



**United States Department of Agriculture  
Niobrara County Service Center**

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**January 2010**

**2009 County Committee Election**

Ballots for this year's COC election in Local Administrative Area 2 were counted on December 10<sup>th</sup> and Monty Finley was reelected to represent the producers of northern Niobrara County. Congratulations Monty.

**Non-Insured Crop Disaster Assistance Program (NAP)**

The application deadline for the Non-Insurable Assistance Program for all 2010 crops has been extended to **April 1, 2010**. The application service fee for NAP is \$250.00 per crop per county, with a county maximum of \$750.00. The fee cannot exceed a total of \$1,875.00 per producer with farming interests in multiple counties.

**Supplemental Revenue Assistance Payments Program (SURE)**

Signup for the 2008 Supplemental Revenue Assistance Payments program (SURE) began on January 4, 2010, for those producers who suffered crop production losses during crop year 2008. SURE provides crop disaster assistance payments to eligible producers on farms that have incurred crop production or crop quality losses.

Producers with a farming interest physically located in a county that was declared a primary disaster county or contiguous county by the Agriculture Secretary must have suffered at least a 10 percent production loss on a crop of economic significance. If there is no Secretarial Disaster Designation, individual producers may also be eligible for SURE if the actual production on the farm is less than 50 percent of the normal production on the farm due to a natural disaster.

Producers must meet the risk management purchase requirement by either obtaining a policy or plan of insurance, under the Federal Crop Insurance Act or NAP coverage, for all economically significant crops. Producers considered socially disadvantaged, a beginning farmer or rancher, or a limited resource farmer may be eligible for SURE without a policy or plan of insurance or NAP coverage.

**ELAP - Livestock, Honey Bees & Farm-Raised Fish**

Producers of livestock, honey bees and farm-raised fish can now apply for benefits under the Emergency Livestock Assistance Program (ELAP.) Losses can be due to disease, wildfires, adverse weather and other loss conditions. To be eligible, producers must have purchased NAP or Federal Crop Insurance on all cropland controlled by the operator. Eligible producers may receive assistance for losses that occurred or will occur on or after January 1, 2008 and before October 1, 2011.

For 2010 and subsequent calendar year losses, producers that suffer eligible livestock, honey bee, or farm-raised fish losses shall file:

-A notice of loss either 30 calendar days of when the loss is apparent or 30 calendar days after the end of the calendar year in which the loss occurred – whichever is earlier.

-An application for payment no later than 30 calendar days after the end of the calendar year in which the loss occurred.

### **Livestock Indemnity Program**

Livestock producers are reminded of the deadlines for 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.

For 2010 and subsequent years producers must file a notice of loss within 30 days of the date loss is apparent and an application for payment within 30 days of the end of the calendar year.

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 (calving books, diaries, calendars, etc.)
- brand inspection records

### **2009 LIP and ELAP Application for Payment Deadline**

The loss application procedure for ELAP and LIP is a two-part process. Producers who have a Notice of Loss on file at the county office have until **February 1, 2010** to file their Application for Payment for 2009 losses.

### **Wool, Mohair, and Unshorn Lamb Pelt LDPs**

The crop year for wool, mohair, and unshorn pelts begins on January 1st and runs through December 31<sup>st</sup>. The deadline to file for 2009 crop LDPs is **February 1, 2010**.

### **2010 DCP Signup**

Enrollment for the 2010 Direct and Counter-cyclical Program (DCP) has begun and will continue through June 1, 2010. USDA urges producers to make use of the eDCP automated website to sign up, or producers can visit any USDA Service Center to complete their 2010 DCP contract. Eligible producers receive direct payments at rates established by statute regardless of market prices. For 2010, eligible producers may request to receive advance direct payments based on 22 percent of the direct payment. USDA will issue advance direct payments beginning Dec. 1, 2009. June 1, 2010 is the deadline to obtain all signatures on the contract.

