

**For:** State and County Offices

**Pulse Crop Base Acres and Yield Election**

**Approved by:** Deputy Administrator, Farm Programs



**1 Overview**

**A Background**

The Food, Conservation, and Energy Act of 2008 provides that eligible pulse crop acres may be added as base acres. The addition of pulse crop base acres is:

- effective for the 2009 through 2012 crop years
- required to be calculated in the same manner as eligible oilseed acreage under the 2002 Farm Bill.

All owners of a tract must agree to the same pulse crop base acre and yield election, evidenced by each owner signing CCC-524 by August 14, 2009. Failure to make a pulse crop base and yield election by August 14, 2009, will result in the County Office adding pulse crop base acres using option 2 (default) to add eligible pulse crop base acres to 2009 base acres on the farm without an offset of base acres.

**B Purpose**

This notice provides:

- CCC-524 to State and County Offices
- deadlines for completing the base acre and yield election process.

<b>Disposal Date</b>	<b>Distribution</b>
May 1, 2010	State Offices; State Offices relay to County Offices

## Notice DCP-214

### 2 Base Acre and Yield Election

#### A Reviewing CCC-524

Owners of a farm shall use CCC-524 to indicate base acre and yield election information. Owners who add pulse crop base acres shall:

- complete CCC-524 for each tract in which they have an ownership interest
- ensure that all data is consistent with their base acre and yield elections.

After review, CCC-524 shall be signed and dated (item 8) by each owner of the tract, and returned to the County Office by **August 14, 2009**.

**Note:** Notices DCP-211 and DCP-212 referenced using CCC-515 in making base acre and yield elections. CCC-515 is considered acceptable if used **before** the issuance of this notice; however, after receipt of this notice, CCC-515 is obsolete.

#### B Provisions for Using the Default Method

County Offices shall use the default method on all farms for which either the base acre and yield election was **not** made or all owners did **not** sign CCC-524 by COB August 14, 2009. The default option is option 2. **There are no exceptions to using option 2 as the default.**

Option 2 adds eligible pulse crop base acres to 2009 base acres on the farm without an offset of base acres. Based on each farm situation, the result of the default may be base acres equal to either of the following:

- pulse crop base acres only
- base acres and minimum pulse crop base acres.

The base and yield option signature **shall be “Default”** and the signature date **shall be “08-16-2009”** for all farms in which the default method was used. August 16, 2009, is a Sunday. County Offices shall **not** use the “08-16-2009” base acre and yield option selection date/signature date for any other farms in the county. This date must be used without exception to distinguish defaulted farms from farms on which owners made an election.

In certain default situations where more than 1 pulse crop is being added to the tract and the sum of the base acres will exceed the DCP cropland, defaulted pulse crop base acres must be reduced.

**Note:** CCC-517 may be used to move excess crop base acres to other tracts on the farm if DCP cropland is available on other tracts on the farm. See 3-CM.

Reduce pulse crop base acres based on the percentage of the specific pulse crop base acres compared to the sum of all pulse crop base acres on the farm.

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**2 Base Acre and Yield Election (Continued)**

**B Provisions for Using the Default Method (Continued)**

**Example:**

Tract 123  
 DCP Cropland – 175.0  
 Total Base Acres Before Pulse Crop Base Acre Addition – 150.0  
 Tract has the following 3 eligible pulse crops to add.

Large Chickpeas	16.0 acres
Small Chickpeas	8.0 acres
<u>Lentils</u>	<u>+ 8.0 acres</u>
<b>Total</b>	<b>32.0 acres</b>

Determine pulse crop base acres according to the following.

Large Chickpeas –  $16.0/32.0 = .5000 \times 25.0$  (available DCP Cropland) = 12.5 base acres  
 Small Chickpeas –  $8.0/32.0 = .2500 \times 25.0$  (available DCP Cropland) = 6.3 base acres  
 Lentils – 25.0 – 18.8 (total of large and small chickpeas) = 6.2 base acres

**C Instructions for Completing CCC-524**

State and County Offices shall complete CCC-524 according to the following.

