

**Rosebud County FSA Office**  
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Diane Wyrick – Program Technician  
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**2009 County Committee**

Johnna Newman Robert Sorenson  
Sheryl Lawrence

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**Treasure County Staff**

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**2009 County Committee**

Ardell Trusty Dallas Steiger  
Waine Milmine

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**Reasonable Accommodation Statement:**

"Persons with disabilities who require accommodations to attend or participate in any FSA programs should contact Virginia Nollmeyer, CED, PO Box 6, Forsyth, MT 59327 at 406-346-7333 or Federal Relay Service at 1-800-877-8339."



Rosebud/Treasure FSA News  
June 2009

## **Average Crop Revenue Election (ACRE)**

ACRE is a new farm revenue based program authorized under the 2008 Farm Bill that provides producers an alternative to the counter-cyclical payments under the Direct and Counter-cyclical Program (DCP). Participants in ACRE will receive a reduced direct payment of 80% determined on the farm's base acreage and marketing assistance loan rates are reduced by 30%. If both the state and farm's actual revenue is less than the historical revenue for the crop, an ACRE payment may be made on the planted acreage of eligible commodities. National market year average prices and actual state and farm yields are used in determining whether an ACRE payment is triggered.

Preliminary farm benchmark yields will be established for participating farms based on county average yields; however, participants may provide their actual production to increase their farm benchmark yield that is used in determining the historical farm revenue.

The 2009 preliminary State Revenue Guarantees, Market Year Average Prices, ACRE County yields along with more detailed information including an ACRE calculator can be found by visiting the Montana FSA website [www.fsa.usda.gov/mt](http://www.fsa.usda.gov/mt) and clicking on the 2008 Farm Bill under the Hot Links section and then selecting National DCP Website. Contact the Office for additional information.

## **Pulse Crop Base Acres**

Producers with farms identified as having pulse crops planted during the 1998 through 2001 crop years will receive a letter notifying them of available options to add pulse crop bases and yields to their farm. Pulse crops are defined as dry peas, lentils, Desi garbanzo beans (small chickpeas), and Kabuli garbanzo beans (large chickpeas). Pulse crops may be eligible for counter-cyclical payments under DCP and are eligible commodities under the ACRE program. Counter-cyclical yields will be set at 75% of the county average unless growers elect to update the yield by using the farm's actual yields for the crop years 1998-2001. The operator and all owners on the farm must agree to the election no later than August 14, 2009.

## **Direct and Counter-Cyclical Program (DCP)**

Signup for the 2009 DCP program continues through August 14. Participants may request an advance direct payment at 22% of the final payment rate with the final direct payments to be issued in October. **All signatures to a share of the base acres must be received in the County Office on or before August 14.**

**August 14 – Deadline to Signup DCP, ACRE, and add Pulse Crop Base**

FSA-669A (04-17-09) Page 2		U.S. Department of Agriculture Farm Service Agency		Form Approved - OMB No. 0560-0229
<b>NOMINATION FORM FOR COUNTY FSA COMMITTEE ELECTION</b>				
1. NAME OF NOMINEE (Type or print Nominee's Full Name)		<b>TO BE COMPLETED BY COUNTY FSA OFFICE</b>		
2. ADDRESS OF NOMINEE		5. INITIALS OF EMPLOYEE RECEIVING FORM AND DATE (MM-DD-YYYY)		
3. NOMINEE'S CERTIFICATION <i>I hereby agree to have my name placed on the ballot, that I will serve if elected, and if there is a conflict of interest, I will resign such position.</i> <input type="checkbox"/> I DO want to witness the settling of tied votes with another nominee. <input type="checkbox"/> I DO NOT want to witness the settling of tied votes with another nominee.		6A. COUNTY		
		6B. LAA NO.		
		7. STATE		
4A. SIGNATURE OF NOMINEE	4B. DATE (MM-DD-YYYY)	<b>DATE OF ELECTION IS 1st MONDAY OF DECEMBER OF EACH CALENDAR YEAR</b>		
<b>8. TO BE COMPLETED BY NOMINEE</b>				
<b>VOLUNTARY INFORMATION FOR MONITORING PURPOSES:</b> The following information is requested by the Federal Government in order to monitor FSA's compliance with federal laws prohibiting discrimination against program participants on the basis of race, color, national origin, religion, sex, marital status, handicapped condition, or age. You are not required to furnish this information, but are encouraged to do so. This information will not be used in evaluating your nomination or to discriminate against you in any way.				
<b>ETHNICITY</b> <input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Not Hispanic or Latino		<b>RACE (Choose as many boxes as applicable)</b> <input type="checkbox"/> America Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> White		<b>GENDER</b> <input type="checkbox"/> Male <input type="checkbox"/> Female
<b>INSTRUCTIONS FOR COMPLETING THIS FORM</b>				
Complete the form as follows:				
<b>ITEM 1</b> Type or Print the nominee's full name. The nominee must be: A. Eligible to vote in the designated County FSA Committee election. B. Eligible to hold the office of County FSA Committee member. C. Willing to serve if elected.				
<b>ITEM 2</b> Enter the nominee's current address.				
<b>ITEM 3</b> The nominee must check one of the boxes to indicate a preference regarding the settling of tied votes.				
<b>ITEM 4</b> The nominee must sign and date.				
<b>ITEM 8</b> Completing this item is voluntary.				
<b>ALL FORMS MUST BE RECEIVED IN THE COUNTY OFFICE OR POSTMARKED BY AUGUST 3.</b>				
<small><b>NOTE:</b> The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the following information is 7 CFR Part 7. The information will be used to obtain nominees for County FSA Committee. 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 0560-0229. 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. RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.</small>				

