



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

905 S. Main; Lusk, WY 82225

Phone: (307) 334-3454

Fax: (307) 334-3539

**Niobrara Conservation District**

*Board Members*

Terry Browder

Matt Dockery

Kevin Gaukel

Dale Hytrek

Mike Larson

*Staff*

Lisa Shaw

Heidi Sturman

**Natural Resources Conservation Service**

*Staff*

JoAnn Wade

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*Advisor*

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*Staff*

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Kimberly Nusbaum, PT

David Lengel, FLM

**March 2010**

**Emergency Livestock Assistance Program**

Nine Wyoming counties, including Niobrara, have been approved for assistance under the Emergency Livestock Assistance Program (ELAP) due to severe grasshopper infestation in 2009. Livestock producers who lost actual grazing days during the period of May 1 thru October 10 can receive a payment equal to 60 % of the cost of feed for the covered livestock or the value of the lost grazing whichever is smaller. Producers could also receive compensation for up to 60% of additional costs associated with providing feed for livestock. Examples of additional costs include purchasing or transporting additional feed above normal quantities or leasing additional pasture.

To be eligible to receive payments under ELAP applicants must have had crop insurance or Non Insured Crop Assistance Program (NAP) coverage on all commodities on all farms in which the producer has an interest, except grazing. This requirement can be waived for socially disadvantaged, limited resource, or beginning farmers/ranchers.

**Eligible** grazing land includes:

State or federal land, if either of the following applies -the lessee is responsible for the upkeep of fences, wells, or other maintenance; OR the grazing land is leased for cash or fixed amount for an established grazing period.

Privately owned, cash or share leased land.

**Ineligible** land includes land that is leased on a basis of weight gain; cost per head, per day or month; or on an AUM-only basis, when the lessee incurs no additional expenses for maintenance of wells, fences, etc.

Because a correction to the rules of this program is being finalized, **the signup period has been reopened**. If you suffered grazing losses or incurred additional cost to provide feed to your livestock due to grasshoppers, please contact us to fill out an application. No application closing date has been set at this time, but it could be as little as 14 days, so do not delay.

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

The application deadline for the Non-Insurable Assistance Program for all 2010 crops is **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.

NAP participants must report their 2009 crop production by July 1, 2010 to establish an actual production history (APH). If production is not reported, 65% of the T-yield will be assigned.

### **2010 DCP Signup**

Enrollment for the 2010 Direct and Counter-cyclical Program (DCP) and Average Crop Revenue Enhancement (ACRE) option 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.

### **New Adjusted Gross Income Rules**

FSA and IRS have finalized a data-sharing process for average AGI compliance and verification. Every individual, legal entity and member of a legal entity receiving payments from FSA or NRCS in 2009 or 2010 is required to complete a CCC-927 for individuals or CCC-928 for legal entities and submit it to the IRS. The IRS will compare actual tax data on record to the average AGI limitation amounts for the applicable 3 year period and return the results to the FSA in a report showing the participant either appears to meet or not meet the AGI criteria. You may pick up copies of the CCC-927 and 928 forms at any FSA office or go to [www.fsa.usda.gov](http://www.fsa.usda.gov) and click on the forms tab at the top. You don't have to log in, just choose browse forms and enter 927 or 928 as the form number and choose the CCC form. It is up to each producer to complete the form and mail it to the IRS. At this point there is no electronic version to submit, they all must be mailed.

Participants who choose **not** to submit a completed CCC-927 or 928 as applicable will be determined noncompliant.

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

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.

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.

### **Livestock Indemnity Program**

Livestock producers are reminded of the deadlines for applying for benefits through the Livestock Indemnity Program. 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.

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.

You must provide the committee with enough information for them to make a decision. Document what happened and when it happened. If you do not provide enough information to prove the loss was due to adverse weather the committee will not be able to approve your application. FSA will be randomly spot checking Notices of Loss.

