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U.S. DEPARTMENT OF AGRICULTURE

Virginia August Newsletter Articles and Updates - August 2024

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State Executive Director Message

Conduct Business Online Through the Farmers.gov Portal

Looking for ways to do business with USDA that saves you time? Look no further than <u>farmers.gov</u>.

When you create an <u>account</u> for the farmers.gov authenticated customer portal, you have access to self-service features through a secure login. Managing your business with

<u>USDA's Farm Service Agency (FSA)</u> and is faster than ever. From e-signing documents, viewing, printing, and exporting maps and receiving notifications of payment disbursements, a farmers.gov authenticated account makes doing business with USDA easy and secure.

What can you do with your farmers.gov account?

- View FSA Farm Loan information including interest payments, loan advances, payment history and paid-in-full/restructured loans.
- Make USDA direct farm loan payments using the Pay My Loan feature.
- Access the <u>Online Loan Application portal</u>.
- View, print and export detailed FSA farm records and farm/tract maps.
- Import precision agriculture planting boundaries, create labels containing crop information, and print both on farm tract maps.
- View and print your FSA-156EZ with farm details
- View and print your Producer Farm Data Report
- View NRCS Disbursements and Farm Loans financial activity from the past 180 days.
- View your land, access NRCS data on your conservation plans, contracts, and planning land units through the Conservation Land Area page.
- View, upload, download and e-sign NRCS documents.
- Request NRCS conservation and financial assistance, including submitting a program application.
- View detailed information on all previous and ongoing NRCS contracts, including the amount of cost- share assistance received and anticipated; and even request contract modifications, report practice completion and request practice certification.
- "Switch Profiles" to act on behalf of your entity or another individual when you have active representative authority on file

If you'd like to see the features in action and learn more about how to use them, check out the 3-5 minute <u>farmers.gov account video tutorials</u>.

How do you create a farmers.gov account?

Visit <u>farmers.gov/account</u> to access information about farmers.gov accounts and sign in to the site's authenticated portal. You will need a Login.gov account linked to your USDA

customer record to access your farmers.gov authenticated site. Customers who are new to USDA should visit <u>Get Started at Your USDA Service Center</u>, then go to <u>farmers.gov/account</u> to create a farmers.gov account.

To create a farmers.gov account you will need:

- A USDA individual customer record A customer record contains information you have given to USDA to do business with them, like your name, address, phone number, and any legal representative authority relationships. Contact your local USDA Service Center to make sure you have an individual USDA customer record on file and your information is up to date.
- A Login.gov account Login.gov is a sign-in service that gives people secure online access to participating government programs. You can create a Login.gov account linked to your customer record by following the directions on gov/account.
- Identity Verification You can choose to verify your identity with Login.gov or inperson at a USDA Service Center.

In addition to the self-service features, <u>farmers.gov</u> also has information on USDA programs, farm loans, disaster assistance, conservation programs and crop insurance.

NRCS Director Message

I think one of current USDA Secretary Tom Vilsack's enduring legacies will be the People's Garden initiative, which he began in 2009 and restarted when he returned to the department in 2020. We can certainly see the results in Richmond, which was designated as one of 17 national "hubs" for the program. As of the latest count, the Richmond area can claim 37 certified People's Gardens with six of them receiving \$250,000 in financial assistance from NRCS. While only the Richmond area is currently eligible for the program, unofficial gardens are being created and registered elsewhere in the state every week.

Beyond those numbers, I'm perhaps more excited about the general growth of agriculture in urban or other nontraditional settings, which is expanding more rapidly than the number of official People's Gardens might indicate. Outreach and education efforts and the connection between the urban agriculture and forestry sectors are other highlights of our partnership efforts.

We at NRCS stand ready to assist participants in this movement, and an excellent first step for new growers might be a call to the appropriate NRCS field office to see what services and opportunities might be available. Our office in Warrenton serves most of the Washington suburbs while sections of the Richmond metro area are covered by offices in Amelia, New Kent and Hanover. In Hampton Roads, our staff in Chesapeake serves the southern part of the region with Hampton, Newport News, Williamsburg and other Peninsula cities served by New Kent.

Tatiana Gil, our state specialist in urban ag, works out of the State Office in Richmond and can be e-mailed at <u>tatiana.gil@usda.gov</u>.

