

**UNITED STATES DEPARTMENT OF AGRICULTURE**

Farm Service Agency  
Washington, DC 20250

<b>Acreege and Compliance Determinations 2-CP (Revision 15)</b>	<b>Amendment 85</b>
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**Approved by:** Deputy Administrator, Farm Programs



**Amendment Transmittal**

**A Reason for Amendment**

Paragraph 21 has been amended to:

- incorporate modified late-filed acreage reporting procedure for revised and late-filed acreage reports for 2009 through 2012 P&CP and subsequently planted crop acreage purposes and base reallocation for the 2014 Farm Bill
- delete references that are no longer being used for expired programs.

<b>Page Control Chart</b>		
<b>TC</b>	<b>Text</b>	<b>Exhibit</b>
1, 2	2-15 through 2-20 2-20.5, 2-20.6	



# Table of Contents

Page No.

## Part 1 General Information

1	Overview.....	1-1
2	Source of Authority and Related Handbooks .....	1-2
3	Access to Information.....	1-2
4	Responsibilities.....	1-5
5-14	(Reserved)	

## Part 2 Acreage Report Procedures

### Section 1 Responsibilities, Guidelines, and Reporting Dates

15	Using FSA-578 .....	2-1
16	Required Acreage Reports .....	2-2
17	Other Acreage Reports.....	2-4
18	Reporting Dates .....	2-9
19	Assisting Persons in Reporting Acreage.....	2-11
20	Crop Data on Aerial Photocopies .....	2-15
21	Late-Filed Report of Acreage .....	2-16
22	Partial and Revised Reports .....	2-20
22.5	FSA-578 Corrections .....	2-20.6
23	Planted Acreage for Program Purposes .....	2-21
23.5	WRP Acreage.....	2-22.5
24	Prevented Planting Acreage.....	2-22.7
24.5	Failed Acreage .....	2-24.6
24.6	Volunteer Acreage .....	2-24.8
25	Double-Cropping .....	2-24.9
26-38	(Reserved)	

### Section 2 Creating Crop Default Records

39	Accessing Acreage and Compliance Determinations Menu.....	2-51
40	Crop Characteristic Default Rollover Process .....	2-52
41	Establishing Crop Characteristics .....	2-56
42-62	(Reserved)	

**Table of Contents (Continued)**

**Page No.**

**Part 2      Acreage Report Procedures (Continued)**

**Section 3      Entering Basic Field Data**

63	Accessing Option Selection Menu MEAO0101 .....	2-91
64	Initial Access to Acreage Report .....	2-92
65-71	(Reserved)	
72	General Information About Entering Basic Data.....	2-107
73	Crop Status Codes.....	2-110
74	Variety and Type Selection.....	2-115
75	Intended Use Codes .....	2-115
76	Land Use Codes .....	2-119
77	Entering “M”, “O”, and “S” Codes.....	2-121
78	Entering Dates.....	2-125
78.5	Irrigation Practice Codes.....	2-128
79-83	(Withdrawn--Amend. 20)	
84	Entering Field and Share Data .....	2-135
84.5	Recording Prevented Planted Acreage on FSA-578.....	2-139
84.6	Recording Failed Acreage on FSA-578.....	2-142.7
85	Using Field Review Option .....	2-143
86	Using Crop/Share Repeat Load Screen.....	2-145
87	(Withdrawn--Amend. 2)	
88	Zero Acreage Reports .....	2-146
89-98	(Reserved)	

**Section 4      Revising Acre and Share Data**

99	Accessing the Crop/Share Revision Screen.....	2-169
100	Revising Field Data and Producer Shares.....	2-171
101	Adding Additional Producers .....	2-177
102	Revising Acreage Reports for Destruction of Crops Before Harvest.....	2-178
103-117	(Reserved)	

**Section 5      Using End Load Processing**

118	Accessing End Load Process .....	2-199
119-139	(Reserved)	

20 Crop Data on Aerial Photocopies

**A What to Include on Hard Copy Maps**

Use hard copy maps printed from the ArcGIS CLU Maintenance Tool to record the following information before data is entered on FSA-578:

- \*--farm number
- tract number
- field/subfield number
- crop
- intended use
- number of acres
- approximate boundaries of the crop
- skip-row pattern, when applicable.

**Note:** Additional items may be included on the photocopy to provide clarification.--\*

**B Review for HEL Noncompliance**

Use the following table to review hard copy maps to identify potential HELC or WC noncompliance if FSA-578 was completed and an agricultural commodity is planted on either of the following:

- a field for which HEL determination is not made
- land designated as WC.

