

November 2014



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North Dakota FSA eNews

North Dakota Farm Service Agency

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Please contact your local FSA Office for questions specific to your operation or county.

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From the State Executive Director

Row crop harvest is going fast and hopefully very well with higher than expected yields, dry harvest conditions and no major break downs. Once the calves are sorted and sold, and the hay yard is full, we might be able to concentrate on some winter projects.

At FSA, we have been conducting Farm Bill informational meetings for producers and will continue to have many more into 2015. The opportunities for land owners to finally reallocate base acres and update CC yields and operators to choose a “safety net” program

(ARC/PLC) is pretty exciting. Please watch for information about the upcoming meeting dates and times in your area, and be sure to attend to get all the information. As with any program, there are deadlines for making these decisions, so don't miss them. Your FSA staff is ready to help you!

Aaron Krauter, State Executive Director

USDA Farm Service Agency County Committee Elections to Begin Monday, Nov. 3

USDA encourages farmers and ranchers to make their voices heard by voting in the upcoming Farm Service Agency (FSA) County Committee elections. Beginning Monday, Nov. 3, 2014, USDA will mail ballots for the 2014 elections to eligible producers across the country. Producers must return ballots to their local FSA offices by the Dec. 1, 2014, deadline to ensure that their vote is counted.

FSA County Committee members provide an important link between the local agricultural community and USDA. Farmers and ranchers elected to county committees help deliver FSA programs at the local level, applying their knowledge and judgment to make decisions on commodity support programs; conservation programs; indemnity and disaster programs; emergency programs and eligibility. County committees operate within official regulations designed to carry out federal laws.

To be an eligible voter, farmers and ranchers must participate or cooperate in an FSA program. A person who is not of legal voting age, but supervises and conducts the farming operations of an entire farm may also be eligible to vote.

Eligible voters who do not receive ballots in the coming week may pick one up at their local USDA Service Center or FSA office. The deadline to submit ballots is Dec. 1, 2014. Ballots returned by mail must be postmarked no later than Dec. 1, 2014. Newly elected committee members and their alternates will take office Jan. 1, 2015.

More information on county committees, such as the new 2014 fact sheet and brochures, can be found on the FSA website at www.fsa.usda.gov/elections. You may also contact your local USDA Service Center or FSA office. Visit <http://go.usa.gov/pYV3> to find an FSA office near you.

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FSA Announces Key Dates for New 2014 Farm Bill – ARC and PLC Programs

FSA announced key dates for farm owners and producers to keep in mind regarding the new 2014 Farm Bill established programs, Agriculture Risk Coverage (ARC) and Price Loss Coverage (PLC). The new programs are designed to help producers better manage risk for price losses or revenue losses.

Dates associated with ARC and PLC that farm owners and producers need to know:

- September 29, 2014 to February 27, 2015: Land owners may visit their local Farm Service Agency office to update yield history and/or reallocate base acres.
- November 17, 2014 to March 31, 2015: Producers make a one-time election of either ARC or PLC for the 2014 through 2018 crop years.
- Spring of 2015 through summer 2015: Producers sign contracts for 2014 and 2015 crop years.

- October of 2015: ARC or PLC payments for the 2014 crop year are issued, if triggered.

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Margin Protection Program – Dairy Deadlines Extended

Agriculture Secretary Vilsack announced an extension to the enrollment period for the Dairy Margin Protection Program (MPP). Dairy producers now have until December 5, 2014 to enroll in the 2014 and/or 2015 MPP. Contact your local FSA Office for more information.

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2014 Crop – NAP Notice of Loss

Producers with a 2014 NAP policy should file a notice of loss if they believe their crops have suffered a yield loss. In addition, if a producer is going to abandon a crop with NAP coverage, the crop must be appraised prior to destruction of the acreage to ensure coverage. Producers with NAP coverage on grazing land should also file a notice of loss if they have suffered a loss in grazing capacity on pastures.