If you're ready to grow, we have people ready to help you.

Dr. Edwin Martinez Martinez, NRCS Virginia State Conservationist

RD State Director Message

August is a busy month for many of us. Some people take off for end-of-summer getaways to the beach or river. Others enjoy staycations and those with young children have been shopping for supplies to fill those backpacks for the new school year.

Fresh, locally grown produce can help busy people keep their motors running in this hot weather. Nutritious foods purchased at one of more than 250 farmers markets in Virginia really hit the spot, replenishing fluids for those working and playing outdoors while also helping to keep family operations in business.

We recently highlighted your contributions to the health and well-being of rural Virginians during the 25th annual observance of USDA Farmers Market Week. This celebration is designed to highlight the important role that farmers markets play in the country's food system and encourage Americans to support local growers by purchasing their produce this way.

USDA Rural Development has funded farmers market projects in the towns of Chilhowie, Hillsville and Warsaw to help transform the food system as we know it. These neighborhood marketplaces provide consumers with affordable options and foster relationships between consumers and farmers, enhancing transparency and trust in our food system.

Farmers markets contribute significantly to local economies, thereby keeping a greater share of the food dollar in the community. A fairer system works better for agricultural producers and their families by opening up new and better market opportunities to sell products directly to consumers.

Our Value-Added Producer Grants can also be a great resource for those looking for funding to develop and package new products for farmers market, online and direct farm sales. A new fiscal year is just around the corner, so now is a perfect time to start working on an application with help from our partner_VAFAIRS (Virginia Foundation for Agriculture, Innovation & Rural Sustainability).

Perry Hickman - State Director

USDA Announces August 14 Application Deadline for Emergency Relief Program Assistance for Commodity and Specialty Crop Producers Impacted by 2022 Natural Disasters

The U.S. Department of Agriculture (USDA) today announced the deadline for commodity and specialty crop producers to apply for the Emergency Relief Program (ERP) for 2022 natural disaster losses is **Aug. 14, 2024**. USDA's Farm Service Agency (FSA) began accepting ERP 2022 applications in October 2023.

Background

Through the Disaster Relief Supplemental Appropriations Act, 2023 (P.L. 117-328) Congress allocated \$3.2 billion in funding to cover an estimated \$10 billion in uncovered crop losses.

ERP 2022 covers losses to crops, trees, bushes and vines due to qualifying calendar year 2022 natural disaster events including wildfires, hurricanes, floods, derechos, excessive heat, tornadoes, winter storms, freeze (including a polar vortex), smoke exposure, excessive moisture, qualifying drought and related conditions.

ERP 2022 Application Process – Track 1

ERP 2022 Track 1 leverages existing federal crop insurance or Noninsured Crop Disaster Assistance Program (NAP) data as the basis for calculating payments for eligible crop producers who received indemnities through these risk management programs.

In fall 2023, FSA began issuing pre-filled ERP 2022 Track 1 application forms to producers who had crop insurance and NAP data already on file with USDA. Receipt of a pre-filled application is not confirmation that a producer is eligible to receive an ERP 2022 Track 1 payment.

ERP 2022 Application Process – Track 2

Track 2 is a revenue-based certification program designed to assist producers who suffered an eligible decrease in revenue resulting from 2022 calendar year disaster events when compared with revenue in a benchmark year using revenue information that is readily available from most tax records.

In cases where revenue does not reasonably reflect a normal year's revenue, Track 2 provides an alternative method for establishing revenue. Likewise, Track 2 affords producers of crops that are used within an operation and do not generate revenue from the sale of the crop a method for establishing revenue for the purpose of applying for ERP 2022

benefits. Producers are not required to submit tax records to FSA unless requested by the County Committee if required for an FSA compliance spot check.

Although not required when applying for ERP 2022 Track 2, applicants might find the following documents useful to the process:

- Schedule F (Form 1040)
- Profit or Loss from Farming or similar tax documents for tax years 2018, 2019, 2022 and 2023.

Track 2 targets gaps in emergency relief assistance for eligible producers whose eligible losses were not covered by crop insurance or NAP, including revenue losses too small (shallow loss) to be covered by crop insurance.