## COC Nominations Open June 15

Nominations for candidates to run for the County Committee Election representing producers in a Local Administrative Area (LAA) will be accepted from June 15 through August 3, 2009.

For FSA County Committee election purposes, counties are divided into local administrative areas, or LAA's. Each LAA contributes one producer to serve a three-year term on the FSA County Committee.

Each year an election is held in an LAA to replace the Committee member whose three-year term is expiring. LAA 3, currently represented by Sheryl Lawrence, is up for election in Rosebud County. LAA1, currently represented by Ardell Trusty, is up for election in Treasure County.

**Producers who are residents in the LAA holding the election, who participate or cooperate in an FSA program and are of legal voting age may be nominated to serve on the County Committee.**

Individuals may nominate themselves or others as candidates. Also, organizations representing socially disadvantaged minorities and women farmers or ranchers may also nominate candidates.

A nomination form, FSA-669A, is included in this newsletter. Additional forms and details are available at any local FSA County Office or by logging on to the Montana FSA website at <http://www.fsa.usda.gov/mt>.

Eligible voters may nominate as many candidates as they wish.

To be valid, the nomination form must be signed by the person being nominated indicating agreement to serve if elected, and returned to the FSA County Office by the close of business on August 3, or postmarked by midnight August 3, 2009.

## Legal Changes Affect Farm and Ranch Operators

All workers in Montana must either be covered by work-comp insurance or hold a current certificate of exemption. Labor Commissioner Keith Kelly is asking Montana farmers and ranchers to ask their seasonal contractors for proof of their current Independent Contractors Exemption Certificate (ICEC). Everyone who works in the state, including out-of-state or Canadian workers, must be covered by workers' compensation or have a current certificate of exemption. Custom-combiners, aerial applicators, shearers, grain cleaners and others who provide services to agriculture operations fall under the statutory requirement.

Through legislation passed in 2005, applicants are now required to provide sworn acknowledgement that they are free from control and direction. The 2005 law provides for penalties for both the employer and the worker up to a \$1000 fine for each violation.

For current information or an online application, visit [www.mtcontractor.com](http://www.mtcontractor.com) or call 406/444-9029. Forms are also available at the local Job Service Office.

## Beneficial Interest

The CCC-633 EZ, page 1 indicates the producers' intent to request Loan Deficiency Payments (LDPs) benefits and must be received in the FSA office before the producer loses beneficial interest in the commodity. For LDPs, the producer must retain beneficial interest in the commodity from the time of planting through the date the form CCC-633EZ, page 1 is filed. For Marketing Assistance Loans (MALs) the producer must retain beneficial interest from the time of planting through the date the loan collateral is repaid or forfeited to CCC. To be eligible for LDPs, producers must be in compliance with all annual eligibility requirements for marketing assistance loans. Producers are encouraged to complete a CCC-633 EZ, page 1 at their earliest convenience before beneficial interest is lost in the commodity.

