

# Farm Service Agency

*Imperial County*

## **FSA NEWS**

*February 2009*

**Address:**

USDA Service Center  
177 N. Imperial Avenue  
El Centro CA 92243

**Telephone:**

(760) 352-3531 ext. 2  
Fax: (760) 352-0219

**Web Sites:**

FSA: [www.fsa.usda.gov](http://www.fsa.usda.gov)  
USDA: [www.usda.gov](http://www.usda.gov)  
Farm Bill:  
[www.usda.gov/farmbill](http://www.usda.gov/farmbill)

**Hours:**

Monday-Friday  
8:00 AM-4:30 PM

**County Committee:**

Curt Corda  
Gary Mamer  
Craig Alameda

**Advisor:**

Raul Rodriguez, Jr.

**County Executive Director:**

Rosalinda Singh

**Staff:**

Carmen Perez, PT  
Julia Contreras, PT

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### **2009 Direct & Counter-cyclical Program (DCP) Signups Now Underway**

Signup has started for the 2009 Direct and Counter-cyclical Payment (DCP) Program for farms with base acres. Signup will continue until June 1, 2009. The June 1, 2009 deadline is mandatory for all participants. FSA will not accept any late-filed applications.

FSA computes DCP Program payments using base acres and payment yields established for each farm. Eligible producers receive direct payments at rates established by statute regardless of market prices. For 2009, you may request to receive advance direct payments based on 22 percent of the direct payment for each commodity associated with the farm. FSA will begin issuing advance direct payments later this month. Counter-cyclical payment rates vary depending on market prices and are issued only when the effective price for a commodity is statutorily set below its target price.

Producers who are eligible for the DCP Program will also be eligible to enroll in the Average Crop Revenue Election (ACRE) Program. The enrollment period for the ACRE Program will begin in the spring. You may first enroll in the DCP Program, receive advance direct payments and then later modify your enrollment to include the ACRE program or you may wait and elect to enroll in DCP and ACRE at the same time in spring 2009.

### **County Committee Election Results**

Craig Alameda was elected to represent farmers from the Bard/Winterhaven/Palo Verde area on the county committee. Craig's three year term began January 1, 2009. Evelyn Berryman and Gusmar Nunez will serve as alternates. Congratulations Craig!

FSA County Committee members make decisions on disaster and conservation programs, emergency programs, commodity price support loan programs and other important agricultural issues. Nationwide, there are more than 7,800 farmers and ranchers serving on FSA County Committees. Committees consist of three to five members who are elected by eligible local producers. Thanks to all who participated in this important process and to Craig, Evelyn and Gusmar for their willingness to serve.

Special thanks to Mike Palmer for having served on the committee for 3 terms.

## ***Farm Reconstitutions***

The reconstitution—or recon—is the process of combining or dividing farms or tracts of land based on the farming operation. To be effective for the current year farms with base acres and enrolled in the DCP program must request the recon by August 1, 2009. If 2009 DCP direct payments have already been issued on the farm, the reconstitution will be effective for 2010 unless the payments are refunded.

For farms not enrolled in DCP by June 1, 2009 which will be requesting a recon, the signed recon must be in the FSA Office by June 1, 2009.

All reconstituted farms must re-enroll in the DCP program by the later of June 1, 2009 or within 30 calendar days of the notification of the bases and yields of the resulting farm. CCC-509 "Direct & Counter Cyclical Program Contract" **NOT** having all requisite signatures of producers having more than a zero share of base acres by the later of June 1, 2009 or 30 calendar days after notification of the bases and yields of the resulting farm, will **NOT** be considered submitted to CCC for any purpose and will **NOT BE APPROVED**.

## ***Crop Certification Deadline***

Filing an accurate and timely report for all crops and land uses, including failed acreage, can prevent loss of benefits for a variety of Farm Service Agency programs.

