must present their written production agreement to the Farm Service Agency. The agreement must provide for the planting, production and harvesting of the shrub willow, according to the specialized agronomic technology developed by the agreement parties.

The production agreements between the producer and a third-party must include the following:

- the planting of only the eligible crop, shrub willow;
- rate and variety of shrub willow per acre to be planted; and
- commitment for a delivery to a biomass conversion facility;

Contract participants must also agree to:

- the terms and conditions of conservation practices set forth in NRCS Conservation Plan;
- keep and submit the accurate records of the disposition and/or sale of all material removed from contract acreage; and
- not destroy biomass crops by tilling, building structures such as homes, barns, sheds, or using the contract acreage for other than its intended purpose of biomass harvest or other typical grassland production operations, these actions shall result in termination from the BCAP program. The contract holder will be required to refund all monies received for all annual payments and cost share payments plus interest and a 25 percent liquidated damage penalty based upon the annual rental rate per acre.

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## ADDENDUM FOR BIOMASS CROP ASSISTANCE PROGRAM (BCAP) APPLICATIONS (ESTABLISHMENT AND ANNUAL PAYMENTS) IN PROJECT AREA 11

To qualify as an eligible producer for acreage enrollment, a landowner or operator must present their written production agreement to the Farm Service Agency. The agreement must provide for the planting, production and harvesting of the giant miscanthus rhizomes and/or perennial native grasses, according to the specialized agronomic technology developed by the agreement parties.

The production agreements for giant miscanthus or perennial native grasses between the producer and a third-party must include the following:

- the planting of only the Freedom giant miscanthus cultivar as approved through the Georgia Crop Improvement Association Quality Assurance Program or the planting of perennial native grasses for energy purposes;
- rate of giant miscanthus rhizomes per acre to be planted, consistent with the BCAP Project Area Mitigation and Monitoring Plan and/or for perennial native grasses the seeding rate per acre and production rate capacity, recorded as dry tons per acre;
- for giant miscanthus, agreement to monitor, report and allow for evaluation of and response to the potential spread of the miscanthus beyond the field perimeter, consistent with the BCAP Project Area Monitoring and Mitigation Plan;
- for giant miscanthus and native perennial grasses, a commitment for a delivery to a biomass conversion facility; and
- for giant miscanthus, a commitment to participate in training and information sessions consistent with the BCAP Project Area Mitigation and Monitoring Plan.

Contract participants establishing must also agree:

- for giant miscanthus, not to plant giant miscanthus on certain acreage within approximately 1,300 feet from any known *Miscanthus sinensis* or *Miscanthus sacchariflorus* in order to limit the potential for cross-pollination resulting in viable seed.
- for giant miscanthus, to protect planted fields with buffer zones to help ensure control of the spread of unwanted rhizomes, seeds or other plant material outside of the established planted field area. These buffer zones must be established at least 25 feet from the edge of the planted field.
- for both giant miscanthus and perennial native grasses, to the terms and conditions of conservation practices set forth in NRCS Conservation Plan.
- for both giant miscanthus and perennial native grasses, to not enroll or convert contract acreage to fields or lands fertilized and irrigated by the nutrient-rich liquid, or mixtures of liquids and manure solids (slurries) from liquid manure storage structures, otherwise known as sprayfields, without applicable Comprehensive Nutrient Management Plan (CNMP) that is provided by a technical service provider or NRCS. The CNMP must comply with scientifically based permanent standards adopted by the State of North Carolina.
- for both giant miscanthus and perennial native grasses, not to destroy biomass crops by tilling, building structures such as homes, barns, sheds, or using the contract acreage for other than its intended purpose of biomass harvest or other typical grassland production operations, these actions shall result in termination from the BCAP program. The contract holder will be required to refund all monies received for all annual payments and cost share payments plus interest and a 25 percent liquidated damage penalty based upon the annual rental rate per acre.

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