



# Windham County News

## Windham County USDA Service Center

28 Vernon St.  
Suite 331  
Brattleboro Vt. 05301  
802 254-9766 phone  
802 254-3307 fax  
[www.fsa.usda.gov](http://www.fsa.usda.gov)

### Hours

Monday - Friday  
8:00 a.m. - 4:30 p.m.

## County Committee

Jill Adams Mancivalano-  
Chair  
Charles Robb Jr. -Vice  
Arnold Fisher-Member

County Committee meets  
2<sup>nd</sup> Tuesday of the Month

## Staff

County Executive Director  
Julie Jacque (x107)  
[Julie.Jacque@vt.usda.gov](mailto:Julie.Jacque@vt.usda.gov)

Program Technician  
Valerie Brassor (x100)  
[Valerie.brassor@usda.gov](mailto:Valerie.brassor@usda.gov)

## Farm Loan Staff

George Button, Jr. FLM  
802-295-7942 x15  
800-789-6713  
[George.button@vt.usda.gov](mailto:George.button@vt.usda.gov)

George is in Windham Co.  
Every 2<sup>nd</sup> & 4<sup>th</sup> Tuesday of  
the month or by appoint-  
ment

## NRCS Staff

Lance Gorham x101  
[Lance.gorham@vt.usda.gov](mailto:Lance.gorham@vt.usda.gov)

## NRC District Staff

Jolene Hamilton, Mgr.x104  
Sylvia Harris x105



## Julie's Notes

Just a short note to you all~ so much for the calm before sugaring season~ we have been very busy acquiring assistance for those in Windham County whom suffered damages from the December 11 ice storm. We have successfully received an Emergency Conservation Program designation. At this time we can sign you up for a reimbursement up to 75% of cost of debris removal and restoration of permanent fences damaged in the storm. While most of the people we have been talking to have been maple producers, the debris clean up can be for ANY farmland, cropland, pasture or sugar bush. If you damages in excess of \$1000 to your farmlands, pastures, sugar bushes please give us a call to get an application Look for more details in the article included in our newsletter.

Keep in mind- along with the new Farm Bill there have been changes to ALL of our payment eligibility and payment limitation forms. We will need to be setting up appointments with you before any program payment can be disbursed.

## COC Election

Congratulations go out to Charles Robb, Jr. for his recent re-election to the Windham County FSA Committee (COC). Charlie will represent LAA 2, Brattleboro, Dummerston, Guilford, E. Halifax, Marlboro, and Vernon.

Charlie brings a long history of active participation in local farm organizations to the COC. He continues to provide invaluable advice and guidance to the committee.

In addition to Charlie, Ross Thurber, of Lilac Ridge Farm, Brattleboro, was elected for LAA 2 First Alternate.

We would like to thank all who volunteer for our county committee. We rely heavily on your input to best serve the farmers and landowners of Windham County.

Remember that monthly COC meetings are open to the public, held the second Tuesday of the month at the Brattleboro Service Center.

## USDA Enacts Changes to Payment Limitations, Income Qualifications, and Implements Direct Attribution

USDA recently published an interim final regulation in the Federal Register announcing changes to both Adjusted Gross Income (AGI) qualifications, program payment limitations, and direct attribution for FSA and Natural Resources Conservation Service (NRCS) programs, which became effective in accordance with the 2008 Farm Bill.

For commodity and disaster programs, the AGI limitation was reduced from \$2.5 million AGI from all sources to a three-year average non-farm AGI of \$500,000 such that a person or entity shall not be eligible for such programs if the non-farm AGI exceeds \$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.

The definition of income derived from farming, ranching and forestry operations was expanded to include, among other items, such items as the packing, storing and transporting of agricultural commodities; production of livestock products; farm-based production of renewable bio-energy; and in some instances, the providing of operational inputs to farmers, ranchers and foresters.

For conservation programs, the average nonfarm AGI limitation is \$1 million or less for eligibility with allowances for certain exceptions.

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.

Public comments on this interim final rule must be submitted to the Department by within 30 days of the date of publication.