### **Wool and Mohair LDPs**

Producers who file for a Loan Deficiency Payment for their wool or mohair, must sign a CCC-633EZ (page 1) before they lose beneficial interest in the crop. Producers can then submit an LDP request (CCC-633EZ page 2) for benefits at any time during the LDP availability period before or after losing beneficial interest. The crop year for wool, mohair, and unshorn pelts begins on January 1st and runs through December 31<sup>st</sup>.

### **Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification**

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. 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. If you will be breaking up new land or old cropland that has gone back to permanent grass cover, you must contact this office prior to planting a crop. To remain in compliance with sodbuster provisions you must file a revised form AD-1026. We will then delineate the “field” boundary and refer the new land to NRCS for a determination. If the land is determined to be highly erodible you must comply with the conservation plan developed by NRCS. Producers who violate sodbuster provisions risk becoming ineligible for program benefits through USDA. If you will be breaking out new land you must contact FSA first to start the compliance paperwork.

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.

### **Payment Limitation**

Payments will be limited by Direct Attribution. Program payments and benefits are limited to a person or legal entity. Payments made directly or indirectly to a person are combined with the pro rata interest held in any other legal entity that received payments, unless the payments to the legal entity were reduced by the pro rata share of the person. Payments made directly to a legal entity are attributed to those persons that have a direct and indirect interest in the legal entity, unless the payments to the legal entity have been reduced by the pro rata share of the person. The payments are recorded by ID number of the individual or entity. Each legal entity or person must disclose the name and Social Security number of each person and/or the name and Tax ID number of each legal entity that holds or acquires an ownership interest in the legal entity.

The total payments by program are listed below:

Program Payment Type Limitation (In Dollars)

#### **Commodity Programs**

Counter-cyclical and ACRE 65,000 *1/*

Direct payments 40,000 *2/*

#### **Conservation Programs**

CRP annual rental payment 50,000

EQIP 200,000

GRP, WHIP, WRP 50,000

#### **Disaster Assistance Programs**

ELAP, LFP, LIP, and SURE 100,000

NAP 100,000

TAP 100,000

*1/* Under ACRE, this amount will be a combined limitation for counter-cyclical and ACRE Payments. If a person or legal entity has a direct or indirect interest in payments earned on a farm participating in ACRE, this limitation will reflect an increase for the amount that the direct payments were reduced.

*2/* If a person or legal entity has a direct or indirect interest in payments earned on a farm that is in ACRE, this limitation will reflect a 20 percent reduction in direct payments on each farm that is participating in ACRE.

**Attention – All Buyers of Agricultural Products**

It is required that all buyers of agricultural products check or register with the Secretary of State’s Office to determine if there are liens against the seller of the product. If a lien is found you are required to place the lien holder’s name on the check as well as that of the seller. Ag products include but are not limited to: Livestock (including horses), crops used for feed (hay, silage, oats, etc.), machinery, equipment, and all other crops. Failure to place the lien holder’s name on the check may result in civil legal action being taken against the buyer of the product. Protect yourself as a buyer! You may contact the Secretary of State’s Office at (307) 777-7311.

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**GRASSHOPPER MEETING**

*The Niobrara County Weed and Pest Board will be holding a meeting on March 24, 2010 to discuss grasshoppers. Representatives from BLM, State of Wyoming, University of Wyoming, Animal and Plant Health Inspection Service will be on hand to discuss the 2010 grasshopper situation. Grasshopper control programs for 2010 will also be discussed. The meeting will be held at the Niobrara County Fairgrounds at 10:00 am.*

<b>Important Dates to Remember</b>	
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
April 26	Stewardship Week
May 14	Tree Show & Arbor Day Celebration
June 1	Final Day to sign for DCP/ACRE contract
July 1	Final Day to report Crops
July 1	Final Day to report 2008 Production for NAP
Continues	Farm Storage Facility Loans
Continues	Continuous CRP Signup

NIOBRARA COUNTY FSA OFFICE  
 PO BOX 720  
 LUSK, WY 82225