IF...	THEN...
any producer on the farm has filed AD-1026	prepare FSA-569 and refer to NRCS for a determination according to 6-CP.
no producer on the farm has filed AD-1026	<ul style="list-style-type: none"> <li>• explain to the producer who certifies on FSA-578 that the report indicates a potential HELC or WC noncompliance, which will be verified if any producer on the farm requests USDA benefits</li> <li>• maintain a record of the potentially ineligible producer who is associated with land on which there is a potential noncompliance</li> <li>• prepare FSA-578 for the farm and refer to NRCS for a determination if any producer on the farm files AD-1026.</li> </ul>

## 21 Late-Filed Report of Acreage

### A Accepting Late-Filed FSA-578

\*--COC may accept a late-filed FSA-578 for processing when all of the following apply:

- the producer filing the late-filed report pays the cost of a farm visit and the costs of--\* verification and determination of crop acreage

**Note:** See subparagraph D to determine when to charge a late-filed fee.

- physical existence of the late-filed crop or crop residue for the crop year being reported exists, if applicable, according to subparagraph E

**Exception:** RMA data may be used as evidence to accept a late-filed FSA-578 when physical evidence of the crop or crop residue does **not** exist, if the crop information is reported timely to RMA and supports the crop information reported to FSA. \* \* \*

- the crop's use can be verified
- \*--the crop's acreage for the specific crop year can still be determined by FSA.

**Example 1:** A producer files FSA-578 for Field 1 on the farm by the reporting deadline. After the reporting date, the producer late-files FSA-578 for Field 2. This is considered a late-filed FSA-578.

**Example 2:** A producer reports corn as the initial crop on Field 1 of the farm by the acreage reporting date. The producer then late-files FSA-578 reporting wheat in Field 1 as the initial crop. This is a late-filed FSA-578 resulting in a modification of an existing status code.

**Example 3:** A producer timely reports corn as the initial crop on Field 1 of a farm. The producer requests to revise the crop from corn to soybeans on Field 1 at a later date. This is considered a revision according to subparagraph 22 B.

### B Late-Filed FSA-578 for NAP APH, CRP Cropping History, FSFL History, or P&CP Acres and Subsequently Planted Crop Acreage for 2009 Through 2012

A late-filed FSA-578 may be accepted for processing after physical existence of the crop or crop residue is gone if the producer:

- is reporting acreage for establishing APH data base for NAP eligibility purposes, cropping history for CRP purposes, or FSFL history--\*

## 21 Late-Filed Report of Acreage (Continued)

**\*--B Late-Filed FSA-578 for NAP APH, CRP Cropping History, FSFL History, or P&CP Acres and Subsequently Planted Crop Acreage for 2009 Through 2012 (Continued)**

- provides acceptable evidence, to COC's satisfaction, to prove existence and disposition of the crop, according to subparagraph F

**Note:** If evidence accepted and approved by RMA or another USDA Agency is provided, proof of crop disposition is **not** required.

- is reporting P&CP acres or subsequently planted crop acreage for 2009 through 2012 crop years in an attempt to correct acreage history for the farm for 2014 Farm Bill base acre reallocation purposes.

**Note:** If an acreage report and request for prevented planted credit was timely submitted and the prevented planting acreage credit was disapproved by FSA, a new request for prevented planting acreage credit will **only** be permitted if either of the following apply:

- the prevented planting credit request for the same crop was **not** processed and acted on by FSA
- a NAP appeal of FSA's denial of prevented planting acreage credit was timely filed by the producer upon which NAD dismissed the appeal for lack of jurisdiction.

**C Late-Filed FSA-578 for Nursery and Aquaculture**

FSA-578 filed after the reporting deadline for the ensuing nursery or aquacultural crop year may be accepted for processing if all of the following occur:--\*

- producer was prevented by circumstances beyond the producer's control from timely filing the report
- late-filed FSA-578 is for the inventory for the remaining months of the crop year
- late-filed FSA-578 is filed before the date of disaster, which is the basis for an application for payment.

**Note:** The acreage reporting date for:

- nursery is May 31
- aquaculture is September 30.

## 21 Late-Filed Report of Acreage (Continued)

### C Late-Filed FSA-578 for Nursery and Aquaculture (Continued)

\*--A late-filed FSA-578 will **not** be accepted after either of the following:--\*

- end of the crop year for which FSA-578 is required
- natural disaster occurs, which is the basis for an application for payment.

**Note:** The crop year for:

- nursery begins June 1 and ends May 31
- aquaculture begins October 1 and ends September 30.

Follow 1-NAP, Part 4, Section 2 for NAP Unit reporting requirements applicable to each kind of value loss crop.

### D Late-Filed Fees and Acreage Verification

\*--A late-filed FSA-578 requires payment of a late-filed fee to verify and determine the crop, acreage, and use, except as provided below. The fee is equal to the measurement service--\* fee according to paragraph 460. FSA-409 is required to be completed according to paragraph 461.

**Exceptions:** A late-filed fee will not be assessed, and completion of FSA-409 will not be required, for a late-filed acreage report if any of the following apply:

- \*--FSA-578 is filed for revising or correcting P&CP acreage or subsequently planted crop acreage for 2009 through 2012 crop years for base reallocation purposes--\*
- FSA-578 is filed for a 2013 crop with a final reporting date between July 1, 2012, and September 15, 2013, inclusive
- FSA-578 is filed for a 2014 crop with a final reporting date on or after October 1, 2013

\*--**Notes:** Field visits are **not** required for crops with final reporting dates--\* during this timeframe; however, RMA data and current year's NAIP imagery shall be used, when available, to verify and determine the crop, acreage, and use.