A NAP payment will be made if a unit suffers a loss of production in excess of 50 percent. The payment rate for NAP is 55 percent of the established market price for the crop.

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2015 Non-Insured Crop Disaster Assistance Program (NAP) Deadlines

FSA reminds producers interested in participating in the 2015 Non-Insured Crop Disaster Assistance Program (NAP) of the upcoming application deadline dates that must be met for NAP qualification. The NAP program is designed to cover losses caused by damaging weather conditions.

- December 1, 2014: Application closing date for 2015 honey.
- March 16, 2015: Application closing date for 2015 spring seeded crops and 2015 forage crops.

The 2014 Farm Bill expanded NAP to include buy-up protection for 2015. Details regarding the buy up coverage options are still being developed. Until these buy-up options are available, producers are encouraged to enroll in NAP under the basic coverage, 50 percent of the yield and 55 percent of the established price, by the applicable crop application deadlines. The NAP service fee for this coverage is \$250 per crop per county not to exceed \$750 per producer and not to exceed \$1875 nationally.

A waiver of the basic service fees for NAP coverage is available for limited resource farmers (income determination based on total household income and income from farming), beginning farmers (someone is considered a beginning farmer if they have not operated or not substantially participated in the operation of a farm for more than 10 years) and socially disadvantaged (SDA) farmers (someone is considered socially disadvantaged if they are a member of a group whose members have been subject to racial, ethnic, or gender prejudice because of their identities as members of a group without regard to their individual qualities). Females are considered SDA producers.

In addition, when available, the premiums for buy-up coverage will be reduced by 50 percent for limited resource, beginning farmers and SDA farmers.

Producers interested in NAP are encouraged to contact their local FSA office for additional information or to schedule an appointment to apply for coverage.

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Livestock Indemnity Program – Deadlines Nearing

The deadline to file an application for 2011, 2012, 2013 or 2014 Livestock Indemnity Program (LIP) is January 30, 2015.

Producers who suffered livestock deaths due to adverse weather from October 1, 2011 through December 30, 2014 may submit a notice of loss and application for payment with their local FSA County Office by the January 30, 2015 deadline. The late passage of the 2014 Farm Bill allowed FSA to take LIP applications retroactively from October 1, 2011.

For 2015 livestock deaths, the notice of loss MUST be filed within 30 calendar days from when the loss was apparent. Livestock producers suffering livestock losses may submit the notice of loss by phone, fax, email or in person.

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2012 Livestock Forage Program

Livestock producers who graze eligible livestock in Divide, Burke, Golden Valley, Billings, Stark, Slope, Bowman, McIntosh, Logan, LaMoure, Dickey, Ransom, Sargent, Stutsman, Barnes, Cass, Foster, Eddy, Griggs, Steele, Traill, Grand Forks, Nelson, Benson or Ramsey Counties may be eligible for benefits under the 2012 Livestock Forage Program (LFP).

The deadline to complete the LFP application is January 30, 2015.

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Fall Acreage Reporting Deadline

The deadline for reporting apiculture, perennial forage, PRF (pasture, rangeland, and forage), and fall-seeded small grains is November 15. Effective for crop year 2015 and beyond in North Dakota, only those acres of fall-seeded small grains and PRF/perennial forage that are insured or covered by a NAP policy will be required to be reported to FSA by November 15.

Winter wheat is not insurable in North Dakota and, therefore, would be subject to the July 15 reporting deadline. Likewise, fall-seeded small grains and perennial forage/PRF that are not insured or covered by a NAP policy have to be reported by July 15 to be considered timely filed.

If a producer fails to report insured/NAP acres of fall-seeded small grains or perennial forage/PRF by the November 15 deadline, a late-filed acreage report may be accepted providing all late-filed criteria are met including assessment of a late-filed fee.

