



Ties to the Land



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Your Resource Partners in Kenosha and Racine Counties:

Racine County Land Conservation Division
University of Wisconsin Extension

Farm Service Agency Office

Kenosha County Land & Water Conservation
Natural Resources Conservation Service

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United States Department of Agriculture



NRCS Natural Resources Conservation Service

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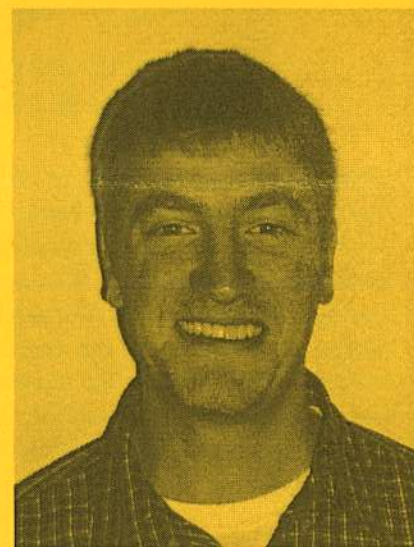
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New Soil Conservationist for Racine and Kenosha NRCS

Hello Racine and Kenosha Counties, my name is John Sippl. I am one of the new employees in the Union Grove field office. I am coming down from the Eau Claire area where I worked in Chippewa and surrounding counties as a Soil Conservationist and Wildlife Biologist. As a Wildlife Biologist, I worked with landowners in restoring and enhancing wetlands, grasslands, and woodlands. As a Soil Conservationist, I worked with landowners on more of an agricultural landscape, installing access roads, cattle crossings, and machinery crossings through CRP and EQIP.

While growing up in north-central Wisconsin, I worked on small family dairy farms where rocks grew better than crops some years. My family raised bison, where we implemented a rotational grazing system utilizing the resource that we had most available, grass. While attending the University of Wisconsin at Stevens Point, I decided that conservation was the career path for me. I volunteered with many different programs gaining valuable knowledge that I am still using today. I graduated a few years ago and started my career with the Wisconsin Department of Natural Resources where I helped restore and protect our natural and wildlife areas in the La Crosse and Horicon area.

In my free time I enjoy nature, whether it is playing softball or volleyball on recreational leagues, or hunting, camping or fishing. My hobbies and farming background drove me to the conservation field to protect and conserve the resources for the future. I hope that I will be able to work with each and every one of you to help preserve and conserve our natural resources. To contact me call 262-878-1243 ext 109, or email John.Sippl@wi.usda.gov.



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262-857-1945

Racine County
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Article Submitted by: Rose Skora
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Philip Harris, a Professor of Agricultural and Applied Economics at the University of Wisconsin- Madison and the University of Wisconsin-Extension, wrote the following article. The article is being reprinted with permission of the author.



FOCUS ON AG LAW FENCING & LIVESTOCK

When livestock producers in Wisconsin and those who occupy land next to them have a conflict, they need to know their rights and responsibilities regarding building and maintaining fences. Wisconsin law is similar to the law in most states in the eastern half of the United States. In those states, the general rule is that livestock owners have a duty to use reasonable care to keep their livestock fenced-in. However, there are some exceptions to those rules that affect livestock owners and their neighbors.

FENCING-IN RULE

The general rule in Wisconsin requires livestock owners to use reasonable care to keep their livestock fenced-in. If they breach that duty of reasonable care, they can be held liable for damages caused by their livestock. To collect from the livestock owner, the victim of the damage must prove that the landowner did not use reasonable care to keep the livestock fenced-in, that the lack of reasonable care caused the damage and the amount of the damages.

Stating the general rule in another way, if a livestock owner uses reasonable care to fence in livestock, then he or she is not liable for damages caused by the livestock. For example, consider damage caused by Abe's cows when a thunderstorm frightened them and they bolted

through the fence, ran down the road and onto Barb's property (which is not adjacent to Abe's property) where they trampled her sweet corn. Abe had maintained good fences, checked his cows daily and rounded them up as soon as he knew they had escaped. In that case, Abe is not likely to be liable for the damage to Barb's sweet corn even if she can prove the amount of the damage because Abe used reasonable care to keep his cows fenced-in.

