



United States Department of Agriculture Niobrara County Service Center

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July 2009

Livestock Indemnity Program

Eligible ranchers and livestock producers can now begin applying for benefits through the Livestock Indemnity Program. This assistance program is contained in the 2008 Farm Bill and provides financial assistance to producers for livestock deaths that result from natural disaster. LIP compensates livestock owners and contract growers for livestock death losses in excess of normal mortality due to adverse weather, including losses due to hurricanes, floods, blizzards, certain diseases, wildfires, extreme heat and extreme cold. Eligible losses must have occurred on or after Jan. 1, 2008, and before Oct. 1, 2011. The following table provides the final dates to file a notice of loss and/or application for payment for either 2008 or 2009 livestock losses.

Date of Livestock Death	Final Date to File Notice of Loss	Final Date to Submit Application for Payment
Calendar Year 2008	Sept. 13, 2009	Sept. 13, 2009
Jan. 1, 2009 to July 12, 2009	Sept. 13, 2009	Jan. 30, 2010
July 13, 2009 to Dec. 31, 2009	30 days after death is apparent	Jan. 30, 2010

Producers will need to provide verifiable or reliable records to prove livestock inventories and losses. Adequate documentation must be provided that proves the death of eligible livestock occurred as a direct result of an eligible adverse weather event in the calendar year for which benefits are being requested. The documentation must provide sufficient data that identifies the quantity and the livestock kind/type and weight range. Documents providing verifiable evidence may include, but are not limited to, any or a combination of the following:

- rendering truck receipts or certificates
- National Guard records
- records assembled for tax purposes
- written contracts
- purchase records
- FEMA records
- veterinary records
- private insurance documents
- bank or other loan documents
- property tax records

Reliable records may include, but are not limited to:

- picture(s) with a date
- contemporaneous producer records existing at the time of the event
- brand inspection records

If a producer is unable to provide verifiable or reliable records as proof of death the producer may use a third party certification as proof of death under certain circumstances.

Please call to make an appointment so we can discuss the documentation you will need to bring.

Crop Reporting Deadline Extended

The 2009 deadline to timely report crops in has been extended until August 14th. All cropland on the farm must be reported to receive benefits from most FSA farm programs.

COC Elections Nominations

Nominations for the 2009 Niobrara County FSA committee election will be accepted through August 4th. FSA county committees are elected by local agriculture producers to administer USDA farm programs at the county level. The committee election this year will be held for Local Administrative Area 2, which covers the northern portion of the county. A list of persons who are eligible to run for the county committee is available from this office. If you wish to run or want to nominate a fellow producer for the county committee, please contact this office for a nominating petition. If no nominations are received, the Secretary of Agriculture will complete the slate of nominees. To hold office as a county committee member, a person must meet basic eligibility requirements. For a list of the requirements you may contact the office or visit the website:

<http://www.fsa.usda.gov/FSA>.

Marketing Assistance Loan (MAL) / Loan Deficiency Payment (LDP) Information

Crop Loans are available for program crops and oilseed crops. Nine-month commodity loans can be made to eligible producers. The current interest rate for loans disbursed in July is 1.50 percent for farm-stored or warehouse stored commodities. Niobrara County July, 2009 loan rates are: winter wheat - \$2.33/bu, barley - \$1.78/bu, corn - \$1.95/bu, oats - \$1.25/bu, and spring wheat - \$3.16/bu. The office is required to do a lien search on all loans in excess of \$50,000 and when the loan is determined to be at risk. CCC will no longer require the execution of UGRSA in storage facilities that are either federally licensed or state licensed with an operating warehouse licensing program.

Measurement services are available to measure the grain in your storage facility. The cost is \$30 per farm plus \$16 per hour / \$8 for every 30 minutes after the first hour with a minimum charge of 1 hour. Fees must be paid for the measurement before the loan check can be disbursed. We strongly recommend that producers get a measurement service to avoid penalties for overstating grain in storage.

Please call the office for more information if you are interested. The loan process does take some time and will be done by appointment only.

CCC-633EZ Signed Before Harvest for Loan Deficiency Payments

The CCC-633EZ form is a two-part loan deficiency payment request; page 1 should be filed to indicate your intentions to receive LDP benefits *before* harvesting or losing beneficial interest (title and control) in the eligible commodity, and the second part of the form is used to submit a request for an LDP at any time during the loan/LDP availability period before or after losing beneficial interest. An LDP is available if the posted county price is lower than the loan rate.

New Commodity Loan Repayment Rates

Since April 15, FSA began using an improved and more stable system for determining non-recourse marketing assistance loan repayment rates and loan deficiency payment rates for wheat, feed grains, pulse crops, oilseeds, wool, mohair and honey.

The new method reduces the effects daily market volatilities have on loan repayment rates and provides more certainty for producers who have taken advantage of marketing assistance loans or loan deficiency payments.

The loan repayment rate may now be determined as the **lesser** of the loan rate plus interest and a rate based on: 1) average market prices during the previous 30 days, or 2) an alternative method the Secretary may develop.

