



NEWSLETTER



April 2015

Nebraska Farm Service Agency

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Lincoln, NE 68510

www.fsa.usda.gov/ne

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

Nebraska FSA Update

USDA Implements 2014 Farm Bill Provision to Limit Payments to Non-Farmers

Department Proposes Changes to "Actively Engaged" Rule

USDA proposed a rule to limit farm payments to non-farmers, consistent with requirements Congress mandated in the 2014 Farm Bill. The proposed rule limits farm payments to individuals who may be designated as farm managers but are not actively engaged in farm management. In the Farm Bill, Congress gave USDA the authority to address this loophole for joint ventures and general partnerships, while exempting family farm operations from being impacted by the new rule USDA ultimately implements.

The current definition of "actively engaged" for managers, established in 1987, is broad, allowing individuals with little to no contributions to critical farm management decisions to receive safety-net payments if they are classified as farm managers, and for some operations there were an unlimited number of managers that could receive payments.

The proposed rule seeks to close this loophole to the extent possible within the guidelines required by the 2014 Farm Bill. Under the proposed rule, non-family joint ventures and general partnerships must document that their managers are making significant contributions to the farming operation, defined as 500 hours of substantial management work per year, or 25 percent of the critical management time necessary for the success of the farming operation. Many operations will be limited to only one manager who can receive a safety-net payment. Operators that can demonstrate they are large and complex could be allowed payments for up to three managers only if they can show all three are actively and substantially engaged in farm operations. The changes specified in the rule would apply to payment eligibility for 2016 and subsequent crop years for Agriculture Risk Coverage (ARC) and Price Loss Coverage (PLC) Programs, loan deficiency payments and marketing loan gains realized via the Marketing Assistance Loan program.

As mandated by Congress, family farms will not be impacted. There will also be no change to existing rules for contributions to land, capital, equipment, or labor. Only non-family farm general partnerships or joint ventures comprised of more than one member will be impacted by this proposed rule.

Dates to Remember

June 1, 2015 – Deadline to obtain MAL's and LDP's for Corn, Dry Peas, Grain Sorghum, Lentils, Mustard Seed, Safflower Seed, Chickpeas, Soybeans, and Sunflower Seed

July 1, 2015 through September 30, 2015 - MPP Dairy Registration and Coverage Election Period for 2016

July 15, 2015 - Deadline to report all spring-seeded crops, including Conservation Reserve Program (CRP) acreage

August 1, 2015 – Deadline to request a reconstitution or farm transfer for 2015.

USDA Implements 2014 Farm Bill Provision to Limit Payments to Non-Farmers *Cont.*

Stakeholders interested in commenting on the proposed definition and changes are encouraged to provide written comments at www.regulations.gov by May 26, 2015. The proposed rule is available at <http://go.usa.gov/3C6Kk>.

USDA to Issue Disaster Assistance to Help Honeybee, Livestock and Farm-Raised Fish Producers

Farm Bill Program Offers Producers Relief for 2014 Losses in more than 40 States including Nebraska

The U.S. Department of Agriculture's (USDA) Farm Service Agency announced that nearly 2,700 applicants will begin receiving disaster assistance through the Emergency Assistance for Livestock, Honeybees and Farm-Raised Fish Program (ELAP) for losses experienced from Oct. 1, 2013, through Sept. 30, 2014.

The program, re-authorized by the 2014 Farm Bill, provides disaster relief to livestock, honeybee, and farm-raised fish producers not covered by other agricultural disaster assistance programs. Eligible losses may include excessive heat or winds, flooding, blizzards, hail, wildfires, lightning strikes, volcanic eruptions and diseases, or in the case of honeybees, losses due to colony collapse disorder. Beekeepers, most of whom suffered honeybee colony losses, represent more than half of ELAP recipients.

The farm bill caps ELAP disaster funding at \$20 million per federal fiscal year and the Budget Control Act of 2011, passed by Congress, requires USDA to reduce payments by 7.3 percent, beginning Oct. 1, 2014. To accommodate the number of requests for ELAP assistance, which exceeded 2014 funding, payments will be reduced to ensure that all eligible applicants receive a prorated share.