EXCEPTIONS

Wisconsin statutes provide two exceptions to the general rule. One is for damage caused by certain livestock and the other is for damage done to neighboring property when the neighbor failed to maintain a partition fence.

Certain livestock. Under the first exception, owners of stallions over one year old, bulls over 6 months old, and boars, rams and billy goats over 4 months old are liable for damages they cause if they escape regardless of how much care the owner used to keep them fenced-in (Wis. Stat 172.01). Under Wisconsin Statute 90.04 the construction of a lawful partition fence does not relieve the owner of swine, horses, sheep or goats from liability for any damage they commit upon the enclosed premises of an adjoining owner. If Abe had a bull that escaped during the thunderstorm instead of cows as in the previous example, he would be liable for any damage Barb could prove was caused by his bull.

Neighbor's duty. The 2nd exception to the general rule is not as straight forward as the first. This exception says that the owner or occupant of land next to the livestock owner cannot claim damages caused by the livestock if:

1. The neighbor of the livestock owner failed to maintain a legal fence on his or her half of the boundary line, and
2. The livestock escaped as a result of the failure.

This exception to the rule that livestock owners must keep livestock fenced-in is part of another rule that requires landowners to maintain half of the fence between their land and the neighbor's land if the land on either side is used to raise crops or graze livestock. The purpose of this 2nd rule is to remove the incentive for landowners to wait until all of their neighbors have built fences and then use those fences to keep their own livestock in. Details for this exception such as how the fence is divided between the landowners and the definition of a legal fence are included in Chapter 90 of Wisconsin Statutes. To illustrate this rule, assume that Carl neglected to maintain his share of the partition

fence between his land and the land of his neighbor, Diane. Diane's cows escape through a hole in Carl's portion of the fence and cause some damage on Carl's land. Carl cannot recover damages from Diane.

Note that this exception applies only to the neighbor next to the livestock owner. The livestock owner's duty to others is not affected. If Diane's cows escaped through a hole in Carl's fence and ran across Carl's land onto Edith's land, Diane could be liable for damage to Edith's property.



CONCLUSION

Good fences are necessary to prevent damage by livestock. Wisconsin statutes require livestock owners to keep their livestock fenced in but also impose a duty for maintaining fences on owners of neighboring property.

Philip Harris is a Professor of Agricultural and Applied Economics at the University of Wisconsin-Madison and the University of Wisconsin-Extension. If you have questions about this law, or any information found in the article, feel free to contact Phil at 608-262-9490 or harris@aae.wisc.edu.

UPCOMING EVENTS

Wisconsin FarmDirect Workshop

A workshop for individuals currently involved in direct marketing agricultural products or those interested in getting involved.

When: Saturday, January 21st, 8am – 4pm

Where: Waukesha County Technical College, Pewaukee

Cost: \$40/person or \$70/2 people

Call the Kenosha County UW Extension office to request a brochure (262-857-1945).

Farm Couples Weekend Getaway

This FREE weekend is designed to help farm couples deal with stress, communication, and resources available and also enjoy a fun, mini-vacation! The weekends are open to the first 9 couple that sign up.

