



# Hawaii County Farm Service News

## Farm Service Agency

Hawaii County FSA Office  
154 Waiianuenu Avenue  
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Hilo, Hawaii 96720  
Phone: (808) 933-8340  
Fax: (808) 933-8345

## Hours

Monday - Friday  
7:30 a.m. - 4:00 p.m.

## Hawaii County Committee

Yoshio Watanabe,  
Chairperson  
Charles Onaka,  
Vice-Chairperson  
Aileen Yeh, Member

## County Executive Director

Lester T. Ueda

## Farm Program Technicians:

Malia Boyce  
Debbie Jitchaku  
Jennifer Withrow

## Farm Loan Specialist

Miki Miyasato

## Farm Loan Officer

John Tamashiro

## Farm Loan Program Technician:

Linda Kow

For further details and to discuss your own operation's eligibility for any program, contact your nearest FSA local office.

For a list of local offices, visit [www.fsa.usda.gov/HI](http://www.fsa.usda.gov/HI)

## County Committee Election Results

Congratulations to Aileen Yeh. She was elected to represent farmers from Local Administrative Area (LAA) 1. This LAA consists of the Puna and Ka'u districts, tax map key zones 1 and 9. The election results for Local Administrative Area 1 are:

Aileen Yeh – elected to the county committee

Ernest Pung — 1<sup>st</sup> alternate to COC

Luana Beck — 2<sup>nd</sup> alternate to COC

FSA appreciates all of the voters for taking the time to complete the election ballot. The county committee system works only because of your participation.

The committee members will hold their organizational meeting in January to determine who will serve as the county committee chairman and vice-chairman.

## Payment Limits & Direct Attribution

To qualify for commodity and disaster programs under the new farm bill, applicants now must adhere to new **Adjusted Gross Income (AGI)** restrictions. The AGI ceiling limitation was reduced from \$2.5 million from all sources to a three-year average **non-farm AGI of \$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 (DCP).

For conservation programs, the average nonfarm AGI limitation is \$1 million or less for eligibility. However, an individual or entity who has non-farm AGI in excess of \$1 million remains eligible for conservation programs only if 66.66 percent or more of the total AGI is derived from farming, ranching and forestry operations. In addition, the AGI limitation for conservation programs may be waived on a case-by-case basis if it is determined that environmentally sensitive land of special significance would be protected.

Another change in eligibility is that program payments are limited by direct attribution of payment totals directly to individuals or indirectly to individuals through entities.

A legal entity is defined as an entity created under Federal or State law that owns land or an agricultural commodity, product or livestock. Through direct attribution, payment limitation is based on the total payments received by the entity and also the individual, both directly and indirectly as an officer, partner or shareholder in an entity. Qualifying spouses are eligible to be considered separate persons for payment limitation purposes, rather than being automatically combine under one limitation.

Also, 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. For more information on how these provisions apply to your own situation, contact your local FSA office.

## 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.

## Power of Attorney

For experiencing difficulties visiting the county office because of work schedules, distance, health or other reasons, FSA has 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.

## Payment Deposits – New

Current policy mandates that FSA payments be electronically transferred into your bank account. In order for timely payments to be made, producers need to notify the FSA county office if your account has been changed or if another financial institution purchases your bank. Payments can be delayed if the FSA office is not aware of updates to your account and routing numbers.

## Appeal Process

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

Generally, appellants have three choices - an informal review with the original agency decision-maker, an opportunity for mediation and finally an appeal to the next level of authority within the agency.

## Customer Statement

It's a new year and time to think about filing taxes. Producers with an USDA eAuthentication Level 2 account will be able to access their farm data via their Customer Statement. The Customer Statement puts a range of USDA services and programs into a single report that's at your fingertips and available online, 24 hours a day, seven days a week.

It allows USDA customers to view their participation, application and payment status in various commodity and conservation programs; information on farm loans; and conservation plan and land unit information.

## Foreign Buyers Notification

The Agricultural Foreign Investment Disclosure Act (AFIDA) 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 within 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.

## Socially Disadvantaged Producers

FSA is reaching out to women, ethnic and minority farmers in the state in an effort to get more of them involved in its programs. The programs are available to all producers, but FSA would like to increase participation by traditionally underrepresented groups in all program areas.

FSA defines a socially disadvantaged (SDA) farmer, rancher, or agricultural producer as one of a group whose members have been subjected to racial, ethnic, or gender prejudice because of his or her identity as a member of the group without regard to his or her individual qualities. SDA groups are women, African Americans, American Indians, Alaskan Natives, Hispanics, Asian Americans, and Pacific Islanders.

FSA also reserves a portion of its direct and guaranteed loan funds each year for SDA loans for eligible participants. These loan programs are designed to help farmers purchase and operate family farms.

Applicants must meet the eligibility requirements for a given program before FSA can extend program benefits. For more information on these programs and other programs available through FSA, contact the local FSA county 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.

## FSA Signature Policy

Using the correct signature when doing business with FSA can save time and prevent a delay in program benefits. The following are FSA signature guidelines:

- A married woman shall sign her given name: Mrs. Mary Doe, not Mrs. John Doe.
- For a minor, FSA requires the minor's signature and one from an eligible parent. Note, by signing the applicable document, the parent is liable for actions of the minor and may be liable for refunds, liquidated damages, etc.
- When signing on one's behalf the signature must agree with the name typed or printed on the form, or be a variation that does not cause the name and signature to be in disagreement. Example - John W. Smith is on the form. The signature may be John W. Smith or J.W. Smith or J. Smith. Or Mary J. Smith may be signed as Mrs. Mary Joe Smith, M.J. Smith, Mary Smith, etc.
- FAXED signatures will be accepted for certain forms and other documents provided the acceptable program forms are approved for FAXED signatures. Producers are responsible for the successful transmission and receipt of FAXED information.

Examples of documents **not** approved for FAXED signatures include:

- Promissory note
- Assignment of payment
- Joint payment authorization
- NAP actual production history and approved yield record
- Acknowledgement of commodity certificate purchase
- Financing statement
- UCC financing statement
- Spouses may sign documents on behalf of each other for FSA and CCC programs in which either has an interest, unless written notification denying a spouse this authority has been provided to the county office.
- Spouses shall not sign on behalf of each other as an authorized signatory for partnerships, joint ventures, corporations, or other similar entities.

- All members of a general partnership must sign for the general partnership unless an individual is authorized to act on the behalf of the general partnership and bind all members.
- Spouses may sign on behalf of each other's individual interest in a partnership, unless notification denying a spouse that authority is provided to the county office.
- Acceptable signatures for general partnerships, joint ventures, corporations, estates, and trusts shall consist of an indicator "by" or "for" the individual's name, individual's name and capacity, or individual's name, capacity, and name of entity.

For additional clarification on proper signatures contact your local FSA office.

## Kona Office



Please welcome Jennifer Withrow. She is the program technician in the Kona Office, which is located in the Kealakekua Service Center, 81-948 Waena'oihana Loop, Room 103. The phone number is (808) 322-2484, ext. 111

The office is opened on Monday, Tuesday, Thursday and Friday (closed on Wednesdays and Federal holidays). The hours are from 8:30 a.m. – 2:00 p.m., closed for lunch from 11:00 – 11:30 a.m.

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