This announcement was made possible by the 2014 Farm Bill, which builds on historic economic gains in rural America over the past six years, while achieving meaningful reform and billions of dollars in savings for the taxpayer. Since enactment, USDA has made significant progress to implement each provision of this critical legislation, including providing disaster relief to farmers and ranchers; strengthening risk management tools; expanding access to rural credit; funding critical research; establishing innovative public-private conservation partnerships; developing new markets for rural-made products; and investing in infrastructure, housing and community facilities to help improve quality of life in rural America. For more information, visit <http://www.usda.gov/farmbill>.

To learn more about ELAP, visit www.fsa.usda.gov/elap. For more information about USDA Farm Service Agency (FSA) disaster assistance programs, visit disaster.usda.fsa.gov or contact your local FSA office at <http://offices.usda.gov>.

2015 and 2016 Acreage Reporting Dates

Producers must file an accurate crop acreage certification by the applicable deadlines to maintain eligibility for most FSA programs. The following acreage reporting dates are applicable for Nebraska:

- July 15, 2015 - Spring seeded crops, CRP, and all other crops for the 2015 crop year
- November 15, 2015 - Fall seeded crops and perennial forage for the 2016 crop year
- January 2, 2016 - Initial reports of honey bee colonies and locations for the 2016 crop year

Producers are encouraged to submit 2016 fall acreage reports for perennial forage at the time the spring planted crops for 2015 are reported.

Filing a Notice of Loss

It is important to notify FSA timely if a crop has failed or if a crop is prevented from being planted. The CCC-576, Notice of Loss, is used to report failed acreage and prevented planting and may be completed by any producer with an interest in the crop. Timely filing a Notice of Loss is required for all crops including winter wheat that may have failed over the winter.

A prevented planting claim must be submitted within 15 calendar days of the final planting date for the crop. Failed acreage must be reported on a CCC-576 for losses to crops covered by the Non-Insured Crop Disaster Assistance Program (NAP). Losses on NAP crops must be filed within 15 days of the occurrence of the disaster or when losses become apparent. In all other cases the failed acreage must be reported prior to disposition of the crop. To be approved for either prevented planting or failed acreage credit, the reason for loss must be due to a weather related event.

For questions regarding crop certification and crop loss reports, or to request an appointment to report acreage, contact the local FSA county office.

USDA Announces Changes to Fruit, Vegetable and Wild Rice Planting Rules

Producers who intend to participate in the Agriculture Risk Coverage (ARC) or Price Loss Coverage (PLC) programs are subject to an acre-for-acre payment reduction when fruits and nuts, vegetables or wild rice (FAV/WR) are planted on the payment acres of a farm. Payment reductions do not apply to mung beans, dry peas, lentils or chickpeas. Planting FAV/WR on acres that are not considered payment acres will not result in a payment reduction. Farms that do not participate in ARC/PLC may plant unlimited FAV/WR for that year, but will be ineligible for ARC/PLC payments.

Planting and harvesting FAV/WR on ARC/PLC acreage is subject to the acre-for-acre payment reduction when those crops are planted on either more than 15 percent of the base acres of a farm enrolled in ARC using the county coverage or PLC, or more than 35 percent of the base acres of a farm enrolled in ARC using the individual coverage.

Livestock Indemnity Program (LIP)

The Livestock Indemnity Program (LIP) provides assistance to eligible producers for livestock death losses in excess of normal mortality due to adverse weather and attacks by animals reintroduced into the wild by the federal government or protected by federal law. LIP compensates livestock owners and contract growers for livestock death losses in excess of normal mortality due to adverse weather, including losses due to hurricanes, floods, blizzards, wildfires, extreme heat or extreme cold.

For 2015, eligible losses must occur on or after Jan. 1, 2015, and before December 31, 2015. A notice of loss must be filed with FSA within 30 days of when the loss of livestock is apparent. Participants must provide the following supporting documentation to their local FSA office no later than 30 calendar days after the end of the calendar year for which benefits are requested:

- Proof of death documentation
- Copy of growers contracts
- Proof of normal mortality documentation

USDA has established normal mortality rates for each type and weight range of eligible livestock, i.e. Adult Beef Cow = 1.5% and Non-Adult Beef Cattle (less than 400 pounds) = 3%. These established percentages reflect losses that are considered expected or typical under "normal" conditions. Producers who suffer livestock losses in 2015 must file both of the following:

- A notice of loss the earlier of 30 calendar days of when the loss was apparent or by January 30, 2016
 - An application for payment by January 30, 2016
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Livestock Forage Disaster Program (LFP)

LFP provides compensation to eligible livestock producers who suffer grazing losses for covered livestock due to drought on privately owned or cash leased land or fire on federally managed land.