Weekend Getaways are offered:

January 21 – 22, Dodgeville, WI

January 28-29, Shawano, WI

February 11-12, Rib Lake, WI

March 11-12, Black River Falls, WI

For more information: Kathy Schmitt, Wisconsin Farm Center, 1-800-942-2474 or 608-224-5048, kathy.schmitt@datcp.state.wi.us

Farm Women's Mini Getaway and Renewal Weekend

Much like the Farm Couples Weekend, this FREE program is designed specifically for farmwomen and will focus on stress, as well as provide opportunities to talk with other farmwomen. The weekends are open to the first 15 women who sign up. Weekend Getaways will be held:

January 28-29th, Fennimore, WI

March 11 – 12th, Black River Falls, WI

For more information: Mary Bub, 262-723-4156, mmbub@juno.com

Pesticide Applicator Training/Testing

Any person who is applying or supervising the application of Restricted-Use pesticides must be certified every 5 years. **General Farming** training/testing and testing only sessions will be offered:

Training and Testing (9am – Noon training, 1pm test)

Thursday, January 26th

Walworth County UWEX office

W3929 County RD NN, Elkhorn

Tuesday, January 31st

Kenosha County Center

19600 75th Street, Bristol

Testing Only

Tuesday, February 7th (5:45pm registration, 6pm testing)

Racine County Ives Grove Building

14200 Washington Avenue, Sturtevant

To buy a book or sign up for any of the above-mentioned classes, call either the Kenosha or Racine County UW Extension office. General Farming books are available at any Extension office or on the Internet:

Kenosha County UWEX: 262-857-1945

Racine County UWEX: 262-886-8460

There will also be a **Greenhouse/Nursery** training offered on February 7th in Waukesha. Books for the Greenhouse/Nursery category must be purchased through the state or ordered on-line. There are cards that can be used to order the book available at any UW Extension office.

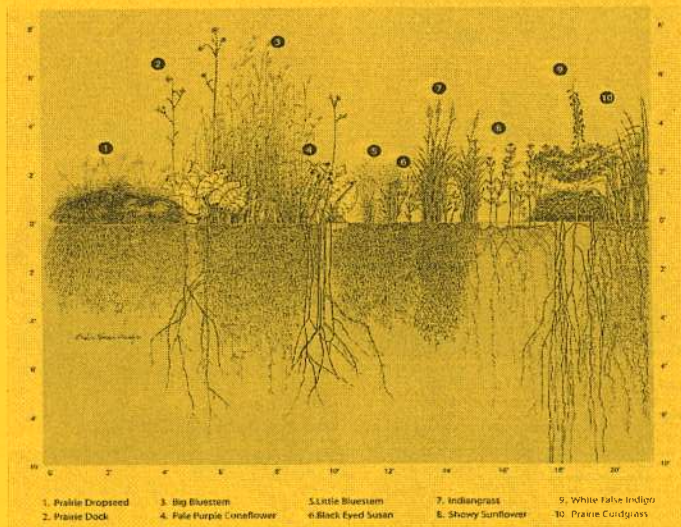
To order books on-line, go to the Wisconsin Pesticide Applicator Training website: <http://ipcm.wisc.edu/PAT/> and click on Register on-line.



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The Benefits of Native Plants

Many of our conservation practices recommend the planting of cool season grasses like brome and timothy or native grasses and flowers like big bluestem and black eyed susan, buffer strips in particular are encouraged to use native species. Why? Native plants are typically deep-rooted, long-lived, and promote infiltration of rainwater; therefore, they do a better job at holding soil and filtering pollutants than the shallow-rooted, short-lived cool season grasses. How do they do it? Did you know that approximately 70 percent of the average prairie plant is roots? Why? Because plants have to survive in an environment that is among the most extreme in the world: The American Midwest. With summer heat and drought, temperatures at the soil surface that can exceed 110° F and winter temperatures on Wisconsin prairies that dip well below 0° F. These plants must have hefty underground "bank accounts" to weather the bad times that would put lesser plants out of business for good. During the summer droughts, the deep-rooted prairie plants draw moisture and nutrients from deep in the soil. Some prairie plants are known to have roots that exceed 20 feet in depth! This allows them



to continue to grow even under extremely dry conditions. Prairie plants evolved with bison, antelope, deer, as well as many smaller animals that eat vegetation. They are able to tolerate this grazing and browsing because they store water and food underground and can regenerate from their established root systems. The roots of prairie plants actually help to build the soil. One third of the roots of average prairie grasses die at the end of the growing season. These dead

roots decay into organic matter in the soil, becoming natural compost. This adds to the fertility and water-holding capacity of the soil and helps to heal depleted farmland. The dense prairie roots are like a giant sponge, greatly increasing the infiltration of rainwater. This reduces runoff and flooding and recharges our groundwater resources. Think about the benefits of native plants when you are choosing a buffer seeding, planting a rain garden, or just landscaping your yard. They are great for conservation and pretty, too! For more information visit www.prairienursery.com.