The optional ACRE Program provides a safety net based on state revenue losses and acts in place of the price-based safety net of counter-cyclical payments under DCP. A farm's payment is based on a revenue guarantee calculated using a 5-year average state yield and the most recent 2-year national price for each eligible commodity. An ACRE payment is issued when both the state and the farm have incurred a revenue loss. In exchange for participating in ACRE, in addition to not receiving counter-cyclical payments, a farm's direct payment is reduced by 20 percent, and marketing assistance loan rates are reduced by 30 percent. The decision to enroll in the ACRE Program is irrevocable. The owner of the farm and all producers on the farm must agree to enroll in ACRE. Once enrolled, the farm shall be enrolled for that initial crop year and will remain in ACRE through the 2012 crop year.

### **Annual FSA Notifications**

FSA is required to annually notify producers of many program requirements, policies, and reminders. The following are some of those notifications:

**Foreign Buyers Notification:** The Agricultural Foreign Investment Disclosure Act (AFIDA) requires all foreign owners of United States agricultural land to report their holdings to the Secretary of Agriculture. FSA administers this program for USDA. Foreign persons who have purchased or sold agricultural land are required to report the transaction to FSA within 90 days of the closing. Failure to submit the AFIDA form could result in civil penalties up to 25% 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.

**Change in Farming Operation or Address:** Producers are reminded to notify this office to report change in address or ownership. This is vital to assist this office in keeping records.

**Foreign Person Rule:** A foreign individual is someone who is not a citizen of the United States or a lawful alien possessing a valid Alien Registration Receipt Card (Form I-551 or I-151). A foreign entity is a corporation, trust, estate, limited partnership, limited liability company, or other similar organization that has more than 10 percent of its beneficial interest held by individuals who are not citizens of the United States or lawful aliens possessing a valid Alien Registration Receipt Card (Form I-551 or I-151). In addition to the requirements for “person” and “actively engaged in farming,” the following significant contributions must be provided by an individual or entity considered to be a “foreign person.” An individual determined to be a “foreign person” must provide a significant contribution of land, capital, and active personal labor. Each foreign individual who is a member of an entity determined to be a “foreign person” must provide active personal labor to enable the entity to provide a significant contribution of active personal labor.

**Special Accommodations:** Special accommodations will be made upon request for individuals with disabilities, vision impairment or hearing impairment. If accommodations are required, individuals should contact the county FSA office staff directly or by phone.

**Under-Represented Groups:** FSA solicits and accepts nominations of under-represented groups such as females and minority (American Indian or Alaska Native, Asian, Black/African American, Hispanic/Latino, Native Hawaiian or Other Pacific Islander) producers for county committee representation.

**Power of Attorney:** For those who find it difficult to visit the county office personally because of work schedules, distance, health, etc., we have a power of attorney form available that enables you to designate another person to conduct your business at the office. If you are interested, please contact our office or any Farm Service Agency office near you for more information. If you want a crop loan, a power of attorney form will need to be completed for husband and wife, if both do not come into the office to sign the forms on the day the loan is disbursed.

**Change in Direct Deposit Account:** The Debt Collection Act of 1996 mandates that payments from FSA be directly deposited into a producer’s checking or savings bank account. It is important that any change in the producer’s account such as type of account, bank mergers, routing number or account numbers be provided to the county office promptly to avoid possible payment delay.

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

**Spousal Signature:** A husband and wife may sign documents on behalf of each other for FSA and Commodity Credit Corporation (CCC) programs in which either has an individual interest. This option is automatically available unless a written request for exclusion is made to the county office from either spouse. Exceptions include claim settlements, power of attorney forms and signatory authority for an entity.

**FSA 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 three choices — an informal review with the original agency decision-maker, an opportunity for mediation and appeal to the USDA National Appeal Division.

