

For: State and County Offices

BCAP-24 Addendum for BCAP Project Areas 2, 3, 4, and 5

Approved by: Acting Deputy Administrator, Farm Programs



1 Overview

A Background

On June 15, 2011, BCAP Project Areas 2, 3, 4, and 5 were finalized and designated.

These project area designations provide the opportunity for eligible producers with eligible lands and eligible crops within these project area boundaries to enroll acreage under BCAP applications (BCAP-24) and receive annual payments and, if applicable, establishment payments.

B Purpose

This notice provides additional policy and procedure for:

- processing BCAP-24's for BCAP Project Areas 2, 3, 4, and 5
- attaching BCAP-24 Appendix and BCAP-24 Addendum (Exhibit 1), for BCAP Project Areas 2, 3, 4, and 5, to BCAP-24's.

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|----------------------|--|
| Disposal Date | Distribution |
| October 1, 2012 | State Offices; State Offices relay to County Offices |

Notice BCAP-23

2 Policy

A Required Attachments for BCAP-24's Approved for BCAP Project Areas 2, 3, 4 and 5

BCAP applications are authorized for eligible producers with eligible land and eligible crops in BCAP Project Areas 2 through 5 beginning June 20, 2011.

Upon approval of BCAP-24 the producer **must** receive the following attached to BCAP-24:

- BCAP-24 Appendix
- BCAP-24 Addendum (Exhibit 1).

B BCAP-24 Addendum for Project Areas 2, 3, 4, and 5

The BCAP-24 Addendum for Project Areas 2, 3, 4 and 5 must be attached to BCAP-24's upon approval for the following project area boundaries.

| Project Area Number and State | Project Area Sponsor's Location | Plantation FY 2011 Acreage Targets and Counties <u>1/</u> |
|---|--|--|
| Project Area No. 2 Arkansas | MFA Oil Biomass, LLC Paragould, AR | 5,588 acres Clay, Craighead, Greene, Jackson, Lawrence, Mississippi, Poinsett, and Randolph. |
| Project Area No. 3 Missouri | MFA Oil Biomass, LLC Columbia, MO | 3,000 acres Audrain, Boone, Callaway, Cole, Cooper, Howard, Moniteau, Monroe, and Randolph. |
| Project Area No. 4 Missouri | MFA Oil Biomass, LLC Aurora, MO | 5,250 acres Barry, Christian, Dade, Jasper, Lawrence, Newton, and Stone. |
| Project Area No. 5 Ohio/Pennsylvania | Aloterra Energy, LLC Ashtabula, OH | 5,344 acres Ohio - Ashtabula, Geauga, Lake, and Trumbull. Pennsylvania - Crawford, Erie, and Mercer. |
| <u>1/</u> Only parts of some counties are in the Project Area - - See 1-BCAP and Supplements for details. Acreage targets may not be exceeded without National Office approval. Acres represent the total targeted for the counties listed. | | |

3 Action

A State Office Action

State Offices shall ensure that County Offices follow the provisions of this notice.

B County Office Action

County Offices shall follow the provisions of this notice.

Example of BCAP-24 Addendum

The following is an example of BCAP-24 Addendum, Addendum for Biomass Crop Assistance Program (BCAP) Applications (Establishment and Annual Payments) in Project Areas 2, 3, 4, and 5.

This form is available electronically.
BCAP-24 Addendum
 (06-17-11)

U.S. DEPARTMENT OF AGRICULTURE
 Commodity Credit Corporation

Form Approved – OMB No. 0560-0082

**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.**

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