Beginning April 15, 2009, for wheat, corn, grain sorghum, soybeans, barley, oats, canola, flaxseed and sunflower seed, the Commodity Credit Corporation (CCC) determines and publishes daily loan repayment rates based on the average market prices during the preceding 30 days. At the same time, CCC will announce each day a repayment rate based on the preceding five days. The new method will replace the current one, which is based on the previous day's market rates. **The effective alternative repayment rate will be the lower of either the 30-day average or the 5-day average.**

The 30-day method will reflect a 30-day moving average of all terminal market prices for the crop, adjusted by the difference between the applicable national loan rate and the county loan rate. The 5-day method will reflect a 5-day moving average of applicable terminal market prices adjusted by applicable county differential and terminal adjustments.

This new loan repayment method will minimize potential forfeitures, accumulation of CCC stocks, CCC storage costs, market impediments and discrepancies in benefits across state and county boundaries. More details are available at your county FSA office.

Reasonable Accommodations

Reasonable accommodations will be made, upon request, for individuals with disabilities, vision impairment, or hearing impairment, to attend or participate in meetings or events sponsored by the Farm Service Agency as well as to facilitate office visits. If you require special accommodations please call the FSA county office and we will be happy to make any needed arrangements.

Non-insured Crop Disaster Assistance Program (NAP) Reminders

NAP participants must file a Notice of Loss on form CCC-576, for crop losses within 15 days of the disaster event or the date the loss becomes apparent. Failure to report losses timely could result in a loss of eligibility for payment. Prior to grazing acreage covered by NAP for hay, you must request an appraisal to determine production. Grazing this acreage without an appraisal will result in a reduction in payment.

Payment Limitation-Annual Notification

Program participants are notified of the following Payment Limitation provisions.

Payments and benefits under certain programs are subject to some or all of the following:

- payment limitation by direct attribution
- payment limitation amounts for the applicable programs
- actively engaged in farming requirements
- cash-rent tenant rule
- foreign person rule
- average AGI limitations

No program benefits subject to limitation will be provided until:

- all required forms for the specific situation are provided
- necessary payment eligibility and payment limitation determinations are made

Payment eligibility and payment limitation determinations may be initiated by COC or requested by the producer. After 2009, a farm operating plan is **not** required to be filed annually, if the farming operation continues to be conducted as reflected on the farm operating plan and supporting documents are on file in the County Office.

If any changes occur that could affect an actively engaged in farming, cash-rent tenant, foreign person, or average AGI determination, producers must timely notify the County Office by filing revised farm operating plans and/or supporting documentation, as applicable. **Note:** Failure to timely notify the County Office may adversely affect payment eligibility.

There are statutory provisions that require entities, earning program benefits that are subject to limitation, to provide the names, addresses, and TIN's of the entities' members to COC.

All applicable payment eligibility and payment limitation forms submitted by producers are subject to spot check through the end-of-year review process.

A determination of **not** actively engaged in farming results in the producer being ineligible for any payment or benefit requiring a determination of actively engaged in farming.

Noncompliance with AGI provisions, either by exceeding the applicable limitations or by failure to submit a certification statement, will result in the determination of ineligibility for **all** program benefits subject to AGI provisions; program benefits shall be reduced in an amount that is commensurate with the direct and indirect interest held by an ineligible person or legal entity in any legal entity, general partnership, or joint operation that receives benefits subject to the average AGI limitations.

Applicable annual limitations for person or legal entity, years 2009-2012:

Commodity Programs: Counter Cyclical and ACRE payments \$65,000

Direct payments \$40,000

Conservation Programs: CRP annual rental \$50,000

EQIP (all years 2009-2012) \$300,000

GRP \$50,000

WHIP \$50,000

WRP \$50,000

Disaster Assistance Programs: ELAP/LFP/LIP/SURE \$100,000

NAP \$100,000

LDP/MAL No Limits

Most FSA programs require compliance with sodbuster and swampbuster provisions. The Sodbuster provisions require producers to follow an approved conservation plan on all highly erodible land, as determined by the Natural Resources Conservation Service (NRCS), planted to an annual crop in which the producer has an interest. Be sure to have determinations made on any new land you plan to plant to annual crops. If you plan to plant a different crop on your current cropland, check with NRCS to assure the new crop will qualify under your conservation plan.

Swampbuster provisions state that converting a wetland to make possible the planting of a crop will result in the loss of all USDA benefits. To avoid this possibility it is strongly recommended that producers check with NRCS before starting to work.

DCP/ACRE Reminder

For farms that are enrolled in the Direct and Counter Cyclical Program (DCP) and the ACRE program, don't forget the regulations concerning the number of acres of Fruits and Vegetables (FAV's), including dry beans, that may be grown without penalty or payment reduction. To avoid a payment reduction, liquidated damages penalty or contract termination, FAV acres may not exceed the non-contract acres for the farm.

Important Dates to Remember	
August 1	Final date to request 2009 Reconstitution
August 4	Final Day to Submit Committee Election Nomination Petitions
August 14	Final Day to Sign up for 2009 DCP Program
August 14	Final Day to report Crops
September 13	Final day to File Notice of Loss for Livestock Losses

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