County committees can only accept LFP applications after notification is received by the National Office of qualifying drought or if a federal agency prohibits producers from grazing normal permitted livestock on federally managed lands due to qualifying fire.

For 2015 and subsequent years, eligible livestock producers must complete a CCC-853 and the required supporting documentation no later than 30 calendar days after the end of the calendar year in which the grazing losses occurred. Losses must occur in the calendar year the application is being filed.

Additional Information about LFP, including eligible livestock and fire criteria, is available at your local FSA office or online at: www.fsa.usda.gov.

MAL and LDP Policy Changes for Crop Years 2015-2018

The Agricultural Act of 2014 authorized 2014-2018 crop year Marketing Assistance Loans (MALs) and Loan Deficiency Payments (LDPs), with a few minor policy changes.

Among the changes, farm-stored MAL collateral transferred to warehouse storage will retain the original loan rate, be allowed to transfer only the outstanding farm-stored quantity with no additional quantity allowed and will no longer require producers to have a paid for measurement service when moving or commingling loan collateral.

MALs and LDPs provide financing and marketing assistance for wheat, feed grains, soybeans, and other oilseeds, pulse crops, rice, peanuts, cotton, wool and honey. MALs provide producers interim financing after harvest to help them meet cash flow needs without having to sell their commodities when market prices are typically at harvest-time lows. A producer who is eligible to obtain a loan, but agrees to forgo the loan, may obtain an LDP if such a payment is available.

FSA is now accepting requests for 2015 MALs and LDPs for wool as well as LDPs for unshorn pelts. MAL and LDP requests for all other eligible commodities will be accepted after harvest. FSA continues to accept MAL and LDP requests for 2014 crops with upcoming deadlines.

Farm Loan Information Chart

A Farm Loan Information Chart Fact Sheet containing information on maximum loan amounts, loan terms, and use of proceeds is available. The fact sheet can be accessed by clicking [here](#). Additional details on available Farm Loan Programs can be obtained at local FSA offices and on FSA's website: <http://www.fsa.usda.gov>.

Microloan (ML) Program

The Farm Service Agency (FSA) developed the ML program to better serve the unique financial operating needs of beginning, niche and the smallest of family farm operations. This loan program will also be useful to specialty crop producers and operators of community supported agriculture (CSA). Eligible applicants can apply for a maximum amount of \$50,000 to pay for initial start-up expenses such as hoop houses to extend the growing season, essential tools, irrigation and annual expenses such as seed, fertilizer, utilities, land rents, marketing, and distribution expenses. For more information contact your local FSA Office or view the [Microloan Program Fact Sheet](#) on the FSA website.

Youth Project Loans

The Farm Service Agency makes loans to youth to establish and operate agricultural income-producing projects in connection with 4-H clubs, FFA and other agricultural groups. Projects must be planned and operated with the help of the organization advisor, produce sufficient income to repay the loan and provide the youth with practical business and educational experience. The maximum loan amount is \$5000. For more information about Youth Loans, contact your local FSA Office.

April FSA Interest Rates

Farm Operating: 2.375%

Microloan: 2.375%

Farm Ownership: 3.375%

Farm Ownership - Joint Financing: 2.500%

Farm Ownership - Down Payment: 1.500%

Emergency - Actual Loss: 3.375%

Farm Storage Facility Loan 7 year term: 1.875%

Farm Storage Facility Loan 10 year term: 2.125%

Farm Storage Facility Loan 12 year term: 2.250%
Commodity Loan: 1.250%

USDA is an equal opportunity provider and employer. To file a complaint of discrimination, write to USDA, Assistant Secretary for Civil Rights, Office of Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Stop 9410, Washington, DC 20250-9410, or call toll-free at (866) 632-9992 (English) or (800) 877-8339 (TDD) or (866) 377-8642 (English Federal-relay) or (800) 845-6136 (Spanish Federal-relay).