

# USDA FSA NEWS January 2009

**Maui County FSA Office**

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**Office Hours**

Monday through Friday  
 7:30 am – 4:00 pm

**County Committee**

Colleen T. Lopes,  
 Chairperson  
 Lynn P. DeCoite, Vice Chairperson  
 Bryan Otani, Member

**Staff**

James Robello,  
 County Executive Director

Vance Christensen,  
 Farm Loan Specialist

Rochelle Kaauomo,  
 Program Technician

Faith Umetsu,  
 Program Technician

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[www.fsa.usda.gov](http://www.fsa.usda.gov)

**County Committee Elections**

The election results are in. Bryan T. Otani was elected to represent the farmers from Local Administrative Area (LAA) 2. LAA 2 consists of all ranches and farms located on the island of Maui, south and south west of Kuihelani Hwy., Hana Hwy. and Haleakala Hwy. It includes the communities of Kula, Omaopio, Kihei, Pukalani, Kaupo and Kipahulu.

The County Committee would like to thank everyone who participated in this year's election.

**Signature Authority for Spouses**

Spouses may sign documents on behalf of each other for certain program benefits in which both have interests, unless written notification denying spouse this authority has been provided to the FSA Office.

**Notice to Foreign Investors**

The Agricultural Foreign Investment Disclosure Act (AFIDA) requires foreign persons or entities who acquire, transfer, or hold interests in U.S. agricultural land to report these holdings and transactions to FSA within 90 days of such transaction. An AFIDA report must be filed when a foreign individual, organization, or government holds ten (10) percent or more interest in agricultural land. Foreign persons must also report changes in land use from non-agricultural to agricultural, or vice versa, and changes in addresses. Failure to report or late reporting may result in penalties of up to 25% of the fair market value of the land.

**Conservation Compliance**

Highly Erodible Land (HEL) and Wetland compliance is required to earn program benefits. This includes payments under the Noninsured Crop Disaster Assistance Program (NAP), Conservation Reserve Program (CRP), Supplemental Revenue Assistance Payments (SURE) Program, crop insurance and many other USDA programs. Farms with HEL soils need to be aware of tillage, crop residue, and rotation requirements spelled out in conservation plans. If you have any questions about the specifics of your conservation plan, stop by the Natural Resources Conservation Service office in Wailuku or Hoolehua. **Take the time now to make sure your farm is in compliance! Don't wait until the plow hits the ground!**

**Controlled Substance**

Any person who is convicted under federal or state law of a controlled substance violation could be ineligible for USDA payments and benefits.

**Payment Limitation and Payment Eligibility Requirement**

Producers must file the applicable Farm Operating Plan (CCC-902) and related forms in order to receive most program benefits. All programs have payment limitation amounts that will set the maximum amount a producer can receive. Program benefits will not be provided until payment limit and eligibility determinations are complete. Applicants will be ineligible for payment until all required information is provided on completed forms.

There are statutory provisions that require entities earning program benefits to provide the names, addresses, and ID numbers of the entity's members.

All CCC-902's submitted by producers are subject to spot check review at the end of the year. A determination of not "actively engaged in farming" results in the producer being ineligible for benefits requiring a determination of "actively engaged in farming."

**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. Assistance in filing a complaint can be obtained by contacting any FSA office.

**Access to Programs and Facilities by Persons with Disabilities**

Special accommodations will be made, upon request, for individuals with disabilities, vision impairment, or hearing impairment. If accommodations are required, please contact James Robello, County Executive Director at (808) 871-5500 extension 353.



# FSA NEWS

## Adjusted Gross Income Provisions

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.

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 combined 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.



The U.S. 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 a part of an individual's income is derived from any public assistance program. (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 to USDA, Director, Office of Adjudication and Compliance, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

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