- **March 15, 2009**-Deadline for wheat, barley and oats (all small grains).
- **July 15, 2009**-Deadline for all other crops and land uses.

## ***Lamb Referendum***

Lamb producers, feeders and first handlers are provided the opportunity to vote in a nationwide referendum on whether to continue or terminate the Lamb Promotion, Research and Information Order. ***The referendum will be held February 2-27, 2009 and is conducted by FSA.***

To be eligible to vote, persons must certify and provide documentation such as sales receipts or remittance form which shows they have been engaged in the production, feeding or slaughtering of lambs between Jan. 1 – Dec. 31, 2008. Form LS-86 and supporting documentation must be returned in person, by mail or by fax prior to close of business on Feb. 27, 2009. Contact this office for more information.

## ***Payment Limits & Direct Attribution***

To qualify for commodity and disaster programs under the new farm bill, applicants now must adhere to new **Adjusted Gross Income (AGI)** restrictions. The AGI ceiling limitation was reduced from \$2.5 million from all sources to a three-year average **non-farm AGI of \$500,000**. Also, under the new regulations, an individual or entity must have a 3-year average AGI less than or equal to \$750,000 per year from farm income in order to qualify for direct payments issued under the Direct and Counter-cyclical Program (DCP).

For conservation programs, the average nonfarm AGI limitation is \$1 million or less for eligibility. However, an individual or entity who has non-farm AGI in excess of \$1 million remains eligible for conservation programs only if 66.66 percent or more of the total AGI is derived from farming, ranching and forestry operations. In addition, the AGI limitation for conservation programs may be waived on a case-by-case basis if it is determined that environmentally sensitive land of special significance would be protected.

Another change in eligibility is that program payments are limited by direct attribution of payment totals directly to individuals or indirectly to individuals through entities.

A legal entity is defined as an entity created under Federal or State law that owns land or an agricultural commodity, product or livestock. Through direct attribution, payment limitation is based on the total payments received by the entity and also the individual, both directly and indirectly as an officer, partner or shareholder in an entity. Qualifying spouses are eligible to be considered separate persons for payment limitation purposes, rather than being automatically combined under one limitation.

Also, individuals and entities must be "actively engaged in farming" with respect to a farming operation in order to be eligible for specified payments and benefits. To be "actively engaged in farming," the individual or entity must make significant contributions to the farming operation of: (1) capital, equipment, land, or a combination; and (2) personal labor or active personal management, or a combination. For more information on how these provisions apply to your own situation, contact your local FSA office.

## ***Milk Income Loss Contract Program (MILC)***

Signup for the MILC program is underway and will continue through the program's expiration date, September 30, 2012. There are three key changes in MILC program operations; The 2008 Farm Bill reauthorizes the MILC Program, which operates similarly to the counter-cyclical payment program for crops, and makes three key changes in program operation. Under the Farm Bill, the MILC payment rate and the per-operation poundage limit are modified, depending on when the milk is produced. In addition a "feed cost adjuster" is introduced which adjusts the \$16.94 per hundredweight benchmark price upward depending on the cost of feed rations. When available, MILC payments are based on a payment rate percentage that is multiplied by the difference between a now-flexible target (\$16.94 per cwt. or higher) and the specific month's Boston Class I price of milk.

The 2008 Farm Bill made changes to the provisions for payment eligibility and adjusted gross income (AGI). If the individual or entity has non-farm AGI greater than \$500,000, the individual or entity is not eligible for MILC benefits.

Producers must select a start-up month for MILC payments during the sign-up application period. The start month selected may be the month the contract is submitted, through the last day of that month. A later start month may be selected at that time provided the selection is made by the 14<sup>th</sup> of the month preceding the new start month. Any changes made to a start month after the designation has been made must be made by the 14<sup>th</sup> of the month prior to the start month being requested.

## ***2005-2007 Crop Disaster Program (CDP) Signup Deadline Announced***

Signup for crop years 2005 through 2007 CDP began October 15, 2007 and will end COB **February 27, 2009**.

