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U.S. DEPARTMENT OF AGRICULTURE

Colorado USDA Newsletter - November 8, 2023

Farm Service Agency | Natural Resources Conservation Service | Risk Management Agency

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2023 Farm Service Agency County Committee Elections Open This Week

December 4 is the Last Day to Return Ballots

The U.S. Department of Agriculture (USDA) will begin mailing ballots this week for the Farm Service Agency (FSA) [county and urban county committee elections](#) to all eligible agricultural producers and private landowners across the country.

Elections are occurring in certain Local Administrative Areas for these committee members who make important decisions about how Federal farm programs are administered locally. Producers and landowners must return ballots to their local FSA county office or have their ballots postmarked by Dec. 4, 2023, for those ballots to be counted.

Producers must participate or cooperate in an FSA program to be eligible to vote in the county committee election. A cooperating producer is someone who has provided information about their farming or ranching operation to FSA, even if they have not applied or received program benefits. Additionally, producers who are not of legal voting age, but supervise and conduct farming operations for an entire farm, are eligible to vote in these elections.

For purposes of FSA county committee elections, every member of an American Indian Tribe is considered an agricultural landowner if the land on which the tribal member's voting eligibility is based is tribally owned or held in trust by the U.S. for the Tribe, even if the individual does not personally produce a crop on that land. Tribal agricultural landowners 18 years and older can contact their local FSA county office to register to vote.

Each committee has from three to 11 elected members who serve three-year terms, and at least one seat representing a Local Administrative Area is up for election each year. Committee members help ensure inclusive representation on committees and equitable administration of FSA farm programs in their jurisdiction.

Ballots must be postmarked or delivered in person by close of business Dec. 4, 2023, to be counted. Newly elected committee members will take office Jan. 1, 2024. Producers can find out if their Local Administrative Area is up for election and if they are eligible to vote by contacting their local FSA county office. Eligible voters who do not receive a ballot in the mail can request one from their local FSA county office.

Urban County Committees

Urban county committees have or will be established in 27 cities to strengthen administration of FSA programs in urban areas. Urban committee members are nominated and elected to serve by local urban producers in the same jurisdiction. Committee members will provide outreach to ensure urban producers understand USDA programs, serve as the voice of other urban producers and assist in program implementation that support the needs of the growing urban community.

A list of the 27 cities with urban county committees can be found at fsa.usda.gov/elections. While most of the urban locations will be holding elections this year, some will follow a unique election schedule that will be announced in the future. Denver, CO will be established an Urban County Committee this year during the normal election period. Urban producers in this area or work in this area can contact their local FSA office now to register as an eligible voter and learn more.

Visit fsa.usda.gov/elections for more information on county committee elections.

Applying for FSA Guaranteed Loans

FSA guaranteed loans allow lenders to provide agricultural credit to farmers who do not meet the lender's normal underwriting criteria. Farmers and ranchers apply for a guaranteed loan through a lender, and the lender arranges for the guarantee. FSA can guarantee up to 95 percent of the loss of principal and interest on a loan. Guaranteed loans can be used for both farm ownership and operating purposes.

Guaranteed farm ownership loans can be used to purchase farmland, construct or repair buildings, develop farmland to promote soil and water conservation or to refinance debt.

Guaranteed operating loans can be used to purchase livestock, farm equipment, feed, seed, fuel, farm chemicals, insurance and other operating expenses.

FSA can guarantee farm ownership and operating loans up to \$2,236,000. Repayment terms vary depending on the type of loan, collateral and the producer's ability to repay the loan. Operating loans are normally repaid within seven years and farm ownership loans are not to exceed 40 years.

For more information on guaranteed loans, visit fsa.usda.gov.

Producers Encouraged to Apply Now for USDA Conservation Programs

The U.S. Department of Agriculture (USDA) is encouraging agricultural producers and forest landowners to participate in voluntary conservation programs and adopt climate-smart practices in fiscal year 2024 as part of President Biden's Investing in America agenda. USDA's Natural Resources Conservation Service (NRCS) is accepting applications for the Environmental Quality Incentives Program (EQIP), Conservation Stewardship Program (CSP) and Agricultural Conservation Easement Program (ACEP), which help a wide variety of producers, including urban and organic producers.

