

For: State and County Offices

Crop Year 2008 Late-Filed FSA-578's

Approved by: Deputy Administrator, Farm Programs



1 Overview

A Background

Because of provisions announced under the Food, Conservation, and Energy Act of 2008, Notice CP-654 was issued to accept late-filed FSA-578's for crop year 2008 for the Supplemental Revenue Assistance Payments (SURE) Program. Late-filed fees were waived and physical evidence in the field was not required.

Many questions continue to be received for clarification of policy for accepting crop year 2008 late-filed FSA-578's for the purposes of SURE and other programs.

B Purpose

This notice:

- provides additional guidance for accepting crop year 2008 late-filed FSA-578's
- allows accepting crop year 2008 late-filed FSA-578's for **all** programs covered under 2-CP, **except** FSA-578's taken for the Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish Program (ELAP)

Note: See Notice LDAP-20 for late-filed FSA-578 provisions for ELAP.

- establishes **July 15, 2010**, as the deadline for accepting crop year 2008 late-filed FSA-578's for **all** programs supported by this notice and covered under 2-CP, except FSA-578's taken for ELAP.

Important: Late-file provisions in this notice are for crop year 2008 **only**. For crop years 2009 and 2010, normal acreage reporting policy shall be followed according to 2-CP.

Disposal Date	Distribution
September 1, 2010	State Offices; State Offices relay to County Offices

Notice CP-663

2 Reporting Crop Acreage

A FSA-578 for Program Benefits

It is critical that producers file FSA-578's accurately and timely for **all** crops and land uses according to 2-CP, subparagraph 16 A, including prevented and failed acreage, to ensure that the producer receives the maximum program benefits possible.

Producers shall review all information entered on FSA-578 before certification.

B Accepting Crop Year 2008 Late-Filed FSA-578's

County Offices shall accept crop year 2008 late-filed FSA-578's when a producer provides acceptable evidence of existence or disposition of the crop according to Exhibit 1. Physical evidence of the crop in the field is **not** required. Late-filed FSA-578's **must** be loaded in the automated system.

The deadline for accepting crop year 2008 late-filed FSA-578's outlined in this notice is **July 15, 2010**. All crop year 2008 FSA-578's filed after July 15, 2010, shall be subject to late-filed provisions according 2-CP.

Note: See Notice LDAP-20 for crop year 2008 late-filed FSA-578's provisions for ELAP.

C Waiver of Crop Year 2008 Late-Filed Fees

Crop year 2008 late-filed fees will be waived for producers who file their FSA-578's by **July 15, 2010**. FSA-578's filed after July 15, 2010, shall be assessed late-filed fees according to 2-CP.

D Accepting Crop Year 2008 Late-Filed Prevented Planted Acreage

County Offices shall accept crop year 2008 late-filed FSA-578's for prevented planted acreage and CCC-576 as timely if filed by **July 15, 2010**. No late filed fee shall be assessed and no farm visit shall be required.

COC shall consider acceptable crop year 2008 late-filed CCC-576, Part B if filed by July 15, 2010. Producer shall provide acceptable evidence of existence or disposition of the crop according to Exhibit 1. All other requirements under the 2008 prevented planted provisions shall be met, including history and policy that makes acreage ineligible because of planting a previous or subsequent crop not meeting double-cropping provisions.

Requests for prevented planted acreage filed after July 15, 2010, shall be determined according to 2-CP.

Once CCC-576 is submitted, it **cannot** be withdrawn.

All prevented planted acreage **must** be loaded in the automated system.

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2 Reporting Crop Acreage (Continued)

E Accepting Crop Year 2008 Late-Filed Failed Acreage

County Offices shall accept crop year 2008 late-filed FSA-578's for failed acreage and CCC-576 as timely if filed by July 15, 2010. Reporting before the disposition of the crop is not required. No late-filed fee shall be assessed.

COC shall consider acceptable crop year 2008 late-filed FSA-576, Part B if filed by July 15, 2010. Producer shall provide acceptable evidence of existence or disposition of the crop according to Exhibit 1. All other requirements under the 2008 failed acreage provisions shall be met.

Requests for failed acreage filed after July 15, 2010, shall be determined according to 2-CP.

Once CCC-576 is submitted, it **cannot** be withdrawn.

All failed acreage **must** be loaded in the automated system.

3 Revising Crop Acreage

A Revising Crop or Acres

Producers have a responsibility to file an accurate FSA-578 for all crops and land uses.

According to 2-CP, subparagraph 22 B, crop or acres may be revised at any time if the revised crop or acres can be verified by **physical evidence** to COC's satisfaction. Physical evidence **must** be identifiable and verified by a farm visit. Nonphysical evidence shall **not** be accepted.

Example: For crop year 2008, producer reports 20.0 acres wheat on Field 1. The producer later states wheat was reported in error and that Field 1 acreage was in fact planted to corn. The wheat reported on FSA-578 shall **not** be revised unless physical evidence of corn on the acreage can be verified upon inspection.

A revised FSA-578 does **not** guarantee program eligibility.

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3 Revising Crop Acreage (Continued)

B Revising Intended Use When Different From Actual Use

A change to the reported intended use will **not** be allowed. If the producer requests to report an actual use of a crop that is different from the intended use reported, then the producer shall write the actual use beside the applicable crop acreage on the hardcopy of FSA-578. The producer will initial and date beside the notated entry for confirmation. The actual use will **not** be loaded into the automated FSA-578.

Example 1: 10.0 acres of waterways were reported with an intended use of graze (GZ). The producer advises the County Office that the waterways were not grazed, but left standing. The actual use of left standing (LS) should be notated and initialed on FSA-578.

Example 2: 10.0 acres were reported with an intended use of left standing (LS), but the producer later decides to graze the grass or let a neighbor graze the grass. The actual use of graze (GZ) should be notated and initialed on FSA-578.

C Revising Irrigation Practice

For crop year 2008, a change to the irrigation practice reported will **not** be allowed once certified.

D Revising Shares

Shares may be revised at anytime if the revised shares can be verified by providing documentation to COC's satisfaction.

Example: A lease showing the shares.

4 State and County Office Action

A State Office Action

State Offices shall ensure that County Offices are immediately informed of the contents of this notice.

B County Office Action

County Offices shall:

- follow procedure in this notice for crop year 2008 **only**

Note: For crop year 2009 and 2010, normal acreage reporting policy shall be followed according to 2-CP.

- notify all producers of acreage reporting requirements by any means of communication according to 2-CP, paragraph 16.

Acceptable Evidence of Existence or Disposition of Crop

County Offices shall accept crop year **2008 late-filed FSA-578's** when a producer provides acceptable evidence of existence or disposition of the crop according to the following.

IF the evidence is to prove...	THEN COC may accept nonphysical evidence, such as...
existence of the crop	<ul style="list-style-type: none"> • 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 Government 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.
disposition of the crop	<ul style="list-style-type: none"> • receipts, ledger sheets, diary, log book, or similar producer records showing the number and units sold • 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 • if unharvested, a producer statement that includes final use, date of destruction, method of destruction, and any supporting farm records.