Beware of Oak Wilt

Oak wilt is an aggressive fungal disease that affects many species of oak in the southern two-thirds of Wisconsin including red, black and pin oaks (oaks with pointed leaves). Once infected the water conducting vessels become plugged and the tree can die within a three-week period. It is one of the most serious tree diseases in the eastern United States, killing thousands of oaks each year in forests, woodlots, and home landscapes. Oaks with rounded leaves, such as the white and Burr Oaks are less susceptible to the disease. The oak wilt fungus moves from tree to tree in two ways: transported underground through the roots or overland by insects. Accurate diagnosis of oak wilt is often difficult, but is essential before costly control efforts are begun. Experienced foresters or arborists can usually diagnose oak wilt in the field using host species, symptoms and mortality patterns.

Effective oak wilt management programs use a variety of strategies to limit the spread of oak wilt. Some of the practices and policies that can be used in combination to effectively manage oak wilt include the following:

- Avoid wounding oaks during critical infection periods. If pruning is necessary, or if wounds occur on oak trees during the critical infection period, use tree wound dressings or paints to prevent transmission of oak wilt.
- Use vibratory plow line, trench barriers or chemical disruption of roots to isolate pockets of oak wilt. Use root graft disruption, cut-to-the-line practices, and treat stumps with herbicides to greatly reduce or eradicate oak wilt in local areas.
- Remove and properly treat oaks killed by oak wilt by debarking, chipping or splitting and drying the wood before the spring following the tree's death. Do not move infected wood off-site without debarking, chipping, or properly drying it. Do not move or store firewood from infected stands near healthy oaks without proper treatment.



Racine County Land Conservation
14200 Washington Ave.
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Articles Submitted by: Chad Sampson

Racine County Tree Orders

February 22, 2006 is the last day to order trees through the Racine County Land Conservation Division. Order early to ensure the trees you've selected will be available. Please make sure to include: the order form, tax in the total cost, a personal check payable to Racine County, and a daytime phone number if questions arise or if tree stock is unavailable. If you have any questions, contact our office at 262-886-8479.



Tree pick-up is anticipated for mid-late April at the Racine County Fairgrounds in Union Grove. A notice will be sent with information about the exact dates and times of pick-up. **Tree orders are available on-line at www.racineco.com** under the Land Conservation Link.

Racine County on the Internet



The Racine County Land Conservation Division is on the internet at www.racineco.com. You can access the Land Conservation page as well as any other Racine County information

that is available on the website.

The Racine County website also features **FREE** use of Geographic Information System (GIS). This includes: **aerial photographs, soils, floodplain, wetlands, property ownership information and a lot more!** Log onto www.racineco.com and click on GIS-Racine County to check out this valuable information.

Land and Water Resource Funds Available

Are you considering conservation this year? Do not hesitate to apply for **your** cost-share funding today! The Racine County Land Conservation Division could cover 70% of the cost of your project. Our office has \$50,000 in grant monies to distribute to Racine County Land owners with eligible conservation projects. Contact our office to apply for the program at 262-886-8479.

Conservation Funding – Is it Taxable?