It's important to note that disaster-impacted producers may be eligible for ERP 2022 assistance under one or both tracks (ERP 2022 Track 1 and Track 2). To avoid duplicative benefits, if a producer applies for both tracks, the Track 2 payment calculation will take into account any payments received through Track 1.

Additional Required Forms

For both ERP 2022 tracks, all producers must have certain required forms on file with FSA within 60 days of the Aug. 14 application deadline. If not already on file, producers can update, complete and submit required forms to FSA by Tuesday, Oct. 15, 2024.

Required forms:

- Form AD-2047, Customer Data Worksheet.
- Form CCC-902, Farm Operating Plan for an individual or legal entity.
- Form CCC-901, Member Information for Legal Entities (if applicable).
- Form FSA-510, Request for an Exception to the \$125,000 Payment Limitation for Certain Programs (if applicable).
- Form CCC-860, Socially Disadvantaged, Limited Resource, Beginning and Veteran Farmer or Rancher Certification, if applicable, for the 2022 program year.
- Note: Currently, there is a Federal court injunction that prohibits USDA from "making or increasing payments, or providing any additional relief, based on its 'socially disadvantaged farmer or rancher' designation" under ERP 2022. This may impact certain payments.
- A highly erodible land conservation (sometimes referred to as HELC) and wetland conservation certification (Form AD-1026 Highly Erodible Land Conservation

(HELC) and Wetland Conservation (WC) Certification) for the ERP producer and applicable affiliates.

Most producers, especially those who have previously participated in FSA programs, will likely have these required forms on file. However, those who are uncertain or want to confirm the status of their forms can contact their local FSA county office.

Future Insurance Coverage Requirements

All producers who receive ERP 2022 payments must purchase crop insurance, or NAP coverage where crop insurance is not available, in the next two available crop years as determined by the Secretary. Purchased coverage must be at the 60/100 coverage level or higher for insured crops or at the catastrophic coverage level or higher for NAP crops.

More Information

ERP 2022 eligibility details and payment calculation factor tables are available on FSA's <u>Emergency Relief webpage</u>, in the <u>ERP Track 1</u> and <u>ERP Track 2</u> fact sheets and through the FSA at your local <u>USDA Service Center</u>.

Myth Busters: Learn the Facts about the Emergency Forest Restoration Program

The Emergency Forest Restoration Program (EFRP) provides technical and financial assistance to owners of nonindustrial private forestland whose forestland was damaged by a qualifying natural disaster event.

EFRP can provide crucial assistance to producers after a natural disaster, but there are a few "myths" about the program that we want to dispel.

Myth: EFRP assists landowners with removal of a dead or damaged tree in their yard.

Fact: EFRP helps with the removal of dead or damaged trees as part of a reforestation project and must be on land that meets the definition of nonindustrial private forestland, is at least 120 feet wide, **one** acre in size, and at least 10% covered by live trees of any size. If the landowner's yard does not meet these criteria, then the land is not eligible for EFRP. EFRP requires a landowner to incur at least \$1,000 in forest restoration costs to be eligible for assistance. (*Minimum restoration costs may be set at a higher level by the FSA State Committee*). Finally, eligible forestland must have damage to natural resources caused by the natural disaster event that, if not treated, would impair natural resources on the land and materially affect the future use of the land. For example, damage to natural resources on nonindustrial private forestland could include trees that have died or were damaged by the natural disaster event and where it's determined that removal and restoration is needed to restore forest health and future use of the land.

To read the full blog visit <u>farmers.gov/blog/myth-busters-learn-facts-about-emergency-</u><u>forest-restoration-program</u>.

Foreign Investors Must Report U.S. Agricultural Land Holdings

The U.S. Department of Agriculture (USDA) Farm Service Agency (FSA) reminds foreign investors with an interest in agricultural land in the United States that they are required to report their land holdings and transactions to USDA.

The Agricultural Foreign Investment Disclosure Act (AFIDA) requires foreign investors who buy, sell or hold an interest in U.S. agricultural land to report their holdings and transactions to the USDA. Foreign investors must file AFIDA Report Form FSA-153 with the FSA county office in the county where the land is located. Large or complex filings may be handled by AFIDA headquarters staff in Washington, D.C.

