



“SCOOP”

ARKANSAS FARM SERVICE AGENCY - - STATE OFFICE

December 2008

EXPRESSION OF APPRECIATION

FSA would like to thank Arkansas Farm Bureau, Arkansas Cooperative Extension Service, Arkansas State Department of Agriculture, University of Arkansas at Pine Bluff, Small Farm Program Division, Arkansas Game and Fish, Riceland Foods, and NRCS for joining forces with us as partners in the recent 2008 Farm Bill Public Meetings in Dumas, Brinkley, Morrilton, Jonesboro, and Hope, Arkansas. Each meeting was a success with many farmers, agri-business leaders, and congressional persons present.

PREVENTED PLANTED PROVISIONS

Producers should report prevented planted acreage to their local FSA Office when the crop acreage is not planted due to disaster-related conditions. To be considered timely filed, prevented planted acres should be reported no later than 15 calendar days after the final planting date established by Federal Crop Insurance. Final planting date for Wheat is **November 30, 2008**, so the final date to report prevented planted Wheat is **December 15, 2008**. County Committee review and action are required to receive history credit in accordance with applicable rules and regulations.

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FAILED ACREAGE PROVISIONS

Producers should report failed crop acres to their local FSA Office when the crop is failed due to disaster related conditions. To be timely filed, acreage reports for failed acreage shall be filed **before the crop is destroyed**. County Committee review and action is required to receive history credit in accordance with applicable rules and regulations.

2009 CATASTOPHIC RISK PROTECTION (CAT) BUY-IN ALLOWED FOR NURSERY

Arkansas producers who have nursery operations are now being allowed to Buy-In to 2009 Catastrophic Risk Protection (CAT). The sales closing date for Nursery for Federal Crop Insurance has passed, however, a special waiver has been granted to allow nursery producers to pay the applicable insurance fee which will meet a linkage requirement for losses that may be covered under the Supplemental Revenue Assistance Payments (SURE) Program, TAP, Emergency Assistance for Livestock, Honey Bees, and Farm-Raised Fish (ELAP). The deadline to buy-in is January 12, 2009. Interested producers should check with their local FSA office for more details.

2005-2007 CROP DISASTER ASSISTANCE PROGRAM (CDP)

Producers are reminded that FSA County Offices are accepting applications for *quality and quantity* losses for the 2005-2007 CDP Program. A deadline has not been announced at the current time. Interested producers should apply in their local FSA office.

2009 DIRECT AND COUNTER-CYCLICAL (DCP) SIGNUP

FSA is expected to announce the 2009 DCP signup very soon. It is projected that the signup will begin in December 2008 and concludes by June 1, 2009. Continue to watch future SCOOPS and county office newsletters for official word of the beginning and ending signup dates.

PAYMENTS TO DECEASED PRODUCERS

FSA must be notified **immediately** upon the death of producers who are participating in FSA programs. Failure to notify FSA and make modification to program contracts timely may result in a loss of benefits for the share of the deceased producers **and** the other producers on the program contracts. *Producers are also cautioned to never sign using a power-of-attorney for a person who is deceased. Once a person dies the power-of-attorney is no longer valid. Any document signed with a power-of-attorney for a deceased is invalid, and usually all producers on the document are ineligible to earn payments for the year.* In recent years, FSA has found that this is most common for the deaths of landowners on a farm. Often the tenant assume that their are no changes and signs using a power-of-attorney, but in fact the landowner is now deceased. In all of these cases the payment to the landowner and the payment to **all** of the other producers on the farm were invalid and must be refunded. It is everyone's responsibility that signs a FSA document to ensure that the document they sign is correct. Don't let this happen to you. It is very costly!

CONTROLLED SUBSTANCE PROVISIONS

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' 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.
- 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
- 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 and FAXED forms contact your local FSA office.

E-Forms

Producers with Internet access can fill out and print a variety of FSA paper forms at home. Producers are encouraged to register for secure electronic access that will allow you to e-file (electronically sign and transmit) some forms directly to the county office staff. To sign and transmit forms electronically, you must sign up and get a user name and password. To sign up in person, visit the county office and complete form AD-2016. The staff will verify your identity and enter your information into the system. You will receive a letter with your temporary ID. You will be sent a second letter with your temporary password and instructions on how to activate your account. You then go to the Activation Web site and select a permanent ID and password. Submitting an e-Form is convenient. You can access information anytime day or night seven days a week. It's also faster. Forms and applications can be submitted and received in the county office in a matter of minutes, not days or weeks.