Generally, conservation payments are taxed as ordinary income in the year that the payments were made. Consequently, the recipient will pay income taxes on the payments at his or her marginal income tax rate as well as self-employment taxes of 15.3%. Part of the payments may qualify as a non-taxable return of basis as long-term capital gains. Most of the expenses incurred to comply with conservation programs will be deductible and therefore will offset part of the income. Possible tax consequences of the various payments under conservation programs are set out below. **Each recipient should seek the advice of a tax advisor to determine the income and self-employment tax consequences of payments he or she may receive.**

Income Tax Treatment of Expenses. Expenses incurred by recipients to comply with the program are treated the same as any other expenses incurred as landowners. Costs of installing permanent improvements such as **Grassed Waterways may be deductible** as a soil and water conservation expense under section 175 of the Internal Revenue Code. Otherwise, those expenses are added to the income tax basis of the land. Payments to establish cover crops and to maintain land are deductible as ordinary expenses, which will reduce the recipient's taxable income for both income tax and self-employment tax purposes.

CREP Up-front Payments. The federal signing incentive payment (SIP) and the one-time payment from the State of Wisconsin for the Conservation Reserve Enhancement Program (CREP) is ordinary income for most recipients and is included in taxable income. The IRS says the payments are also subject to self-employment tax.

The one-time up front payment for perpetual conservation easements are treated as non-taxable return of basis to the extent the recipient has an income tax basis in the affected land. Payments in the excess of the basis in the affected land are treated as long-term capital gains in most cases.

Annual Payments. The annual payments from the federal government – annual rental payment, annual federal incentive payment and the maintenance payment – are included in the recipient's taxable income and are taxed at the recipient's marginal tax income rate. The IRS says the payments are also subject to self-employment tax.

Practice Payments. The federal practice incentive payment (PIP) and the cost-sharing payments from the State of Wisconsin are ordinary income for most recipients and are included in taxable income. The IRS says the payments are also subject to self-employment tax.



Racine Kenosha FSA Office
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Articles submitted by: Kimberly M. Iczkowski

New Employees

Now that long time employee, Rita Arnold has retired we have had the privilege to hire two new employees in the Union Grove Office. They are:

Sue Zuberbuehler – Some of you may have met Sue in some of your visits to the office since she has worked in this office for the past few years as a part time employee mainly working with Conservation Programs. Sue will continue working with the Conservation Programs and wherever else she is needed.

Angela “Angie” Drews – Angie recently worked as a part time employee in the Waukesha-Milwaukee County Office. We are very fortunate that she previous experience in the Direct and Counter-cyclical Program (DCP) and farm reconstitutions. She will also be assisting producers in the Non-insured Assistance Program (NAP).

Following is a reference for all of you with the employees in this office, their duties and extension numbers. Feel free to contact the technician responsible for whatever your question is.

***Kimberly Iczkowski**, County Executive Director, extension #106

***Linda Feldkamp**, Program Technician for Price Support Loans, Loan Deficiency Payments, Disaster Programs, Administrative, and Point of Contact for Computer Systems. Extension #100.

***Evelyn Pizzala**, Program Technician for Compliance, Wool, Dairy, Payment Limitation, Payment Eligibility, and Satellite Imagery Mapping. Extension #104

***Sue Zuberbuehler**, Program Technician for Conservation Programs and Backup for the Satellite Imagery Mapping. Extension #105

***Angie Drews**, Program Technician for Direct Counter Cyclical Program, Reconstitutions, the Non-insured Assistance Program and backup for the Computer System. Extension #103.

Ties to the Land

COMMODITY LOANS AND LDP'S

Commodity loans and Loan Deficiency Payments (LDP's) are still available on a variety of crops including barley, corn, grain sorghum, mohair, oats, oilseeds, soybeans, wheat, unshorn pelts, and wool. For commodities to be eligible for loans or LDP's, they must have been produced by an eligible producer, be in existence and in a storable condition and be merchantable for food, feed or other uses as determined by CCC.

Also to be eligible for loans and LDP's, you must file a crop report, meet conservation compliance requirements, have beneficial interest in the commodity on the date the loan or LDP is requested and, in the case of a loan, retain beneficial interest while the loan is outstanding; and ensure that the commodity meets CCC minimum grade and quality standards.

