

# USDA FSA NEWS January 2007

**Maui County FSA Office**  
 210 Imi Kala St., Ste. # 207  
 Wailuku, Hawaii 96793  
 Phone: 808-244-3100 Ext. 2  
 Fax: 808-242-7005

**Office Hours**  
 Monday through Friday  
 7:30 am – 4:00 pm

**County Committee**  
 William G. Jacintho, Chair  
 Debra N. Kelly, Vice-Chair  
 Colleen T. Lopes, Member

**Staff**  
 James Robello,  
 County Executive Director

Vance Christensen,  
 Farm Loan Specialist

Rochelle Kaauamo,  
 Program Technician

Faith Umetsu,  
 Program Technician

## Adjusted Gross Income Provisions

The 2002 Farm Bill stipulates that individuals and entities whose average Adjusted Gross Income exceeds \$2.5 million are ineligible for certain programs unless at least 75 percent of their average Adjusted Gross Income is derived from farming, ranching or forestry operations. These programs include the Crop Disaster Assistance Program (CDP) and Marketing Assistance Loan Program. In addition, it includes conservation programs that are administered by Farm Service Agency (FSA) and the Natural Resources Conservation Service (NRCS). These conservation programs include the Conservation Reserve Program (CRP), Environmental Quality Incentives Program (EQIP), Farmland Protection Program, Wetlands Reserve Program (WRP), and the Wildlife Habitat Incentives Program (WHIP).

## Signature Authority for Spouses

Spouses may sign documents on behalf of each other for certain program benefits in which both have interests, unless written notification denying spouse this authority has been provided to the FSA Office.

## Notice to Foreign Investors

The Agricultural Foreign Investment Disclosure Act (AFIDA) requires foreign persons or entities who acquire, transfer, or hold interests in U.S. agricultural land to report these holdings and transactions to FSA within 90 days of such transaction. An AFIDA report must be filed when a foreign individual, organization, or government holds ten (10) percent or more interest in agricultural land. Foreign persons must also report changes in land use from non-agricultural to agricultural, or vice versa, and changes in addresses. Failure to report or late reporting may result in penalties of up to 25% of the fair market value of the land.

## Conservation Compliance

Highly Erodible Land (HEL) and Wetland compliance is required to earn program benefits. This includes payments under the Noninsured Crop Disaster Assistance Program (NAP), Conservation Reserve Program (CRP), Environmental Quality Incentives Program (EQIP), Livestock Assistance Program (LAP), crop insurance and many other USDA programs. Farms with HEL soils need to be aware of tillage, crop residue, and rotation requirements spelled out in conservation plans. If you have any questions about the specifics of your conservation plan, stop by the Natural Resources Conservation Service office in Wailuku or Hoolehua. **Take the time now to make sure your farm is in compliance! Don't wait until the plow hits the ground!**

## Payment Limitation and Payment Eligibility Requirement

Producers must file the applicable Farm Operating Plan for Payment Eligibility Review (CCC-502) and related forms in order to receive most program benefits. All programs have payment limitation amounts that will set the maximum amount a producer can receive. Program benefits will not be provided until payment limit and eligibility determinations are complete. Applicants will be ineligible for payment until all required information is provided on completed forms.

There are statutory provisions that require entities earning program benefits to provide the names, addresses, and ID numbers of the entity's members. Spouses may be considered separate "persons" for payment limitation purposes if this determination is requested and the applicable requirements are met.

All CCC-502's submitted by producers are subject to spot check review at the end of the year. A determination of not "actively engaged in farming" results in the producer being ineligible for benefits requiring a determination of "actively engaged in farming."

## Civil Rights Complaint Process

Any person, class or group of persons may file a discrimination complaint within 180 days of an alleged discriminatory action. Complaints may be filed in writing or orally with the agency head, any designated agency official or the Secretary of Agriculture. Assistance in filing a complaint can be obtained by contacting any FSA office.

## Access to Programs and Facilities by Persons with Disabilities

Special accommodations will be made, upon request, for individuals with disabilities, vision impairment, or hearing impairment. If accommodations are required, please contact James Robello, County Executive Director at (808) 244-3100 extension 2.

**We're on the Web!**  
[www.fsa.usda.gov](http://www.fsa.usda.gov)



# FSA NEWS

## Emergency Conservation Program (ECP)

Excessive rains and flooding on December 2 has caused severe damage to farm land in some areas. Farms and ranchers suffering severe damage may be eligible for assistance under the Emergency Conservation Program (ECP) administered by the Farm Service Agency (FSA). To be eligible, the damage:

- Must be so costly to rehabilitate that Federal assistance is or will be needed to return the land to productive agricultural use.
- Is unusual and is not the type that would recur frequently in the same area.
- Will affect the productive capacity of the farmland.
- Will impair or endanger the land.

A producer qualifying for ECP assistance may receive 75 percent cost share to restore damaged farm lands. The following types of practices may be eligible:

- Removing debris from farmland.
- Grading, shaping, or releveling severely damaged farmland.
- Restoring permanent fences.
- Restoring conservation structures and other similar installations.

Producers who have suffered a loss from this natural disaster may contact the local FSA County Office and request assistance from January 5 through 25.

To be eligible for assistance, a conservation practice, must not be started until all of the following are met:

- An application for cost-share assistance has been filed (Form AD-245).
- An FSA representative has conducted an onsite inspection of the damaged area.
- The Agency responsible for technical assistance, such as the Natural Resources Conservation Service (NRCS), has made a needs determination.



The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (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 USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.

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