For fiscal year 2024, NRCS has \$3 billion in Inflation Reduction Act funds to invest in [climate-smart mitigation activities](#). This year, NRCS expanded the list of those activities as well as expanded priority areas for ACEP for grasslands, wetlands and farmlands at risk of conversion. Learn more about those expansions in our [Sept. 28, 2023 news release](#).

Additionally, for fiscal year 2024, NRCS has over \$2 billion in Farm Bill funding available to producers for priorities like organic and urban agriculture, soil health, water quality and quantity and wildlife habitat development. This extensive amount of funding will be used to meet producer demand for our oversubscribed programs, maximize climate benefits and help producers address their natural resource challenges.

NRCS accepts producer applications for its conservation programs year-round. To apply for fiscal year 2024 funding, apply by your [state's ranking date](#) by contacting your [local NRCS office](#).

Crop Insurance for Specialty and Organic Crops Grow as Options Improve and Expand

USDA is beefing up crop insurance options for specialty crop and organic producers, including rolling out new and expanded options based on feedback from America's agricultural producers. To achieve this, USDA's Risk Management Agency (RMA) accelerated its outreach efforts to hear directly from producers across the country by hosting in-person and virtual roadshows and making investments in risk management education. These improvements are part of a comprehensive effort to improve risk management tools and other programs for a wide variety of producers as well as expand access to organic markets.

From 1990 to 2022, liabilities for insured specialty crops rose from \$1 billion to more than \$23 billion. Over the past 20 years, the number of individual specialty crops insured under crop insurance programs increased by 27%. Currently, there are over 70 individual specialty crops insured under crop insurance programs.

New Insurance Options:

- **Transitional and Organic Grower Assistance Program (TOGA):** For 2022, RMA offered [this new program](#) reduce a producer's overall crop insurance premium bill allowing them to continue using organic agricultural systems. Premium benefits for TOGA included: 10 percentage points of premium subsidy for all crops in transition, \$5 per acre premium benefit for certified organic grain and feed crops, and 10 percentage points of premium subsidy for all Whole-Farm Revenue Protection (WFRP) policies covering any number of crops in transition to organic or crops with the certified organic practice.
- **Grapevine:** Beginning in crop year 2024, producers can insure all types of grapevines in select counties in California, Idaho, Michigan, New York, Ohio, Oregon, Pennsylvania, Texas, and Washington. [This policy](#) complements the existing Grape crop insurance program that covers the fruit growing on the vine. The policy covers freeze, fire, hail, flood, failure of irrigation water supply, and other causes of loss.
- **Pomegranate:** Beginning in crop year 2023, pomegranate producers in select California counties can receive yield-based insurance coverage for standard weather, natural, and environmental perils as well as quality losses. Coverage is available for two varietal groups: "Early" and the 'Wonderful' varieties and all others.

[The program](#) also recognizes the different utilization values of fresh fruit, arils, and juice.

- **Controlled Environment:** Beginning in crop year 2024, producers can insure plants produced in a controlled environment against disease that occurs in their facility. [This program](#) will provide the following benefits: simple application and policy renewal process, like the Nursery Value Select program, and insurance for controlled environment producer-selected plant categories. In addition to specialty crop and organic producers, this policy will greatly benefit urban producers.

Improved Insurance Options:

- **Whole-Farm Revenue Protection Program (WFRP):** Several improvements will begin in the 2024 policy year including: allowing all eligible producers to qualify for 80% and 85% coverage levels; allowing producers to purchase catastrophic coverage level policies for individual crops with [WFRP](#); expanding yield history to a 10-year maximum (from four years) for all crops not covered by another federal crop insurance policy; making the policy more affordable for single commodity producers; and allowing producers to customize their coverage by choosing whether WFRP will consider other federal crop insurance policies as primary insurance when calculating premium and revenue to count during claim time.
- **Micro Farm:** Several updates were made to [Micro Farm](#) including: moving the sales closing date to a less busy time of year to help agents dedicate time to marketing the program, allowing producers to purchase other federal crop insurance with Micro Farm, allowing vertically integrated entities to be eligible and making the Expanding Operations feature available.
- **Pistachios:** Several revisions were made to the [Pistachio policy](#) including: allowing insurance for producers with fewer than four years of production records under the new Transitional Yields (T-Yields); clarifying simple average approved yield for APH databases containing T-Yields; clarifying variability adjustment requirements for actual production history databases; and allowing assigned yields and temporary yields if indicated in the Special Provisions.
- **Quality Loss Option (QLO):** RMA is making the QLO available to several initial specialty crops, including avocados (California only), blueberries, cranberries, grapes, peaches, stone fruit, and table grapes. RMA plans to make the option available to additional specialty crops in the upcoming months after further review.

More Information

Specialty crop producers can learn more on [RMA's Specialty Crop Page](#) or by contacting one of RMA's specialty crop liaisons, who serve as points of contact for local specialty crop producers. Organic producers can learn more at [RMA's Organic webpage](#). Producers can receive the most up to date information about RMA insurance options for specialty crops by [subscribing to GovDelivery](#).

Before You Break Out New Ground, Ensure Your Farm Meets Conservation Compliance

The term “sodbusting” is used to identify the conversion of land from native vegetation to commodity crop production after December 23, 1985. As part of the conservation provisions of the Food Security Act of 1985, if you’re proposing to produce agricultural commodities (crops that require annual tillage including one pass planting operations and sugar cane) on land that has been determined highly erodible and that has no crop history prior to December 23, 1985, that land must be farmed in accordance with a conservation plan or system that ensures no substantial increase in soil erosion.

Eligibility for many USDA programs requires compliance with a conservation plan or system on highly erodible land (HEL) used for the production of agricultural commodities. This includes Farm Service Agency (FSA) loan, disaster assistance, safety net, price support, and conservation programs; Natural Resources Conservation Service (NRCS) conservation programs; and Risk Management Agency (RMA) Federal crop insurance.

Before you clear or prepare areas not presently under production for crops that require annual tillage, you are required to file Form AD-1026 “Highly Erodible Land Conservation and Wetland Conservation Certification,” with FSA indicating the area to be brought into production. The notification will be referred to NRCS to determine if the field is considered highly erodible land. If the field is considered HEL, you are required to implement a conservation plan or system that limits the erosion to the tolerable soil loss (T) for the predominant HEL soil on those fields.

In addition, prior to removing trees or conducting any other land manipulations that may affect wetlands, remember to update form AD-1026, to ensure you remain in compliance with the wetland conservation provisions.

Prior to purchasing or renting new cropland acres, it is recommended that you check with your local USDA Service Center to ensure your activities will be in compliance with the highly erodible land and wetland conservation provisions.

For additional information on highly erodible land conservation and wetland conservation compliance, contact [your local USDA Service Center](#).

USDA to Provide More Than \$3 Billion to Commodity and Specialty Crop Producers Impacted by 2022 Natural Disasters

The U. S Department of Agriculture (USDA) will provide more than \$3 billion to commodity and specialty crop producers impacted by natural disaster events in 2022. Eligible impacted producers can apply for financial assistance through the [Emergency Relief Program \(ERP\) 2022](#). The program will help offset the financial impacts of crop yield and value losses from qualifying disasters occurring in 2022.

Background

On Dec. 29, 2022, President Biden signed into law the *Disaster Relief Supplemental Appropriations Act, 2023 (P.L. 117-328)* that provides about \$3.7 billion in financial

assistance for agricultural producers impacted by eligible natural disasters that occurred in calendar year 2022.

ERP 2022 covers losses to crops, trees, bushes and vines due to qualifying, calendar year 2022 natural disaster events including wildfires, hurricanes, floods, derechos, excessive heat, tornadoes, winter storms, freeze (including a polar vortex), smoke exposure, excessive moisture, qualifying drought and related conditions.

