



Direct and Counter-cyclical Payment Program Wild Rice, Fruit, and Vegetable Provisions

Overview

The 2002 Farm Bill authorized the Direct and Counter-cyclical Program (DCP), which is administered by USDA's Farm Service Agency (FSA). DCP provides payments to eligible producers for the 2002 through 2007 crop years.

Producers who participate in DCP are subject to certain restrictions on the planting of wild rice, fruits, and vegetables (WR/FAV).

Applicable Crops

WR/FAV planting provisions apply to the following commodities:

- wild rice;
- fruits (including nuts); and
- vegetables, other than lentils, mung beans, and dry peas (Dry peas include Austrian, wrinkled seed, green, yellow, and umatilla. Peas grown for the fresh, canning, or frozen market are not dry peas).

WR/FAV Planting Provisions on DCP Base Acreage

Planting perennial WR/FAVs on DCP base acres is a violation of the regulations (and will result in reduced payment acres), even if the WR/FAVs are destroyed without benefit before harvest.

In general, planting non-perennial WR/FAVs on DCP base acres is

not a violation (and will not result in reduced payment acres) if the WR/FAVs are destroyed without benefit before harvest. The WR/FAV destruction must be verified by FSA through a farm visit paid for by the producer.

However, any WR/FAVs may be planted on DCP base acres and a DCP contract violation WILL NOT occur if any of the following three exceptions to the planting restriction rule apply:

1. Double-Cropping Regions --

WR/FAVs are planted in a double-cropping practice with a DCP eligible commodity. The following provisions apply to this exception:

- DCP payment acres are not reduced for such plantings.
- The farm must be in a county approved for double-cropping DCP eligible commodities with WR/FAVs. WR/FAV double-cropping regions were established by FSA state committees and are published in the Federal Register.

2. Farm History --

WR/FAVs are planted on a farm with an established history of planting WR/FAVs. The following provisions that apply to this exception are farm-specific:

- Although no contract violation will result, the DCP payment

acres will be reduced by an acre for each acre of base acreage planted to WR/FAVs.

- WR/FAV farm history is based on the farm's plantings for crop years 1991-1995 and 1998-2001.

3. Producer History --

A producer with an interest in planting a specific WR/FAV has an established history of planting that WR/FAV. The following provisions apply to this exception:

- Although no contract violation will result, the DCP payment acres will be reduced by an acre for each acre of base acreage planted to WR/FAVs.
- The planting must not exceed the producer's average annual planting history for the specific WR/FAV for either (but not both) the 1991-1995 or 1998-2001 crop years, as chosen by the producer.
- To calculate a producer's average annual planting history, all years in which the producer did not plant the specific WR/FAV, as applicable, are excluded.

Failure to Comply with WR/FAV Planting Restrictions

In general, if WR/FAVs are planted on DCP base acres and one of the above three exceptions does not

Fact Sheet

*Direct and Counter-Cyclical Payment Program
Wild Rice, Fruit, and Vegetable Provisions*

apply, the DCP contract has been violated and may be terminated.

If FSA determines the violation does not warrant contract termination, the farm's payment acres will be reduced by an acre for each acre of WR/FAV planted on base acres. FSA will also assess an additional payment reduction based on the market value of the WR/FAV. FSA state committees establish the per acre market value of the WR/FAV planted. The reductions cannot exceed the total amount of DCP payments for the farm for that crop year.

Special 2002 Crop Rule

For the 2002-crop year only, planting any WR/FAVs on excess DCP base acreage will not result in contract termination. However, DCP payments will be reduced by an acre for each acre of excess DCP base acreage planted to WR/FAVs.

WR/FAV Planting Provisions on DCP Non-Base Acreage

Planting WR/FAVs on acres that are not considered DCP base acres is not a DCP contract violation and will not result in payment reductions. This rule applies regardless of whether or not the farm or producer has a WR/FAV history.

WR/FAV Planting Provisions for Non-DCP Farms

If a farm is not enrolled in DCP, unlimited WR/FAVs can be planted and harvested and:

- the farm will not receive any DCP payments for the applicable year;
- the farm may be enrolled in DCP in succeeding years and be eligible for DCP benefits; and

- production of loan commodities from the farm is eligible for marketing assistance loans and loan deficiency payments.

For More Information

For additional information on WR/FAV rules or other DCP program matters, please contact your local USDA Service Center, or visit FSA's Web site at: www.fsa.usda.gov

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WR/FAV Planting Provisions Summary Table

Is the farm enrolled in DCP?	Is the county approved for double-cropping WR/FAVs?	Does the farm or producer have a WR/FAV history?	Where are WR/FAVs planted?	Is there an acre-for-acre payment reduction?	Is there an additional payment reduction equal to the market value of the WR/FAV in lieu of contract termination?
No	Not applicable	Not applicable	Anywhere	No	No
Yes	No	No	Non-base acres	No	No
Yes	Yes	Yes	Non-base acres	No	No
Yes	Yes	No	Base acres	No ^{1/}	No
Yes	No	No	Base acres	Yes	Yes
Yes	No	Yes	Base acres	Yes	No

^{1/} The WR/FAV must be double-cropped with a DCP eligible commodity.