According to CFR Title 7 Part 781, any foreign person who holds an interest in U.S. agricultural land is required to report their holdings no later than 90 days after the date of the transaction.

Foreign investors should report holdings of agricultural land totaling 10 acres or more used for farming, ranching or timber production, and leaseholds on agricultural land of 10 or more years. Tracts totaling 10 acres or less in the aggregate, and which produce annual gross receipts in excess of \$1,000 from the sale of farm, ranch, forestry or timber products, must also be reported. AFIDA reports are also required when there are changes in land use, such as from agricultural to nonagricultural use. Foreign investors must also file a report when there is a change in the status of ownership.

The information from AFIDA reports is used to prepare an annual report to Congress. These annual reports to Congress, as well as more information, are available on the FSA <u>AFIDA webpage</u>.

Assistance in completing the FSA-153 report may be obtained from the local FSA office. For more information regarding AFIDA or FSA programs, contact your FSA office at phone or visit farmers.gov.

Signature Policy

Using the correct signature when doing business with FSA can save time and prevent a delay in program benefits.

The following are FSA signature guidelines:

• Married individuals must sign their given name.

• Example—Mary Doe and John Doe are married. When signing FSA forms, each must use their given name, and may not sign with the name of their spouse. Mrs. Mary Doe may not sign documents as Mrs. John Doe. For Farm Loan Purposes, spouses may not sign on behalf of the other as an authorized signatory, a signature will be needed for each. For a minor, FSA requires the minor's signature and one from the minor's parent. There are certain exceptions where a minor's signature may be accepted without obtaining the signature of one of the parents. Despite minority status, a youth executing a promissory note for a Youth Loan will incur full personal liability for the debt and will sign individually.

Note: By signing a document with a minor, the parent is liable for actions of the minor and may be liable for refunds, liquidated damages, or other penalties, etc.

When signing on one's behalf the signature must agree with the name typed or printed on the form or be a variation that does not cause the name and signature to be in disagreement. Example - John W. Smith is on the form. The signature may be John W. Smith or J.W. Smith or J. Smith. Or Mary J. Smith may be signed as Mrs. Mary Joe Smith, M.J. Smith, Mary Smith, etc.

FAXED signatures will be accepted for certain forms and other documents provided the acceptable program forms are approved for FAXED signatures. Producers are responsible for the successful transmission and receipt of FAXED information.

Examples of documents not approved for FAXED signatures include:

- Promissory note
- Assignment of payment
- Joint payment authorization
- Acknowledgement of commodity certificate purchase

Spouses may sign documents on behalf of each other for FSA and CCC programs in which either spouse has an interest, unless written notification denying a spouse this authority has been provided to the county office.

Spouses cannot sign on behalf of each other as an authorized signatory for partnerships, joint ventures, corporations or other similar entities. Likewise, a spouse cannot sign a document on behalf of the other in order to affirm the eligibility of oneself.

Any member of a general partnership can sign on behalf of the general partnership and bind all members unless the Articles of Partnership are more restrictive. Spouses may sign on behalf of each other's individual interest in a partnership, unless notification denying a spouse that authority is provided to the county office. Acceptable signatures for general partnerships, joint ventures, corporations, estates, and trusts must consist of an indicator "by" or "for" the individual's name, individual's name and capacity, or individual's name, capacity, and name of entity.

Environmental Review Required Before Project Implementation

The National Environmental Policy Act (NEPA) requires Federal agencies to consider all potential environmental impacts for federally funded projects before the project is approved.

For all Farm Service Agency (FSA) programs, an environmental review must be completed before actions are approved, such as site preparation or ground disturbance. These programs include, **but are not limited to**, the Emergency Conservation Program (ECP), Farm Storage Facility Loan (FSFL) program and farm loans. If project implementation begins before FSA has completed an environmental review, the request will be denied. Although there are exceptions regarding the Stafford Act and emergencies, it's important to wait until you receive written approval of your project proposal before starting any actions.

Applications cannot be approved until FSA has copies of all permits and plans. Contact your local FSA office early in your planning process to determine what level of environmental review is required for your program application so that it can be completed timely.

Applying for Farm Storage Facility Loans

The Farm Service Agency's (FSA) Farm Storage Facility Loan (FSFL) program provides lowinterest financing to help you build or upgrade storage facilities and to purchase portable (new or used) structures, equipment and storage and handling trucks.