Commodity loans are an excellent way to obtain operating funds while you wait for the market prices to peak. These loans mature nine months following the month of issuance. Currently the interest rate is 5.0% The producer is responsible for maintaining the quality of the commodity in farm storage throughout the term of the loan. Remember you cannot claim a LDP on any grain that is put under loan, but you may repay the loan with a marketing gain.

It is **very important** to make sure you do not remove or dispose of loan collateral without authorization. Violating provisions of the loan and LDP program may trigger administrative actions, such as assessing liquidated damages, calling the loan and denial of future farm-stored loans and LDP's. Maintaining loan collateral is the borrower's responsibility. Liquidated damages assessed for violating these provisions can result in a fine amounting to several thousand dollars.

County Committee Election Process

December 5, 2005 is the final date to return ballots for the County Committee Election being held in the townships of Bristol, Paris, Pleasant Prairie, and Somers in Kenosha County.

Important Upcoming Dates:

December 5 – Last Day to return COC Ballots
December 26 – Office Closed Christmas Holiday
January 2 – Office Closed New Years Holiday
January 16 – Office Closed Martin Luther King National Holiday

2005 FSA ANNUAL NOTIFICATION

SPECIAL ACCOMODATIONS

Special accommodations will be made, upon request, for individuals with disabilities, vision impairment, or hearing impairment. If special accommodations are required, please call the FSA office and we will be happy to make any arrangements that are needed.

FOREIGN INVESTORS 90-DAY REPORTING RULE

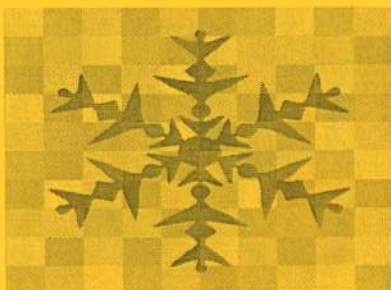
Foreign owners of U.S. agricultural land are required by law to report their land holdings, acquisitions, leases of 10 years or more, and land use changes within 90 days to the local FSA office. Failure to report these changes can result in a civil penalty of up to 25% of the fair market value of their interest in the agricultural land.

SIGNATURE AUTHORITY FOR SPOUSES

Spouses can sign FSA program documents on behalf of each other for most FSA farm programs in which either has an interest, without signing any special forms. This signature authority for spouses to sign for each other will be in effect unless notification denying either spouse this authority has been provided to FSA.

POWER OF ATTORNEY

For those who find it difficult to visit the office personally because of various reasons such as work schedules, distance, health, etc., we have a Power of Attorney form available, which enables you to designate another person to conduct your business at the office. If you are interested, please contact our office or any FSA office near you for more information. If you want a crop loan, a Power of Attorney form will need to be completed for husband and wife, if both do not come into the office to sign the forms on the day the loan is disbursed. Farmers with power of attorney forms on file prior to the signing of the new 2002 farm bill will likely need to have a new power of attorney form completed if you haven't done so by now. A new form has been created to specifically address the programs of the new farm bill.



FAX USERS

Recent changes will now allow a facsimile signature to be deemed an original signature for most programs with FSA. However, in order to take advantage of the option to fax signatures to us, you must sign form (FSA-237) in the county office in advance.

RECORD CHANGES

If you have bought, sold or are renting different land, make sure you report the changes to the FSA office as soon as possible after they occur. For farm ownership changes you will need to provide a recorded deed or recorded land contract. Failure to maintain accurate records with FSA on all land you have an interest in can lead to possible program ineligibility and fines if you are participating in our program.

CONSERVATION COMPLIANCE

All participants in USDA programs are required to have a conservation system in place on all the highly erodible land (HEL) that they operate. Several areas where problems can arise with complying with a conservation system are; renting new cropland, purchasing new land, breaking out additional cropland, planting different crops such as soybeans, and changing or removing existing conservation practices. It is very important that you contact the FSA office BEFORE doing any of the above. Also, it is very important that you contact our office before modifying - tiling, draining, dredging, filling or leveling - any wetland or drainage ditch. Failure to obtain advance approval for any of these situations can result in loss of all Federal payments and eligibility.

