

# Farm Service Agency

**Address:**

USDA Service Center  
177 N. Imperial Avenue  
El Centro CA 92243

**Telephone:**

(760) 352-3531 ext. 2  
Fax: (760) 352-0219

**Web Sites:**

FSA: [www.fsa.usda.gov](http://www.fsa.usda.gov)  
USDA: [www.usda.gov](http://www.usda.gov)  
Farm Bill:  
[www.usda.gov/farmbill](http://www.usda.gov/farmbill)

**Hours:**

Monday-Friday  
8:00 AM-4:30 PM

**County Committee:**

Curt Corda  
Gary Mamer  
Craig Alameda

**Advisor:**

Raul Rodriguez, Jr.

**County Executive Director:**

Rosalinda Singh

**Staff:**

Carmen Perez, PT  
Julia Contreras, PT

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**Imperial County**

# FSA NEWS

April 2009

## 2009 Direct & Counter-cyclical Program (DCP) Signups Now Underway



Signup has started for the 2009 Direct and Counter-cyclical Payment (DCP) Program for farms with base acres. Signup will continue until August 14, 2009. FSA will not accept any late-filed applications beyond that date.

FSA computes DCP Program payments using base acres and payment yields established for each farm. Eligible producers receive direct payments at rates established by statute regardless of market prices. For 2009, you may request to receive advance direct payments based on 22% of the direct payment for each commodity associated with the farm. FSA will begin issuing advance direct payments later this month. Counter-cyclical payment rates vary depending on market prices and are issued only when the effective price for a commodity is statutorily set below its target price.

Producers who are eligible for the DCP Program will also be eligible to enroll in the Average Crop Revenue Election (ACRE) Program. You may first enroll in DCP receive advance direct payments and then later modify your enrollment to include the ACRE program or you may wait and elect to enroll in DCP and ACRE at the same time.

Effective 2009, farms with less than 10.0 acres total base cannot be enrolled in DCP or ACRE unless the farm owner is a limited resource or socially disadvantaged person.

## The ACRE Program

The Average Crop Revenue Election (ACRE) is a new program authorized by the 2008 Farm Bill that begins in crop year 2009. Through ACRE, FSA offers producers an alternative to DCP payments.

ACRE payments are made when both state and farm revenues are below historic levels. By participating in ACRE, producers elect to forgo counter-cyclical payments. Producers also elect to receive a 20-percent reduction in direct payments and a 30-percent reduction in loan rates.

A decision to elect ACRE binds the producer to the program from the program year elected by the producer through the 2012 crop year. Signups for 2009 ACRE begin April 27 and will conclude August 14, 2009. For more details contact this office.

## Farm Reconstitutions



In program terminology, farms are *constituted* to group all tracts having the same owner and the same operator under one farm serial number. When changes in ownership or operation take place, a farm *reconstitution* is necessary. The reconstitution — or recon — is the process of combining or dividing farms or tracts of land based on the farming operation. Following are the different methods used:

**Estate Method** — the division of bases, allotments and quotas for a parent farm among heirs in settling an estate;

**Designation of Landowner Method** — may be used when (1) part of a farm is sold or ownership is transferred; (2) an entire farm is sold to two or more persons; (3) farm ownership is transferred to two or more persons; (4) part of a tract is sold or ownership is transferred; (5) a tract is sold to two or more persons; or (6) tract ownership is transferred to two or more persons. There are additional requirements.

**DCP Cropland Method** — the division of bases in the same proportion that the DCP cropland for each resulting tract relates to the DCP cropland on the parent tract;

**Default Method** — the division of bases for a parent farm with each tract maintaining the bases attributed to the tract level when the reconstitution is initiated in the system.

If payments have already been issued on a particular farm, the reconstitution will be effective for the next year, unless the payments are refunded. Request for recons on DCP & ACRE farms should be filed by June 1.

## Crop Certification Deadline

Filing an accurate and timely report for all crops and land uses, including failed acreage, is required for many FSA programs and can prevent loss of benefits, including price support benefits. Failed acreage must be reported within 15 days of the disaster event and before disposition of the crop (for Non-insured Assistance Program notification must be on FSA form CCC-576 “Notice of Loss”). Following are Imperial County acreage reporting deadlines for 2009:

- **March 15, 2009**-Deadline for wheat, barley and oats (all small grains).
- **July 15, 2009**-Deadline for all other crops and land uses.

## Pmt. Limit & Eligibility Requirements

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 and average AGI limitations. No program benefits subject to limitation will be provided until all required forms for the specific situation are provided and necessary payment eligibility and payment limitation determinations are made.

Additionally, 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 stated on the farm operating plan and required documents are on file with this office. If any changes occur that could affect any of the required determinations, producers must timely notify this office by filing revised operating plans and/or supporting documents. Failure to timely notify this 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 ID numbers of the entities’ members. Furthermore, all applicable payment eligibility and payment limitation forms submitted 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 farm. Noncompliance with AGI provisions will result in the determination of ineligibility for all program benefits subject to AGI provisions, and program benefits will be reduced in an amount that is commensurate with the direct & indirect interest held by an ineligible person or legal entity in any legal entity or joint operation that receives benefits subject to the average AGI limits.

Program Payment Type	Limitation (in Dollars)			
	2009	2010	2011	2012
<b>Commodity Programs</b>				
Counter-cyclical & ACRE pmts on covered commodities except peanuts.	65,000			
Direct pmts on covered commodities except peanuts	40,000			
<b>Disaster Assistance Programs</b>				
ELAP, LFP, LIP and SURE	100,000			
Noninsured Assistance Prog. (NAP)	100,000			
Tree Assistance Program (TAP)	100,000			

For more information please contact this office.