<b>Item</b>	<b>Instructions</b>	
1-5	County Offices shall complete items 1 through 5.	
6	Owners shall indicate their choice of the method used to add pulse crop base acres by checking the applicable choice.	
	<b>Option</b>	<b>Description</b>
	1	Retain current base acres; no pulse crop base acres added
	2	Retain current base acres; add maximum pulse crop base acres
3	Add pulse crop base acres (not to exceed maximum pulse crop base acres) and reduce existing base acres	
7	All covered commodities and peanuts are listed.	
7 A	Owners shall enter the base acres for each covered commodity or peanuts reflective of the base acres after the base acre and yield election is made. Only covered commodities or peanuts with base acres shall have an entry. Other crops shall be left blank.	
7 B	Owners shall enter the updated counter-cyclical (CC) yield only for pulse crops. Existing CC yields for crops other than pulse crops are <b>not</b> required to be entered.	
8 A	The owner's name and address shall be entered.	
8 B	The owner or the owner's designee shall sign.	
8 C	If the owner signed in item 8 B, no entry is required in item 8 C. If the owner's designee signed in item 8 B, then the title/relationship of the signatory to the owner shall be listed.	
8 D	The date the signature was completed shall be entered.	

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2 Base Acre and Yield Election (Continued)

D Example of CCC-524

The following is an example of a completed CCC-524.

This form is available electronically.

<b>CCC-524</b> (05-18-09)		U.S. DEPARTMENT OF AGRICULTURE Commodity Credit Corporation		1. COUNTY FSA OFFICE NAME Roberta County FSA				
<b>BASE ACRE AND YIELD ELECTION FORM</b>				2. STATE CODE 14	3. COUNTY CODE 123	4. FSN 456	5. TRACT NUMBER 7890	
<p><b>NOTE:</b> The primary authority for requesting and safeguarding the information described on this form is the Food, Conservation, and Energy Act of 2008 (Pub. L. 110-246 and any amendments to such act as may follow). The provided information is used to establish pulse crop base acres on each tract. Furnishing the requested information is voluntary. Failure to furnish the requested information will result in denial of program benefits. This information collected as a result of this form may be released to USDA employees, USDA contractors, or authorized USDA cooperators who are bound to safeguard the information under Section 1619 of the Food, Conservation, and Energy Act of 2008, the Privacy Act of 1974, the E-Government Act of 2002, and related authorities.</p> <p>This information collection is exempted from the Paperwork Reduction Act, as it is required for administration of the Food, Conservation, and Energy Act of 2008 (see Pub. L. 110-246, Title I, Subtitle F - Administration). The provisions of criminal and civil fraud, privacy, and other statutes may be applicable to the information provided.</p>								
6. BASE ACRES AND YIELD OPTION ELECTED:								
<input type="checkbox"/> 1. Retain current base acres; no pulse crop base acres added								
<input checked="" type="checkbox"/> 2. Retain current base acres; add maximum pulse crop base acres								
<input type="checkbox"/> 3. Add pulse crop base acres (not to exceed maximum pulse crop base acres) and reduce existing base acres								
7. BASE ACRES AND PAYMENT YIELD INFORMATION								
Crop	A. Base Acres	B. CC Yield	Crop	A. Base Acres	B. CC Yield	Crop	A. Base Acres	B. CC Yield
Barley			Grain Sorghum			Rice, Medium Grain		
Canola			Lentils			Safflower		
Chick Peas, Large	27.1	1245	Mustard Seed			Sesame Seed		
Chick Peas, Small			Oats	99.2		Soybeans		
Corn			Peanuts			Sunflower Seed		
Cotton Upland			Peas, Dry	17.8	891	Wheat		
Crambe			Rape Seed					
Flaxseed			Rice, Long Grain					
<b>OWNER'S CERTIFICATION</b>								
<p>I understand that by signing this form I have made the base acre and yield elections for the farm serial number in Item 4 and tract number in Item 5. I have considered all available options for this farm, and have elected base acres and yield methods that result in the base acres and yield information as shown in Item 6 above.</p> <p>I also understand that this is a one-time opportunity and that all owners on this farm must make the same elections by signing the form CCC-524, on or before August 14, 2009. In the event that one or more owners of this farm fail to make an election by August 14, 2009, or if all elections are made but are not all the same, I understand that this form is null and void, and that base acres and yield options that would otherwise be available on the farm are limited significantly, in accordance with the Food, Conservation, and Energy Act of 2008, (Pub. L. 110-246), and with the federal regulations at 7 CFR Part 1412.</p>								
8A. OWNER'S NAME AND ADDRESS (Including Zip Code) Bob Fribber 129 Apple Way Appalacian, BA 12345								
8B. SIGNATURE OF OWNER (By)  /s/ Bob Fribber				8C. TITLE/RELATIONSHIP OF THE INDIVIDUAL SIGNING IN A REPRESENTATIVE CAPACITY		8D. DATE (MM-DD-YYYY)  05/18/09		
<p>The U.S. Department of Agriculture prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.</p>								