## Commodity Loan Payment Limitations

The 2008 payment limitation on marketing loan gains and loan deficiency payments is \$75,000 per person, per crop year. Outstanding loans repaid by the use of commodity certificates do not affect the \$75,000 payment limitation. For 2008, producers with adjusted gross income over \$2.5 million averaged over three years are not eligible for payments, unless more than 75% of adjusted gross income is from agriculture.

The 2009 payment limitation has been removed. There is no limit to the amount of marketing loan gains a producer can receive via Loan Deficiency Payment (LDPs) of market gain repayments.

## File Your Acreage Reports by July 15

Yearly acreage reports are required for producers to be eligible for specific programs. Please review the chart below for program benefits and crop acreage reporting requirements.

Benefit	Acreage Reporting Requirement
MAL's and LDP's	All cropland on the farm.  <b>Note:</b> Farms that have zero cropland will have the flag set to "Y" in the cropland comparison file. No producer or County Office action will be necessary.
Direct and counter-cyclical payments under DCP	All cropland on the farm.  <b>Note:</b> Farms that have zero cropland will have the flag set to "Y" in the cropland comparison file. No producer or County Office action will be necessary.
CRP annual rental payment	CRP acreage according to CRP-1 Appendix.
NAP	Crop acreage for which NAP benefits maybe requested.
SURE	All crops, in all counties.  <b>Note:</b> This includes crops on cropland and/or non-cropland, including native or improved grass that will be hayed or grazed.
ACRE Program	All cropland on the farm.  <b>Note:</b> Emphasis must be placed on accurate reporting of irrigated status and intended use of a crop.
LFP Program	Pastureland or grazing land acreage for which LFP benefits may be requested.

Acreage reports will be accepted from an owner, operator or tenant as well as those with power of attorney for these individuals. The deadline for reporting acreage is July 15. Reports filed after that date are subject to late-filed fees and a visual farm inspection unless the County Committee determines the late filing was beyond the producer's control. Farms with late filed reports are subject to mandatory spot checks unless the County Committee determines it was beyond the producer's control.

Failure to report accurately may result in loss of program and price support benefits.

Rosebud County FSA Office  
PO Box 6  
Forsyth, MT 59327-0006

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### Inside this Issue

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#### *Important Dates to Remember*

**May 15** – Beginning date of Primary Nesting Season  
**June 10-13** – Stockgrowers 125<sup>th</sup> Anniversary  
**June 15** – COC Nominations Open  
**June 15-17** – Montana Range Days, Miles City  
**July 3** - Offices Closed for 4<sup>th</sup> of July Holiday  
**July 15** – Acreage Reporting Deadline  
**Aug. 1** – Farm Reconstitution Deadline  
**Aug. 3** – COC Nomination Form Deadline  
**Aug. 14** – DCP & ACRE Signup Deadline

### Filing a Non-insured Crop Disaster Assistance Program (NAP) Notice-of-Loss

To qualify for assistance under NAP, production losses or prevented planting must have occurred as a result of an eligible cause of loss. An eligible cause of loss is any of the following:

- damaging weather, such as drought, freeze, hail, excessive moisture, or excessive wind; or
- adverse natural occurrences, such as earthquake or flood; or
- a condition related to damaging weather or an adverse natural occurrence, such as excessive heat, disease or insect infestation.

Wildlife damage and weeds are **not** considered eligible causes of loss under NAP.

A notice of loss must be provided within 15 calendar days after the:

- disaster occurrence or date damage to the specific crop acreage is apparent to the producer for yield losses;
- final planting date for prevented planting.

If a Notice-of-Loss is filed prior to the final planting date established for the specific crop, the producer is expected to replant the crop. If the Notice-of-Loss is filed after the established final planting date and the intent is to reseed to another crop intended for harvest, such as barley for grain, which is covered under crop insurance, a NAP payment cannot be received on the original failed crop.

Montana is not a double cropping state. If the intent is to destroy the crop, summer fallow it, or reseed to another crop **not** intended for harvest, representative strips must be left in the field so that a loss adjuster can be sent out closer to normal harvest time to appraise the original seeded crop. In this situation, the original seeded crop would still be eligible for a payment.