## **ECP Sign- Up Announced for Maple Sugar Bushes, Pastures and Cropland Damages**

Windham County has been approved for Emergency Conservation Program (ECP) due to damages sustained from the December 11 ice storm. Sign up for ECP is now through February 13.

ECP provides emergency funding and technical assistance for farmers to rehabilitate farmland damaged by natural disasters and for carrying out emergency water conservation measures in periods of severe drought. Producers can use ECP funds for a variety of purposes, including removal of farmland debris, restoring fences and repairing conservation structures. FSA county committees determine land eligibility based on on-site inspections of damage, taking into account the type and extent of damage.

For land to be eligible, the natural disaster must create new conservation problems that:

- untreated, will impair or endanger the land;
- materially affect the land's productive capacity;
- represent unusual damage that, except for wind erosion, is not of the type likely to recur frequently in the same area; and
- would be so costly to repair that federal assistance is or will be required to return the land to productive agricultural use.

All of the above conditions must be met for eligibility. Conservation problems existing prior to the disaster are not eligible for cost-share assistance.

If you have not been in touch with the local office or the county forester, call today for your application and appointment for inspection.

## **MILC Sign Up Underway**

Signup for the Milk Income Loss Contract Program (MILC) is underway and will continue through the program's expiration date, Sept. 30, 2012.

The 2008 Farm Bill reauthorizes the MILC Program 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 over the life of the 2008 Act, which adjusts the \$16.94 per hundred-weight (cwt.) 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.

And thirdly, 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.

Current projections anticipate payments for February milk production and software to make payments is anticipated due in April. For more information on the MILC program, contact us here at the USDA Service Center.

## **DCP Sign Up Underway**

Sign-up has started for the **2009** Direct and Counter-cyclical Payment (DCP) Program for farms with base acres. You can sign up online or at local USDA service centers. 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.

The electronic DCP (or eDCP) service will save you time, reduce paperwork and speed up contract processing at FSA offices. It is available to anyone eligible to participate in the DCP Program and can be accessed at [www.fsa.usda.gov/dcp](http://www.fsa.usda.gov/dcp). To access this online service, you must have an active USDA eAuthentication Level 2 account, which requires filling out an online registration form at <http://www.eauth.egov.usda.gov> followed by a visit to the local USDA Service Center for identity verification.

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 issue 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.

## **Farm Loan Year End Reviews**

Producers that have a farm loan with FSA are reminded they must provide data for their Year End Analysis (YEA) to their loan office each year. Borrowers are urged to provide this information timely so their files can be maintained. The office will contact you for the data you will need to assist us.

## **Disaster Signup Continues – Quality payments now available- Deadline set for February 27, 2009**

Signup for Quantity and Quality Losses under the Crop Disaster Program (CDP) continues. **CDP provides benefits to farmers who suffered quantity and/or quality losses in 2005, 2006 or 2007.** Only producers who obtained crop insurance coverage or coverage under NAP for the year of loss will be eligible for CDP benefits.

Please submit your information to the office ASAP Call the FSA Office for more information





### **Wool/Mohair/Unshorn Pelt LDPs**

**For Crop year 2008- February 2, 2009** is the final deadline to apply for a 2008 crop wool/mohair/unshorn pelt Loan Deficiency Payment (LDP) **You must apply and provide documentation by this date!**

LDP rates are announced every Wednesday. The current ungraded wool LDP price is 29 cents per pound. And the mohair LDP price is 1.55 cents per pound. The payment for unshorn pelts is calculated as follows 6.865 lbs X ungraded wool rate=price paid per pelt.

**For crop year 2009-** There is a form that producers need to sign once per crop year, indicating their intention to apply for a Loan Deficiency Payment. This form must be signed and submitted prior to losing beneficial interest in the crop. The CCC-633 is available now to request LDPs for 2009. Please contact the office for more details.

### **Spousal Signatures**

Husbands and wives may sign documents on behalf of each other for FSA and Commodity Credit Corporation programs in which either has an interest. This option is automatically available unless a written request for exclusion is made to the county office staff by either spouse.

There are exceptions to the rule. Spouses may not sign FSA-211s (Power of Attorney) on behalf of each other, or sign on behalf of the other as an authorized signatory for partnerships, joint ventures, corporations or other similar entities. Spouses must have a power of attorney on file or sign personally for claim settlements, such as promissory notes, and on security documents for price support loans.