All applications must be filed no later than COB February 27, 2009, and applies to the following:

- quantity and quality provisions of CDP
- receiving a signed, completed application along with **ALL** supporting documentation and required forms in the FSA Office.
- late provisions do not apply for crop years 2005 through 2007.

## ***FSA Signature Policy***

Using the correct signature when doing business with FSA can save time and prevent a delay in program benefits. The following are FSA signature guidelines:

- A married woman shall sign her given name: Mrs. Mary Doe, not Mrs. John Doe
- For a minor, FSA requires the minor's signature and one from an eligible parent. Note, by signing the applicable document, the parent is liable for actions of the minor and may be liable for refunds, liquidated damages, etc
- When signing on one's behalf the signature must agree with the name typed or printed on the form, or be a variation that does not cause the name and signature to be in disagreement. Example - John W. Smith is on the form. The signature may be John W. Smith or J.W. Smith or J. Smith. Or Mary J. Smith may be signed as Mrs. Mary Joe Smith, M.J. Smith, Mary Smith, etc
- FAXED signatures will be accepted for certain forms and other documents provided the acceptable program forms are approved for FAXED signatures. Producers are responsible for the successful transmission and receipt of FAXED information. Examples of documents **not** approved for FAXED signatures include:

Promissory note; Assignment of payment  
Joint payment authorization; NAP actual production history and approved yield record;  
Acknowledgement of commodity certificate purchase; Financing statement; UCC financing statement.

- Spouses may sign documents on behalf of each other for FSA and CCC programs in which either has an interest, unless written notification denying a spouse this authority has been provided to the county office
  - Spouses shall not sign on behalf of each other as an authorized signatory for partnerships, joint ventures, corporations, or other similar entities
  - All members of a general partnership must sign for the general partnership unless an individual is authorized to act on the behalf of the general partnership and bind all members
  - Spouses may sign on behalf of each other's individual interest in a partnership, unless notification denying a spouse that authority is provided to the county office
- Acceptable signatures for general partnerships, joint ventures, corporations, estates, and trusts shall consist of an indicator "by" or "for" the individual's name; individual's name and capacity; or individual's name, capacity, and name of entity.

UNITED STATES DEPARTMENT OF AGRICULTURE  
 Farm Service Agency  
 Imperial County FSA Office  
 177 North Imperial Avenue  
 El Centro CA 92243

**Dates to Remember**

<b>Feb. 16, 2009</b>	<b>Office Closed – Washington’s Birthday</b>
<b>Feb. 27, 2009</b>	<b>CDP Application Deadline</b>
<b>Mar. 15, 2009</b>	<b>Acreage Reporting Deadline for Wheat &amp; other small grains</b>
<b>Jun. 1, 2009</b>	<b>DCP Application Deadline</b>
<b>Jul. 15, 2009</b>	<b>Acreage Reporting Deadline all crops other than small grains</b>

**SPECIAL ACCOMODATIONS**

Special accommodations will be made, upon request, for individuals with disabilities, vision impaired, or hearing impairment. If accommodations are required, please call our office at (760) 352-3531.

**APPEAL PROCESS**

After an FSA official makes a decision on your request or application for USDA services, you will be sent a letter informing you of the decision and options your can pursue if you disagree. Generally, appellants have three choices — an informal review with the original agency decision-maker, an opportunity for mediation and finally an appeal to the next level of authority within the agency.

**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, USDA, Washington, D.C. 20250. Assistance in filing a complaint can be obtained by calling or visiting any FSA office.

*The United States Department of Agriculture (USDA) prohibits discrimination in all 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, genetic information, political beliefs, reprisal, or because all or part of an individual’s income is derived from any public assistance programs. (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, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (800) 795-3272 (voice) or (202)-720-6382 (TDD). USDA is an equal opportunity provider and employer.*