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Late-Filed Acreage Reports

The deadline for timely filing an acreage report in North Dakota for the 2014 program year was July 15, 2014. Acreage reports must be filed for all cropland on the farm before any 2014 ARC/PLC payments can be made or before eligibility can be established for marketing assistance loans and LDP's. Additionally, participants of the Conservation Reserve Program (CRP) and the Non-insured Assistance Program (NAP) must report the specific acreage for which benefits are being requested.

Although the reporting deadline has passed, county offices will accept late-filed acreage reports providing certain criteria are met. Contact your local county office for additional information relative to late-filed acreage reports.

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Late-filed Acreage Reports for Base Reallocation

Owners and operators will be given an opportunity to request corrections to acreage history for crop years 2009 through 2012 providing supporting documentation is available. Further, producers will be given an opportunity to submit late-filed acreage reports of P&CP (planted and considered planted) or subsequently planted crop acreage.

Additionally, owners and operators will be able to submit a request for prevented planting credit for 2009 through 2012 providing the prevented planting request for the crop had not been previously processed and acted upon by FSA.

Since physical evidence will likely be absent, producers will be required to prove existence and disposition of the crop. However, if evidence accepted and approved by RMA or any other USDA agency is provided in support of crop existence, proof of crop disposition will not be required.

If a late-filed acreage report or revision changes what FSA will recognize as initial crop acreage for any program purpose, the revised acreage will be used for all program purposes without any exception and without regard to who requested the late-filed acreage report or revision.

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2013 ACRE Program – Payments

FSA has begun distributing 2013 Average Crop Revenue Election (ACRE) payments for revenue losses for corn and grain sorghum in North Dakota. Discontinued by the 2014 Farm Bill, the ACRE program provided producers with protection from revenue losses for crops grown in 2009-2013.

Crops eligible for October payments in North Dakota, that triggered State level revenue losses, are 2013 corn and grain sorghum crop acreage on eligible ACRE farms. Farms eligible for the ACRE payment are farms that were elected and enrolled into ACRE in 2013, planted corn and/or grain sorghum and had a farm level revenue losses of the applicable crop.

North Dakota had 4551 farms enrolled in the 2013 ACRE program out of 63,240 farms with base acres. The Budget Control Act passed by Congress in 2011 requires these payments to be reduced (sequestered) by 5.1 percent.

If you have any questions related to receipt of the payment or payment amount please contact your local FSA office for assistance.

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CRP Annual Rental Payments

Nearly \$67 million in CRP annual rental payments has been disbursed to North Dakota CRP participants in the month of October. County Offices are working diligently in processing any remaining FY2014 payments.

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Average AGI Limitation

With the passage of the 2014 Farm Bill, a new AGI limitation has been established for program eligibility purposes. If the participant's average AGI exceeds \$900,000 (farm and nonfarm), the person or legal entity will be ineligible for payments and benefits as follows for the respective programs/years:

- October 2, 2011, and subsequent years – LIP, LFP, ELAP, and TAP
- 2014 and subsequent years – NAP
- 2014 through 2018 – ARC, PLC, LDP, and MLG
- 2015 and subsequent years – Conservation-related programs.

The average AGI is based on the average of adjusted gross income for the 3 taxable years preceding the most immediately preceding complete taxable year. For the 2014 program year, for example, the 3 taxable years for AGI purposes would include 2010, 2011, and 2012.

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2014 Payment Limitations

The method in which FSA limits payments for program years 2014 through 2018 will continue to be via direct attribution. Direct attribution means that payments to legal entities, such as corporations, limited partnerships, limited liability companies, and other similar entities, are limited by attributing the payment to an individual based on his/her direct and indirect interest in the entity.

