

Indiana Bulletin IN300-9-2 Attachment B

Indiana NRCS Cancellation & Termination Liquidated Damage Assessment Matrix
(12/23/08)

		1 st Year	2 nd Year	3 rd Year	4 th + Year
		Percentage to be Assessed			
Basis Code	Contract Cancellation Request				
1C	Any of the reasons as follows: <ul style="list-style-type: none"> ◆ Natural disaster which prevents completion of provisions of the contract ◆ Documented hardship – Death or illness ◆ Documented hardship – Significant financial constraints beyond participant control ◆ Documented hardship – Destruction of farm/ranch property due to fire/theft ◆ Participant military service interferes with operation of farm/ranch ◆ In the public interest and circumstances beyond the control of the participant ◆ Involuntary loss of control of land beyond control of participant ◆ Participant or land becomes ineligible due to reason beyond control of participant ◆ Clear documented and unavoidable and unforeseen problems 	0	0	0	0
2C	Practice planned in contract is not feasible or not needed for the identified resource concern (NRCS error or omission)	0	0	0	0
3C	Requirements by other regulatory agencies have changed since the contract was originally approved making compliance with contract not feasible, beyond the financial capability originally agreed to by the participant or potentially in violation of federal, state or local environmental regulations.	0	0	0	0
4C	Program participant wants to cancel contract to enroll in a NRCS working land easement program such as GRP or FRPP.	0	0	0	0
5C	Program participant wants to cancel contract to enroll in a NRCS land retirement easement program such as WRP (will depend on items originally contracted)	7.5	15.0	18.0	20.0
6C	Documentation is provided regarding unavoidable and unforeseen problems that transpired since the contract was approved but not clear and compelling. <i>Participant demonstrated good faith effort to implement the contract</i>	2.5	5.0	6.0	7.0
7C	Documentation is provided regarding unavoidable and unforeseen problems that transpired since the contract was approved but not clear and compelling. <i>Participant did not demonstrate good faith effort to implement the contract.</i>	5.0	10.0	12.0	14.0
8C	Personal hardship situation is mentioned in request for cancellation, but strong and clear documentation is not provided. <i>Participant demonstrated good faith effort to implement the contract.</i>	2.5	5.0	6.0	7.0
9C	Personal hardship situation is mentioned in request for cancellation, but strong and clear documentation is not provided. <i>Participant did not demonstrate good faith effort to implement contract.</i>	5.0	10.0	12.0	14.0
10C	Other factors beyond participant's control are cited such as increased cost and other similar miscellaneous factors. <i>Participant demonstrated good faith effort to implement contract.</i>	2.5	5.0	6.0	7.0
11C	Other factors beyond participant's control are cited such as increased cost and other similar miscellaneous factors. <i>Participant did not demonstrate good faith effort to implement contract.</i>	5.0	10.0	12.0	14.0
13C	Program participant requests contract cancellation and installed or other required practices have not been operated or maintained according to agency standards.	7.5	15.0	18.0	20.0
13C	Program participant requests contract cancellation and installed or other required practices have been destroyed.	7.5	15.0	18.0	20.0
14C	Program participant voluntarily requests contract cancellation without justification.	7.5	15.0	18.0	20.0
15C	Program participant voluntarily sells land – new landowner is not willing to assume contract or will not be engaged in agricultural production.	7.5	15.0	18.0	20.0
16C	Program participant voluntarily sells land – new landowner is willing to assume contract but is ineligible because they exceed AGI.	7.5	15.0	18.0	20.0
17C	All other situations evaluated by ASTC-P on a case-by-case basis.	7.5	15.0	18.0	20.0

	Contract Termination				
1T	Agency error or omission	0	0	0	0
2T	Involuntary loss of control of property beyond the control of the participant without justification or a cancellation request from participant	7.5	15.0	18.0	20.0
3T	Voluntary sale of property, no successor in interest, no notice to NRCS, or request for cancellation	7.5	15.0	18.0	20.0
4T	Participant violates terms of the contract. Includes failure to install according to contract schedule, failure to install, operate or maintain to practice design standards or other agreed to terms of the program contract.	7.5	15.0	18.0	20.0
5T	Participant's actions pose a threat to the health and safety of NRCS employees	7.5	15.0	18.0	20.0
6T	Participant fails to allow access to property under contract or refuses to allow completion or participate in required program contract reviews.	7.5	15.0	18.0	20.0
7T	Participant is determined to adopt scheme or device to defeat the program purpose or other fraudulent representation.	7.5	15.0	18.0	20.0
8T	Participant is determined to knowingly misrepresent any fact affecting program determination or eligibility requirement.	7.5	15.0	18.0	20.0
9T	Termination is due to non-compliance	7.5	15.0	18.0	20.0
10T	Program participant is non-responsive	7.5	15.0	18.0	20.0
11T	All other situations evaluated by ASTC-P on case-by-case basis.	7.5	15.0	18.0	20.0