PARTICIPATION IN BOTH FARM PROGRAMS AND FARM LOAN PROGRAMS

Producers and lenders are being reminded that FSA must ensure that producers consistently participate in Farm Loan Programs and Farm Programs, such as but not limited to DCP, LDP's, and CRP. For example: If FSA Farm Loan Program approves a loan for an individual to produce crops on FSN 100, then the applicable DCP payments must reflect that he is receiving payments as an individual and not as a corporation, partnership, or other. Producers are also reminded, although FSA is monitoring both Farm Loans and Farm Programs for consistency, farm producers are the ones that must be in compliance with all FSA programs.

2009 Reconstitutions

Farm reconstitutions may now be processed for the 2009 program year provided proper signatures and supporting data are obtained. The method and priority order for farm divisions with DCP base acres is as follows:

- **Estate:** Used when a will or written agreement by heirs state the distribution of base acres
- **Landowner Designation Method:** Used when land is sold/transferred with a written agreement by the buyer/transferee or seller agreeing to the distribution of base acres. The seller/transferor must have owned the land at least three years unless the County Committee waives the requirement.
- **Default:** Used when the estate and landowner designation method does not apply. This method distributes bases to the new farms at the tract level as they exist on the parent farm before reconstitution.

USDA TO CONDUCT REQUEST

The U.S. Department of Agriculture's (USDA) Agricultural Marketing Service (AMS) announced that it will be conducting a Request for Referendum next month among eligible producers and importers of hogs, pigs, pork, and pork products to determine if they want a referendum on the Pork Promotion, Research, and Consumer Information Order, commonly known as the Pork Checkoff Program. Participation is voluntary, and only individuals who desire a referendum on the Pork Checkoff Program should participate. USDA will only conduct a referendum on the order if at least 15 percent of the total number of eligible pork producers and importers request a referendum. The total number of producers and importers eligible to participate in the Request for Referendum is approximately 69,446; therefore, at least 10,417 eligible producers and importers **must** request a referendum. If necessary, the referendum will be conducted within one year after the results of the Request for Referendum are announced. If results of the Request for Referendum indicate that a referendum is **not** supported, a referendum would **not** be conducted. The Request for Referendum will be held Dec. 8, 2008 through Jan. 2, 2009. Producers and importers who were engaged in pork production or in the importation of hogs, pigs, pork, or pork products between Jan. 1, 2007, and Dec. 31, 2007, and were at least 18 years of age on or before Dec. 31, 2007, are eligible to participate. For producers, the Request for Referendum will be conducted at the USDA County Farm Service Agency (FSA) offices where their administrative farm records are maintained. For producers **not** participating in FSA programs, the opportunity to participate will be provided at the County FSA office where the person owns or rents land. Eligible producers may obtain form LS-54-1: Pork Promotion, Research, and Consumer Information Request for Referendum from those offices either in person, by mail or by facsimile. Forms may also be obtained at: **<http://www.ams.usda.gov/LSMarketingPrograms>**. In order to vote, Form LS-54-1 and supporting documentation, where applicable, such as a sales receipt, veterinary bill, feed bill, copies of grower contracts, cancelled check or proof of payment **must** be returned in person, by mail, or by facsimile to the appropriate county FSA office by the close of business Jan. 2, 2009. Form LS-54-1 and supporting documentation returned by mail **must** be postmarked no later than midnight on Jan. 2, 2009, and received by Jan. 9, 2009. Importers may obtain Form LS-54-1 through the Marketing Programs Branch, Livestock and Seed Program, AMS, USDA or via the Internet at: <http://www.ams.usda.gov/LSMarketingPrograms>. Form LS-54-1 and accompanying documentation, such as Customs Form 7501, can be returned in person, by mail or by facsimile. Forms returned by mail **must** be postmarked no later than midnight on Jan. 2, 2009, and received by Jan. 9, 2009. It is recommended that the form and supporting documentation be mailed via an express service. The Order is authorized by the Pork Promotion, Research, and Consumer Information Act of 1985, part of the 1985 Farm Bill. The program became effective on Sept. 5, 1986, and assessments began Nov. 1, 1986. This program is designed to strengthen the position of pork and pork products in the marketplace.