MANDATORY DIRECT DEPOSIT OF PAYMENTS

As of January 1, 1999, all payments issued by the county FSA office will be by direct deposit (electronic funds transfer) to a pre-designated checking or savings account with your financial institution. Forms are available at the FSA office to sign up for direct deposit if you haven't yet. For those already signed up, it is extremely important that we are notified anytime there is a change in the your account number or financial institution. If we aren't notified, future payments can be delayed or lost for a period of time.

CONTROLLED SUBSTANCE

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

PAYMENT LIMITATION

Determinations:

Producers are reminded that no program benefits may be made until the FSA office has made all the necessary payment limitation and eligibility determinations. Producers will remain ineligible until all the required forms that include information pertaining to their farming operations are provided to the office. The FSA County Committee or the producer may initiate the payment limitation and payment eligibility determinations. If the producer requests the determination, the request may be filed anytime before the final date for submitting form CCC-502 (Farm Operating Plan for Payment Eligibility Review).

Programs and Payment Limits

The following FSA programs are subject to payment limitation and eligibility provisions. Listed after each program is the applicable payment limitation for 2006:

- DCP/Direct Payment \$40,000
- DCP/Counter Cyclical Payment \$65,000
- LDP's and Market Gain \$75,000
- Conservation Reserve Program (CRP) \$50,000
- Emergency Conservation Program \$200,000
- Noninsured Assistance Program \$100,000

Providing Information:

Statutory provision require that all entities – individuals, partnerships, joint operations, corporations, trusts, etc, -- provide the names, addresses and ID numbers of the entity's members to the FSA County Committee. Also, entities must inform their members of the requirement for designating "permitted entities" for payment purposes. Spouses may be considered separate "persons" for payment limitation purposes if this determination is requested and all the applicable requirements to be determined a "person" are met.

Spot Checks by FSA:

All CCC-501's (Members Information), and CCC-502's (Farm Operating Plan for Payment Eligibility Review), are subject to spot check through our end-of-year review process. If selected for a spot check, producers will be asked to submit proof of their contribution to the operations such as seed, fertilizer and chemical bills, land lease agreements, land contracts or property tax payments, equipment lists, cancelled checks for paid

labor or hired management, and any other items the FSA County Committee determine are necessary.

The producer is required to provide these items for the spot check so that the FSA County Committee can make a determination that the farming operation is actually being performed as was stated on the applicable CCC-501 or CCC-502 that was originally completed.

Reporting Farm Operation Information:

It is the producer's responsibility to report their farm operation completely and accurately.

Reporting Farm Operation Changes:

It is at the producer's responsibility to notify FSA of ANY changes in their farming operation or entity status throughout the year. Changes that may affect a determination include, but are not limited to: a change in contract shares of a contract which may reflect change of land lease from cash rent to share rent or from share rent to cash rent; modification of a variable/fixed bushel rent arrangement; a change in the size of the producer's farming operation by the addition or deletion of a farm; a change in the structure of the farming operation, including any change in the member's shares; a share in the contributions of farm inputs of capital equipment, active personal labor, or active personal management; and a change of farming interest not previously disclosed on CCC-502 or update, including the farming interest of a spouse or minor child.

Not Actively Engaged Determinations:

Any producers who are determined as "Not Actively Engaged in Farming" will be INELIGIBLE for most all USDA payments. This includes DCP, gains from marketing loans and loan deficiency payments (LDP's), CRP annual rental payments disaster assistance or emergency payments and any payment or benefit requiring a determination of "actively engaged in farming".

Questions and/or requests for additional information pertaining to determinations for payment limitation and payment eligibility should be directed to the FSA Office.