The following are program limitations for the 2014 through 2018 program years:

- Price Loss Coverage (PLC), Agricultural Risk Coverage (ARC), LDP's, and MLG's: \$125,000
- CRP: \$50,000
- LIP, LFP, & ELAP: \$125,000
- NAP: \$125,000

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Marketing Assistance Loans

USDA's Commodity Credit Corporation makes available nonrecourse marketing assistance loans on certain crop year 2014 commodities. These loans can be requested by mail, via fax, or in person by properly completing the loan application (CCC-666). Loan applications are available at all county FSA offices and online at: <http://forms.sc.egov.usda.gov/eForms/>

A commodity loan application must be filed at the county office that maintains the farm records for the farm that produced the commodity for the loan.

Lien searches are required for all applicants and spouses to identify prior lien holders. County Offices will be updating CCC-10's by verifying an individual's name according to their driver's license. Lien waivers are required from all lien holders before the loan can be disbursed.

To be eligible for loan the commodity must meet the applicable commodity definition in the Official United States Standards and specific commodity eligibility requirements for a nonrecourse loan.

Farm-stored loans are available in approved storage structures that provide safe storage for the commodity through the maturity date of the loan.

Warehouse-stored loans are also available at CCC-approved storage warehouses or State licensed warehouses which have been assigned a CCC warehouse code. Proof of storage paid through the loan maturity date and proof of payment of in-charges must be provided with the warehouse receipt for the warehouse stored loan.

Loans mature on demand, but no later than the last day of the ninth calendar month after the month in which the loan was disbursed.

Producers requesting commodity loans are required to maintain beneficial interest in the commodity tendered for loan. Beneficial interest includes having control and title in the commodity. Loss of any one element causes loss of beneficial interest.

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Commodity Loan Rates

The 2014 crop commodity loan rates are available at any county FSA office, or online at: <http://www.fsa.usda.gov/FSA> and clicking on the "Price Support" link.

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Commodity Loan Repayments

Outstanding commodity loans can be repaid at any time at principal plus interest. Market rate loan repayments can be made on nonrecourse loans prior to loan maturity, when the market repayment rate is less than principal plus interest. Currently, there are no commodities with a market repayment rate less than principal plus interest. Matured loans cannot be repaid at the market repayment rate.

If the sales proceeds are needed to repay the loan, a marketing authorization (CCC-681-1) can be requested. The request can either be made in person or by telephone. The terms of the marketing authorization can be either 15 or 30 calendar days. All parties who signed the note are responsible for repaying the loan. If the buyer does not repay the loan as required by the marketing authorization, CCC will make demand for repayment on the producers who signed the note. If a market repayment option is available, the option cannot be used after loan maturity or when the buyer does not remit repayment within 15 days of the expiration date of the marketing authorization.

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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. All individuals who are not U.S. citizens, and have purchased or sold agricultural land in the county are required to report the transaction to FSA with 90 days of

the closing. Failure to submit the AFIDA form (FSA-153) 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.

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Important Dates and Deadlines

November 15 - Fall Acresage Reporting Deadline

November 17 - 2014 PLC, ARC-CO, ARC-IC Election Begins

December 1 - Last day to return county committee ballots to FSA County Office

December 1 - NAP Application Deadline - 2015 Honey

December 5 - Dairy Margin Protection Program enrollment deadline

January 30 - 2011-2014 Livestock Indemnity Program Application Deadline

January 30 - 2012 Livestock Forage Program Application Deadline

February 27 - Base and Yield Update Deadline

March 16 - NAP Application Deadline - 2015 Spring Planted and Forage Crops

March 31 - 2014 PLC, ARC-CO, ARC-IC Election Deadline

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November Loan and Interest Rates

Commodity Loans - 1.125%

Operating Loans - 2.750%

Farm Ownership Loans - 4.125%

Farm Ownership - Down Payment Loans - 1.50%

Emergency - Amount of Actual Loss - 3.750%

Farm Storage Facility Loan, 7-Year - 2.125%

Farm Storage Facility Loan, 10-Year - 2.375%

Farm Storage Facility Loan, 12-Year - 2.500%

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