ERP 2022 program benefits will be delivered to eligible producers through a two-track process. FSA intends to make both tracks available to producers at the same time. This two-track approach enables USDA to:

- Streamline the application process.
- Reduce the paperwork burden on producers.
- Proactively include provisions for underserved producers who have not been well served by past emergency relief efforts.
- Encourage producer participation in existing risk management programs to mitigate the impacts of future severe weather events.

It's important to note that disaster-impacted producers may be eligible for ERP 2022 assistance under one or both tracks. To avoid duplicative benefits, if a producer applies for both tracks, the Track 2 payment calculation will take into account any payments received through Track 1.

ERP 2022 Application Process – Track 1

ERP 2022 Track 1 leverages existing federal crop insurance or Noninsured Crop Disaster Assistance Program (NAP) data as the basis for calculating payments for eligible crop producers who received indemnities through these risk management programs.

Although FSA is sending pre-filled ERP 2022 Track 1 application forms to producers who have crop insurance and NAP data already on file with USDA, producers indemnified for losses resulting from 2022 natural disasters do not have to wait to receive the application before requesting ERP 2022 assistance. Effective Oct. 31, 2023, producers can apply for ERP 2022 benefits whether they have received the pre-filled application or not. Receipt of a pre-filled application is not confirmation that a producer is eligible to receive an ERP 2022 Track 1 payment.

USDA estimates that ERP Track 1 benefits will reach more than 206,000 producers who received indemnities for losses covered by federal crop insurance and more than 4,500 producers who obtained NAP coverage for the 2022 crop year.

ERP 2022 Application Process – Track 2

Track 2 is a revenue-based certification program designed to assist eligible producers who suffered an eligible decrease in revenue resulting from 2022 calendar year disaster events when compared with revenue in a benchmark year using revenue information that is readily available from most tax records. In cases where revenue does not reasonably reflect a normal year's revenue, Track 2 provides an alternative method for establishing revenue. Likewise, Track 2 affords producers of crops that are used within an operation and do not generate revenue from the sale of the crop a method for establishing revenue

for the purpose of applying for ERP 2022 benefits. Producers are not required to submit tax records to FSA unless requested by the County Committee if required for an FSA compliance spot check.

Although not required when applying for ERP 2022 Track 2, applicants might find the following documents useful to the process:

- Schedule F (Form 1040)
- *Profit or Loss from Farming* or similar tax documents for tax years 2018, 2019, 2022 and 2023.

Track 2 targets gaps in emergency relief assistance for eligible producers whose eligible losses were not covered by crop insurance or NAP including revenue losses too small (shallow loss) to be covered by crop insurance.

Producers interested in applying for ERP 2022 Track 2, should contact their local FSA county office. Additional reference resources can be found on FSA's [emergency relief website](#).

Additional Required Forms

For both ERP 2022 tracks, all producers must have certain required forms on file with FSA within 60 days of the ERP 2022 deadline. Producers can apply for ERP 2022 starting Oct. 31, 2023. The application deadline has not yet been determined and will be announced at a later date. If not already on file, producers can update, complete and submit required forms to FSA at any time.

Required forms:

- Form AD-2047, *Customer Data Worksheet*.
- Form CCC-902, *Farm Operating Plan* for an individual or legal entity.
- Form CCC-901, *Member Information for Legal Entities* (if applicable).
- Form FSA-510, *Request for an Exception to the \$125,000 Payment Limitation for Certain Programs* (if applicable).
- Form CCC-860, *Socially Disadvantaged, Limited Resource, Beginning and Veteran Farmer or Rancher Certification*, if applicable, for the 2022 program year.
- A highly erodible land conservation (sometimes referred to as HELC) and wetland conservation certification (Form AD-1026 *Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification*) for the ERP producer and applicable affiliates.

Most producers, especially those who have previously participated in FSA programs, will likely have these required forms on file. However, those who are uncertain or want to confirm the status of their forms can contact their local FSA county office.