## Disaster Buy-In Waiver Extension



Producers who did not obtain crop insurance or Non-insured Crop Disaster Assistance Program (NAP) coverage for 2008 can pay a buy-in fee through May 18, 2009, to become eligible for 2008 disaster assistance programs authorized by the Food, Conservation, and Energy Act of 2008.

Farmers have an additional opportunity to become eligible for several programs if they suffered 2008 agricultural losses due to natural disaster.

If you have not already taken the necessary steps to become eligible for the Supplemental Revenue Assistance Program (SURE), Emergency Assistance for Livestock, Honeybees and farm-raised fish (ELAP) and the Tree Assistance Program (TAP), you are required to complete the following steps by May 18, 2009:

- Pay a \$100 "buy-in" fee per crop. The maximum fee is \$300 per county, per producer, not to exceed \$900 for multi-county producers.
- In the case of each insurable crop, excluding grazing land, agree to obtain a policy or plan of insurance for the next insurance year for which crop insurance is available; coverage level should equal 70 percent or more of the yield at 100 percent of the price.
- In the case of each non-insurable crop, agree to file the required paperwork and pay the applicable administrative NAP coverage fee by the applicable state application closing date for the next available year.

Producers who meet the definition of "Socially Disadvantaged, Limited Resource," or "Beginning Farmer or Rancher," are not required to pay the buy-in fee.

## FSA Farm Loans

FSA is committed to providing family farmers with loans to meet their farm credit needs and offers many types of loans including: Beginning Farmer/Rancher, Limited Resource Farmer/Rancher, Direct, Guaranteed, Disaster, Youth, and LO-DOC Loans. Eligibility requirements vary depending on loan type. If you're having trouble getting the credit you need for your farm, check out our website or contact the FSA farm loan staff @ 661 336-0967 XT 2.

## LDP's & MAL's

Loan Deficiency Payments (LDPs) are made to producers who, although eligible to obtain a marketing assistance loan agree to forgo the loan in return for a payment on an eligible commodity. By completing and agreeing to the terms & conditions on CCC-633EZ page 1 BEFORE losing "Beneficial Interest" (BI), producers indicate their intentions to receive LDP benefits. This one page covers all counties and all eligible harvested commodities for the entire year for the farming operation identified on the form. Producers must sign & submit this form to FSA before BI in the crop is lost. Once CCC-633EZ Page 1 has been signed & submitted, the producer can submit an LDP request by completing the applicable page(s) 2 through 5 at any time during the loan availability period. Eligible commodities and final loan availability dates are:

Commodity	Final Loan Availability Date	
	For 2008 Crops	For 2009 Crops
Wool, mohair, unshorn pelts	January 31, 2009	January 31, 2010
Wheat, honey, barley, canola, oats, crambe, flaxseed, rapeseed, sesame	March 31, 2009	March 31, 2010
Cotton, corn, grain sorghum, lentils, mustard, safflower, sunflower seed	May 31, 2009	May 31, 2010

Marketing Assistance Loans (MALs) are commodity loans available to producers who share in the risk of producing a crop. To be eligible you must maintain beneficial interest in the crop through the time of application. Beneficial interest means retaining the ability to make decisions about the commodity; responsibility for loss or damage to the commodity; and title to the commodity.

There are other MAL eligibility requirements and producers do not have to participate in DCP to be eligible for MAL's. Please contact this office if interested in this program.

## Banking Changes

If you have changed banks and not notified FSA, your payment could be delayed. Payments are electronically transferred into your bank account, if we are not aware of changes to your account and routing numbers, there could be problems. In order to make timely payments, you need to notify the office if you close your account or if another financial institution purchases your bank. It is important that any changes in producer's account such as type account, bank mergers, routing number or account numbers, be provided to the county office promptly to avoid possible payment delay.

UNITED STATES DEPARTMENT OF AGRICULTURE  
 Farm Service Agency  
 Imperial County FSA Office  
 177 North Imperial Avenue  
 El Centro CA 92243

**Dates to Remember**

<b>May 12, 2009</b>	<b>Disaster-Buy In Deadline</b>
<b>May 25 &amp; July 4, 2009</b>	<b>Office Closed-Memorial Day &amp; Independence Day</b>
<b>June 1, 2009</b>	<b>Reconstitution Deadline for DCP &amp; ACRE Farms</b>
<b>July 15, 2009</b>	<b>Acreage Reporting Deadline for all crops other than small grains</b>
<b>August 14, 2009</b>	<b>DCP &amp; ACRE Enrollment Deadline</b>
<b>September 30, 2009</b>	<b>Deadline to provide all 2009 payment limitation forms and required supporting documents</b>

**REASONABLE ACCOMODATIONS**

Reasonable accommodations will be made, upon request, for individuals with disabilities, vision impaired, or hearing impairment. If accommodations are required, please call our office at (760) 352-3531.

**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.

**CIVIL RIGHTS COMPLAINT PROCESS**

Any person, class or group of persons may file a discrimination complaint within 180 days of an alleged discriminatory action. Complaints may be filed in writing or orally with the agency head, any designated agency official or the Secretary of Agriculture, USDA, Washington, D.C. 20250. Assistance in filing a complaint can be obtained by calling or visiting any FSA office.

*The United States Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance programs. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).*

*To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (800) 795-3272 (voice) or (202)-720-6382 (TDD). USDA is an equal opportunity provider and employer.*