Individual signatures are also required on certain Farm Loan Program and Farm Storage Facility Loan documents.

A spouse's authority to sign documents on behalf of the other spouse does not entitle the spouse to review or receive agency records of the other spouse.

### **Report of Payments to Producers**

A summary of all earned payments and/or refunds during the previous calendar year will be mailed to producers during the last week of January. Form CCC 1099-G will be mailed from Kansas City, MO.

### **Bank Account Changes?**

All FSA payments are supposed to be electronically transferred into your bank account. In order to make timely payments, you need to notify the office if you close your account or if your bank is purchased by another financial institution. Payments can be delayed if we are not aware of changes to account and routing numbers.

### **Attention Producers & Landowners**

Do you intend to clear timber areas to create or to expand existing crop areas?

- Are you converting a pasture field into a crop field?
- Are there any areas on your farm(s) that you are considering cropping that have not been cropped in recent years?
- Is there a wet spot in a field that you want to drain to make cropping easier?
- Are you disturbing a wildlife habitat area of any type?
- Are you doing anything different on your farm(s) this year?

These are Highly Erodible and Wetlands provision questions that need to be considered each year by you to assure that you may remain eligible for USDA benefits. If you have any question or concern that something you plan to do on your farm could jeopardize your eligibility for benefits, please contact your NRCS representative before you start.

### **Appeal Process**

After an FSA official makes a decision on your request for USDA services or application, you will be sent a letter informing you of the decision and options you can pursue if you disagree.

Generally, program participants have four choices – an informal review with the original agency decision-maker, an opportunity for mediation, appeal to State Committee and appeal to the USDA National Appeal Division (NAD).

### **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, U.S. Department of Agriculture, Washington, D.C. 20250. Assistance in filing a complaint can be obtained by calling or visiting any FSA office.

### **Controlled Substance**

Any person who is convicted under federal or state law of a controlled substance violation could be ineligible for USDA payments or benefits. Violations include planting, harvesting or growing a prohibited plant. Prohibited plants include marijuana, opium, poppies and other drug producing plants.



### **NAP Coverage for Annuals**

To be eligible for any "disaster" programs, NAP and/or RMA insurances are required on all crops of economic significance. MARCH 15 is the deadline to enroll for spring-seeded crop coverage. There is a \$250 enrollment fee with a maximum fee of \$1,875 per county. Call the office with any questions you may have or to enroll.

Windham County FSA Office  
 28 Vernon St., STE 331  
 Brattleboro, VT 05301  
*Return Service Requested*



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**Selected Interest Rates  
 for January 2009**

Farm Operating - Direct	3.395%
Farm Ownership - Direct	4.875%
Limited Resource - Farm Operating	5.00%
Limited Resource - Farm Ownership	5.0%
Farm Ownership - Direct Down Payment - Beginning Farmer	1.50%
Emergency	3.75%
Farm Storage Facility	3.00%
Farm Stored Commodity Loan	1.625%

**Dates to Remember**

Feb. 9	VT Vegetable & Berry Growers Assoc. Annual Meeting, Montpelier
Feb. 13	Deadline for Windham Co. ECP Sign Up for Debris Removal and Fence Repair
Feb. 27	05-07 Crop Disaster Sign Up Ends
March 15	NAP Deadline for Spring Seeded Crop Insurance Coverage
Continuous	Loan Applications Available for your financial needs
Continues	DCP signup
Continues	Continuous Conservation Reserve program

**Foreign Investors Notification**

The Agricultural Foreign Investment Disclosure Act requires all foreign owners of U.S. agricultural land to report their holdings to the Secretary of Agriculture. The Farm Service Agency administers this program for USDA.

Foreign persons who have purchased or sold agricultural land in the county are required to report the transaction to FSA with 90 days of the closing. Failure to submit the AFIDA form could result in civil penalties of up to 25 percent of the fair market value of the property.

County government offices, Realtors, attorneys and others involved in real estate transactions are reminded to notify foreign investors of these reporting requirements.

Visit our Web site at  
<http://www.fsa.usda.gov/VT>

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