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2 Base Acre and Yield Election (Continued)

D Example of CCC-524 (Continued)

CCC-524 (05-18-09)			Page 2
Signatures for Base Acre and Yield Election			
8A. OWNER'S NAME AND ADDRESS (Including Zip Code) George Goebel 61 IDC Lane Green Oak, AL 35555			
8B. SIGNATURE OF OWNER (By)  <i>/s/ Minnie Pearl Goebel</i>	8C. TITLE/RELATIONSHIP OF THE INDIVIDUAL SIGNING IN A REPRESENTATIVE CAPACITY  Spouse	8D. DATE (MM-DD-YYYY)  05/18/09	
8A. OWNER'S NAME AND ADDRESS (Including Zip Code)			
8B. SIGNATURE OF OWNER (By)	8C. TITLE/RELATIONSHIP OF THE INDIVIDUAL SIGNING IN A REPRESENTATIVE CAPACITY	8D. DATE (MM-DD-YYYY)	
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8A. OWNER'S NAME AND ADDRESS (Including Zip Code)			
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8A. OWNER'S NAME AND ADDRESS (Including Zip Code)			
8B. SIGNATURE OF OWNER (By)	8C. TITLE/RELATIONSHIP OF THE INDIVIDUAL SIGNING IN A REPRESENTATIVE CAPACITY	8D. DATE (MM-DD-YYYY)	
8A. OWNER'S NAME AND ADDRESS (Including Zip Code)			
8B. SIGNATURE OF OWNER (By)	8C. TITLE/RELATIONSHIP OF THE INDIVIDUAL SIGNING IN A REPRESENTATIVE CAPACITY	8D. DATE (MM-DD-YYYY)	
8A. OWNER'S NAME AND ADDRESS (Including Zip Code)			

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### 2 Base Acre and Yield Election (Continued)

#### E Notification

All farms that have a base and yield election shall receive a letter (Exhibit 1). A copy of the updated FSA-156-EZ for the farm:

- shall be mailed **immediately** to the farm operator, each owner, and all other producers on the farm records at the time FSA-156-EZ is printed
- serves as the written appeal rights, according to 1-APP.

**Note:** County Offices should be mindful of redacting PII before mailing FSA-156-EZ to the farm operator and owner.

### 3 Impact on DCP/ACRE

#### A Farms Enrolled in DCP/ACRE

There will be situations where a farm with an approved CCC-509 has pulse crop base acres added to a tract on the farm. When pulse crop base acres are added to a farm, the contract approval dates are removed.

In cases where pulse crop base acres are added before CCC-509 can be approved, shares and signatures of participants receiving those shares of pulse crop base acres must be obtained.

<b>IF...</b>	<b>THEN...</b>
shares of other commodities or peanuts are <b>not</b> impacted by the addition of pulse crop base acres	only the producer with interest in pulse crop base acres is required to sign the revised CCC-509. Attach the revised CCC-509 to the original CCC-509. COC or designee shall approve the revised CCC-509.
shares of other commodities or peanuts are impacted by the addition of pulse crop base acres	all producers with interest in base acres greater than zero must sign the revised CCC-509 before approval.
leasing arrangements have <b>not</b> changed because of the addition of pulse crop base acres	no additional leasing information must be submitted.
leasing arrangements have changed because of the addition of pulse crop base acres	the requirements of 1-DCP (Rev. 3), paragraph 394 must be met.