Future Insurance Coverage Requirements

All producers who receive ERP 2022 payments must purchase crop insurance, or NAP coverage where crop insurance is not available, in the next two available crop years as

determined by the Secretary. Purchased coverage must be at the 60/100 coverage level or higher for insured crops or at the catastrophic coverage level or higher for NAP crops.

More Information

ERP 2022 eligibility details and payment calculation factor tables are available on the [emergency relief website](#), in the [ERP Track 1](#) and [ERP Track 2](#) fact sheets and through your local [FSA county office](#).

Maps for Acreage Reporting Are Available

Maps are now available for acreage reporting purposes. If you wish to receive your maps by e-mail, please contact your local [FSA county office](#).

Please see the following acreage reporting deadlines :

- **November 15, 2023: Fall Planted Crops:**
 - **Rye**
 - **Wheat**
 - **Mixed Forage with a crop type: Alfalfa/Small Grain Interseeded (ASG); Hay, Oats, and Peas (OTP), and Grass/Small Grain Interseeded (SSG)**
- January 2, 2024:
 - Honey
- July 15, 2024:
 - Perennial Forages, Spring-planted crops, CRP, Triticale

In order to maintain program eligibility and benefits, you must file timely acreage reports. Failure to file an acreage report by the crop acreage reporting deadline may cause ineligibility for future program benefits. FSA will not accept acreage reports provided more than a year after the acreage reporting deadline.

Producers are encouraged to file their acreage reports as soon as planting is completed.

Applying for NAP Payments

The Noninsured Crop Disaster Assistance Program (NAP) provides financial assistance to you for crops that aren't eligible for crop insurance to protect against lower yields or crops unable to be planted due to natural disasters including freeze, hail, excessive moisture, excessive wind or hurricanes, flood, excessive heat and qualifying drought (includes native grass for grazing), among others.

In order to participate, you must obtain NAP coverage for the crop year by the applicable deadline using form CCC-471 "Application for Coverage" and pay the service fee. Application closing dates vary by crop. Producers are also required to submit an acceptable crop acreage report. Additionally, NAP participants must provide:

- The quantity of all harvested production of the crop in which the producer held an interest during the crop year
- The disposition of the harvested crop, such as whether it is marketable, unmarketable, salvaged or used differently than intended
- Acceptable crop production records (when requested by FSA)

Producers who fail to report acreage and production information for NAP-covered crops could see reduced or zero NAP assistance. These reports are used to calculate the approved yield.

If your NAP-covered crops are affected by a natural disaster, notify your FSA office by completing Part B of form CCC-576 "Notice of Loss and Application for Payment." This must be completed within 15 calendar days of the occurrence of the disaster or when losses become apparent or 15 days of the final harvest date. For hand-harvested crops and certain perishable crops, you must notify FSA within 72 hours of when a loss becomes apparent.

To receive benefits, you must also complete Parts D, E, F and G of the CCC-576 "Notice of Loss and Application for Payment" within 60 days of the last day of coverage for the crop year for any NAP covered crops. The CCC-576 requires acceptable appraisal information. Producers must provide evidence of production and note whether the crop was marketable, unmarketable, salvaged or used differently than intended.

Eligible crops must be commercially produced agricultural commodities for which crop insurance is not available, including perennial grass forage and grazing crops, fruits, vegetables, mushrooms, floriculture, ornamental nursery, aquaculture, turf grass, ginseng, honey, syrup, bioenergy, and industrial crops.

For more information on NAP, visit fsa.usda.gov/nap.

USDA Service Center Colorado State Office

Denver Federal Center, Bld 56
Denver, CO 80225

Phone: 720.544.2876
Fax: 844.860.8238

Farm Service Agency

State Executive Director
Kent Pepler

Communications Coordinator
Elizabeth Thomas

720.544.2876
Kent.Peppler@usda.gov

720.544.2879
Elizabeth.Thomas1@usda.gov

Natural Resource Conservation Service

State Conservationist

Clint Evans
720.544.2810
Clint.Evans@usda.gov

Public Affairs Specialist

Petra Popiel
720.544.2808
Petra.Popiel@usda.gov

CONTACT US:

[Farm Service Agency](#)

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