If CCC-576 is late-filed according to subparagraph 24 G in conjunction with the acreage report, a late-filed fee shall be assessed according to paragraph 460 for the late-filed CCC-576.

21 Late-Filed Report of Acreage (Continued)

**D Late-Filed Fees and Acreage Verification (Continued)**

Producers who late-file crop acreage after September 15, 2013, for a 2013 crop, or after December 31, 2014, for 2014 crops, are subject to late-filed provisions, unless other exceptions apply according to this subparagraph.

- COC determines the reason for the late-filed acreage report is beyond the producer’s control
- the reason for the late-filed acreage report is \* \* \* CRP cropping history or to establish NAP APH-approved yield.

**Note:** Once the producer has an \* \* \* APH-approved yield established, annual acreage reports are required by the final reporting date or a late-filed fee will be charged and physical evidence required.

**E Physical Evidence Requirements**

The following provides physical evidence requirements for late-filed FSA-578’s.

<b>IF the late-filed acreage report is for purposes...</b>	<b>THEN the crop or crop residue...</b>
other than those in subparagraph B	must be identifiable and verified by a farm visit, except for crops meeting the new acreage reporting date provisions in subparagraph D.
in subparagraph B	verification is not required. Other satisfactory evidence must be provided.
<b>Note:</b> See subparagraph F for examples of acceptable evidence.	

**F Examples of Acceptable Evidence**

The following are examples of acceptable nonphysical evidence \* \* \*.

<b>IF the evidence is to prove...</b>	<b>THEN COC may accept nonphysical evidence, such as...</b>
existence of the crop	seed receipts showing the amount, variety, and date purchased.
	receipts for cleaning, treating, etc., for seed planted on the farm.
	documentation obtained and certified by another Governmental agency indicating the acreage, location, and crop year.
	acreage reported for any crop insurance policy or loss adjustment.
	a written contract or documentation of an oral contract to produce a specific crop.
	aerial or digital slides, if a positive determination can be made of the crop’s identity and boundaries.
	*--evidence that was accepted and approved by RMA or another USDA agency.--*

21 Late-Filed Report of Acreage (Continued)

F Examples of Acceptable Evidence (Continued)

IF the evidence is to prove...	THEN COC may accept nonphysical evidence, such as...
disposition of the crop	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.
	positive documentation of payment for custom harvesting indicating acreage, location, and crop year.
	*--evidence that was accepted and approved by RMA or another USDA agency.--*

22 Partial and Revised Reports

A Partial FSA-578's

A partial FSA-578 for a farm may exist when:

- at least 1 crop has been reported
- all acreage on the farm has not been reported.

B Revising Crop or Acres

FSA-578's may be revised at any time if the revised acreage can be verified by physical evidence to COC's satisfaction. RMA data shall **not** be accepted as verification for revising acreage information.

**Note:** The revised FSA-578 may not nullify the results of a spot check, if the results of the spot check have been provided to the operator.

C Revising Intended Use

Once certified, the intended use field shall **not** be revised.

**Notes:** This is the anticipated use at the time of planting and should not need to be revised.

In situations where the actual use is different than the intended use, such as short-rated wheat, County Offices can record the actual use as indicated in paragraph 308.

**22 Partial and Revised Reports (Continued)****D Revising Shares**

Shares may be revised at anytime if the revised shares can be verified by providing documentation to COC's satisfaction. For example, a lease showing the shares.

**E Accepting Revised Acreage Reports**

Accepting a revised acreage report does not guarantee program eligibility.

**Note:** See specific program procedure for guidelines for eligibility.

**F Spot Checks**

Partial and revised FSA-578's shall be subject to the same compliance spot checks as other FSA-578's.

**G Revising Irrigation Practice**

Once certified, the irrigation practice may be changed **only** if **both** of the following are met:

- requested by the producer
- verified with acceptable RMA data, such as CIMS showing a timely filed report of acreage to RMA. If CIMS does not provide data to support the producer's irrigation practice, it is the producer's responsibility to provide proper evidence, if questioned.

**H Revising Planting Date**

Once certified, the planting date shall **not** be changed.

## 22.5 FSA-578 Corrections

### A Correcting FSA-578 Information When Incorrect Information Was Entered by an FSA Representative

If the producer provided the correct information and an FSA representative entered incorrect information on FSA-578, even though it was signed by the producer, the information may be corrected at any time if the information can be verified to COC's satisfaction. Producer is **not** required to sign the corrected FSA-578.

COC minutes must be documented to identify the following:

- specific data to be corrected on FSA-578
- crop year the error occurred
- documentation used to verify the information
- error was committed by an FSA representative
- date the error was discovered.

This information shall be available upon request by DAFP. Accepting a corrected FSA-578 does **not** guarantee program eligibility.

### B Spot Checks

Corrected FSA-578's shall be subject to the same compliance spot checks as other FSA-578's.

The corrected FSA-578 will not nullify the results of a spot check, if the results of the spot check have been provided to the producer.