Eligible commodities include corn, grain sorghum, rice, soybeans, oats, peanuts, wheat, barley, minor oilseeds harvested as whole grain, pulse crops (lentils, chickpeas and dry peas), hay, honey, renewable biomass, fruits, nuts and vegetables for cold storage facilities, floriculture, hops, maple sap, rye, milk, cheese, butter, yogurt, meat and poultry (unprocessed), eggs, and aquaculture (excluding systems that maintain live animals through uptake and discharge of water). Qualified facilities include grain bins, hay barns and cold storage facilities for eligible commodities.

Loans up to \$50,000 can be secured by a promissory note/security agreement, loans between \$50,000 and \$100,000 may require additional security, and loans exceeding \$100,000 require additional security.

You do not need to demonstrate the lack of commercial credit availability to apply. The loans are designed to assist a diverse range of farming operations, including small and

mid-sized businesses, new farmers, operations supplying local food and farmers markets, non-traditional farm products, and underserved producers.

For more information, contact your County USDA Service Center or visit fsa.usda.gov/pricesupport.

Updates to Acreage Reporting and Prevented Planted Acres

The USDA Farm Service Agency (FSA) made several policy updates to acreage reporting and prevented planted acres.

Prevented Planted Acres

In order to certify prevented planted acreage due to drought, all of the following must apply:

- The area that is prevented from being planted has insufficient soil moisture for germination of seed on the final planting date for non-irrigated acreage
- Prolonged precipitation deficiencies that meet the D3 o4 D4 level as determined by the U.S. Drought Monitor
- Verifiable information must be collected from sources whose business or purpose is recording weather conditions as determined by FSA and the sources include, but are not limited to:
- S. National Weather Service
- Bureau of Reclamation
- S. Army Corps of Engineers
- National Institute of Food and Agriculture
- Natural Resources Conservation Service
- Local irrigation authorities responsible for water allocations
- State Department of Water Resources
- National Institute of Food and Agriculture
- Other sources responsible for the collection of water data or regulation of water resources (water allocations).

FSA reminds producers to report prevented planted and failed acres in order to establish or retain FSA program eligibility for some programs. You should report crop acreage you intended to plant, but due to natural disaster, were prevented from planting. Prevented

planting acreage must be reported on form *CCC-576, Notice of Loss*, no later than 15 calendar days after the final planting date as established by FSA and the Risk Management Agency (RMA).

Late-Filed Acreage Reports

FSA can now accept late-filed acreage reports without a field visit if the producer can provide proof of existence and disposition. Producers are required to pay the late filed fee.

Proof of existence of the crop includes, but is not limited to:

- seed receipts showing the amount, variety, and date purchased;
- receipts for cleaning, treating, etc., for seed planted on the farm;
- a written contract or documentation of an oral contract to produce a specific crop;
- evidence that was accepted and approved by the RMA or another USDA agency;
- precision planting, spraying, or harvesting geospatial data or maps;
- drone photos with location and notable physical boundaries;
- other aerial or ground imagery with the ability to determine date, acres, and crop.

Proof of disposition of the crop includes, but is not limited to:

- receipts showing number and units sold if the sale can be positively identified as sale of the crop for the farm for the year represented;
- a written contract or documentation of an oral contract to produce a specific crop;
- records showing the crop was fed to livestock;
- documentation of payment for custom harvesting indicating acreage, location, and crop year;
- evidence that was accepted and approved by another USDA agency.

Know your Final Planting Dates

All producers are encouraged to contact their local FSA office for more information on the final planting date for specific crops. The final planting dates vary by crop, planting period and county so please contact your local FSA office for a list of county-specific planting deadlines. The timely planting of a crop, by the final planting date, may prevent loss of program benefits.

Preauthorized Debit Available for Farm Loan Borrowers

USDA's Farm Service Agency (FSA) has implemented pre-authorized debit (PAD) for Farm Loan Program (FLP) borrowers. PAD is a voluntary and alternative method for making weekly, bi-weekly, monthly, quarterly, semi-annual or annual payments on loans.

PAD payments are pre-authorized transactions that allow the National Financial and Accounting Operations Center (NFAOC) to electronically collect loan payments from a customer's account at a financial institution.