When pulse crop base acres are added to a farm that has an enrolled or approved CCC-509 and CCC-509 is subsequently acted upon after August 14, 2009, owners and operators have 30 calendar days after the notification provided in subparagraph 2 E to complete CCC-509. If an enrolled or approved CCC-509 is **not** on file, then this provision shall **not** be used to submit signatures **not** on file by August 14, 2009.

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### 3 Impact on DCP/ACRE (Continued)

#### A Farms Enrolled in DCP/ACRE (Continued)

In situations where signature, enrollment, or approval dates are after August 14, 2009, County Offices shall submit copies of all CCC-509's and copies of CCC-524 for loading the enrollment and approval date according to 2-DCP (Rev. 1), paragraph 50.

**Note:** In all cases, enrollment dates and approval dates shall be entered by September 30, 2009.

#### B Farms With a Valid ACRE

There will be situations where a farm with an approved CCC-509 ACRE has pulse crop base acres added to a tract on the farm. When pulse crop base acres are added to a farm, ACRE approval dates are **not** removed.

The addition of a new owner, operator, or other tenant to the farm before the end of the election period results in removal of the approval dates from a valid ACRE.

### 4 Failure to Complete Actions by August 14, 2009

#### A Failure to Make Base and Yield Elections by August 14, 2009

If all owners of a farm cannot agree to base and yield elections and the tract redistribution method, or if 1 or more owner signatures are **not** timely obtained on CCC-524, the statute provides that owners are deemed to have selected option 2.

CCC-524 base and yield option signature **shall be "Default"** and the signature date **shall be "08-16-2009"** for all farms in which the default method was used. August 16, 2009, is a Sunday. County Offices shall **not** use the "08-16-2009" base acre and yield option signature date for any other farms in the county. This date must be used without exception to distinguish defaulted farms from farms on which owners made an election.

#### B Failure to Complete FSA-658P by August 14, 2009

Owners or producers of a farm may submit FSA-658P by August 14, 2009, to establish CC payment yields for pulse crops.

**Note:** In cases where FSA-658P is **not** submitted by August 14, 2009, the actual production for applicable years shall be considered to be 75 percent of the 4-year NASS weighted county average yield.

In cases where FSA-658P is timely filed and subsequently acted upon after August 14, 2009, owners and operators with an enrolled or approved CCC-509 have 30 calendar days after the notification provided in subparagraph 2 E to complete CCC-509. If an enrolled or approved CCC-509 is **not** on file, then this provision shall **not** be used to submit signatures **not** on file by August 14, 2009.

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### 5 Action

#### A County Office Action

County Offices shall:

- allow farm owners to make base acre and yield elections on CCC-524
- file CCC-523, CCC-524, and FSA-658P in the permanent farm folder to prevent destruction
- **not** use the default method until August 17, 2009. All defaults must be:
  - dated August 16, 2009 (base and yield option selection date and signature date)
  - completed by September 15, 2009

**Example of Notification Letter**

The following is **suggested** language for the notification letter.

June 5

William H Farmer  
RR 3 Box 134  
Anywhere, MS 12345

Dear Producer,

You recently requested a change to add pulse crops as covered commodities on your farm. This notice supersedes any and all previous notices. Attached are the program yields and base acres in effect for 2009 for the applicable farm.

Please report any changes to the County FSA Office if, for 2009:

- you will not operate the identified farm
- any change occurs in farm ownership, operation, or control of the farm.

Any 2009 CCC-509, Direct and Counter-Cyclical Program (DCP) Contract and Average Crop Revenue Election (Acre) Contract, approved prior to the changes indicated in this notice is considered terminated. A new CCC-509 must be executed prior to the later of August 14, 2009 or 30 calendar days after the date of this letter.

You may request the County FSA Committee to reconsider any yield or base acre entry that was changed as a result of adding pulse crops. The request must be in writing and mailed or delivered to the Committee within 30 calendar days from the receipt of this notice.

If you have any questions regarding this letter, please contact the County FSA Office.

Sincerely,

Imma Ced