**Cash-rent Tenant:** A cash-rent tenant rule applies to any producer that rents land from another producer for cash or a crop share guaranteed as the amount of the commodity to be paid in rent. The rule also applies to any producer who rents land for zero dollars or who farms the land in exchange for compensation other than cash, such as controlling weeds on land not owned, or barter arrangements. Any cash-rent tenant shall be ineligible to receive payment unless the cash-rent tenant makes a significant contribution of active personal labor to the farming operation; or a significant contribution of active personal management **and** a significant contribution of equipment. A cash-rent tenant must also meet all applicable requirements to be considered “actively engaged in farming.”

**Submission of Applications via E-Government:** As required by the Freedom to E-File Act, USDA provides customers with the option to electronically access, fill out, and print paper forms and transmit those forms and other documents to their local Service Center. Customers may also obtain secure payment summary information. A secure website is offered. Log on to: <http://www.eauth.egov.usda.gov> if you wish to register for a Customer ID and password.

**Farm Loan Programs:** The Farm Service Agency (FSA) offers loans for farmers and ranchers to purchase farmland and finance agricultural operations. FSA loan programs are designed to help producers who are temporarily unable to obtain private or commercial credit.

**FSA Farm Loans Available To Beginning Farmers or Ranchers:** Beginning farmers or ranchers may obtain a farm ownership loan by using funds set aside especially for them by the Farm Service Agency. These loans can be financed up to the \$300,000 loan limit, and the term of the loan can be up to 40 years. Farm ownership loan funds may also be used in joint financing where FSA lends up to 50 percent of the amount financed and another lender provides 50 percent or more.

**Faxed Signatures:** Certain faxed signatures shall be accepted for all applicable program forms or other documents approved for faxed signatures, if all other requirements are met.

**Loans for Socially Disadvantaged:** The Farm Service Agency (FSA) can make and guarantee loans to socially disadvantaged applicants to buy and operate family size farms and ranches. Funds specifically for these loans are reserved each year. A socially disadvantaged farmer or rancher is one of a group whose members have been subjected to racial, ethnic, or gender prejudice because of their identity as members of the group without regard to their individual qualities. Socially disadvantaged groups include women, African Americans, American Indians, Alaskan Natives, Hispanics, and Asians and Pacific Islanders. Contact you local FSA Farm Loan Manager for more details and assistance in applying.

**Honey Loans:** Marketing assistance loans and loan deficiency payments for 2009 crop year honey are available until **March 31, 2010**. Market prices currently exceed the loan rate; so LDPs are not available right now.

To be eligible for a loan, the producer must have produced honey in the United States during the calendar year for which the loan is requested, and extracted the honey on or before Dec. 31 of the applicable crop year; have continuous beneficial interest in the honey through date of repayment of the loan; and been responsible for the financial risk of keeping the honey.

**Applications for FSA Loans:** Farmers and ranchers that intend to apply to the Farm Service Agency for loan assistance for the upcoming crop year are encouraged to file their applications as early as possible. Filing early will help ensure that your loan is processed and approved as early as possible so that planting decisions can be made. Failure to apply early can result in a delay in processing loans due to the volume of applications that must be processed in date order. Contact you local FSA farm loan manager or officer for more details and assistance in applying.

**GRASSHOPPER MEETING**

*The Niobrara County Weed and Pest Board will be holding a meeting on March 24, 2010 to discuss grasshoppers. The meeting will be held at the Niobrara County Fairgrounds at 10:00 am.*

<b>Important Dates to Remember</b>	
February 1	Final day to file for LDP on 2009 Wool, Mohair, and Unshorn Pelts
February 1	Final day to file Application for Payment for 2009 LIP
February 1	Final day to file Application for Payment for 2009 ELAP
February 15	President’s Day Holiday – Office Closed
March 24	Weed and Pest Grasshopper Meeting – 10:00 am at the Fairgrounds
April 1	Final day to Purchase 2010 NAP Coverage on all crops
June 1	Final Day to sign for DCP/ACRE contract

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