PAD may be useful if you use nonfarm income from regular wages or salary to make payments on loans or adjustment offers or for payments from seasonal produce stands. PAD can only be established for future payments.

To request PAD, customers, along with their financial institution, must fill out form RD 3550-28. This form has no expiration date, but a separate form RD 3550-28 must be completed for each loan to which payments are to be applied. A fillable form can be accessed on the USDA Rural Development (RD) website at rd.usda.gov/publications/regulations-guidelines. Click forms and search for "Form 3550-28."

If you have a "filter" on the account at your financial institution, you will need to provide the financial institution with the following information: Origination ID: 1220040804, Agency Name: USDA RD DCFO.

PAD is offered by FSA at no cost. Check with your financial institution to discuss any potential cost. Preauthorized debit has no expiration date, but you can cancel at any time by submitting a written request to your local FSA office. If a preauthorized debit agreement receives three payment rejections within a three-month period, the preauthorized debit agreement will be cancelled by FSA. The payment amount and due date of your loan is not affected by a cancellation of preauthorized debit. You are responsible to ensure your full payment is made by the due date.

For more information about PAD, contact your County USDA Service Center or visit <u>fsa.usda.gov</u>.

Disaster Set-Aside Program for Farm Loan Borrowers

Farm Service Agency (FSA) borrowers with farms located in designated primary or contiguous disaster areas who are unable to make their scheduled FSA loan payments should consider the Disaster Set-Aside (DSA) program.

DSA is available to producers who suffered losses as a result of a natural disaster and relieves immediate and temporary financial stress. FSA is authorized to consider setting aside the portion of a payment/s needed for the operation to continue on a viable scale.

Borrowers must have at least two years left on the term of their loan in order to qualify.

Borrowers have eight months from the date of the disaster designation to submit a complete application. The application must include a written request for DSA signed by all parties liable for the debt along with production records and financial history for the operating year in which the disaster occurred. FSA may request additional information from the borrower in order to determine eligibility.

All farm loans must be current or less than 90 days past due at the time the DSA application is complete. Borrowers may not set aside more than one installment on each loan.

The amount set-aside, including interest accrued on the principal portion of the set-aside, is due on or before the final due date of the loan.

For more information, contact your County USDA Service Center or visit <u>fsa.usda.gov</u>.

USDA Investing in Projects to Expand Prescribed Grazing

USDA's Grazing Lands Conservation Initiative (GLCI) was developed as a coordinated effort to identify priority issues and find solutions on private grazing land, enhancing existing conservation programs. NRCS is reviving and revitalizing GLCI to expand the number of well-managed grazing systems across the country. GLCI also supports the National Grazing Lands Coalition, which assists state grazing coalitions form and encourages participation from historically underserved producers and Native American tribal governments and organizations.

Prescribed grazing (Practice Code 528) is a system-level, management practice that empowers the farmer/rancher to strategically manage his or her grazing livestock to control the harvest of forage in a way that is good for the livestock, the forage, the soils, the water and (in many cases) wildlife species on the farm. This practice is one of NRCS' top 10 conservation practices in Virginia and it offers an excellent opportunity for partnership at the local and state levels to provide technical expertise and coordination. Over the last 12 years, Virginia farmers have adopted this grazing management practice on over 250,000 acres of pastureland. Our long-time partner, Virginia State University, is the recipient of a Grazing Land Conservation grant that will further promote the adoption of prescribed grazing through outreach, training, and technical assistance to historically undeserved, new, and beginning farmers, young farmers, and veteran farmers and ranchers throughout the state. Farm owners and operators are welcome to contact their local NRCS field office or more information on GLCI and other NRCS programs.

Selected Interest Rates for August 2024

90-Day Treasury Bill	5.5%
Farm Operating Loans — Direct	5.375%
Farm Ownership Loans — Direct	5.625%
Farm Ownership Loans — Direct Down Payment, Beginning Farmer or Rancher	1.625%
Emergency Loans	3.75%
Farm Storage Facility Loans - (7 years)	4.250%
Commodity Loans 1996-Present	6.000%
Emergency Loans Farm Storage Facility Loans - (7 years)	3.75% 4.250%

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