

For: State and County Offices

Production Evidence for the ACRE Program

Approved by: Deputy Administrator, Farm Programs



1 Overview

A Background

The Food, Conservation, and Energy Act of 2008 (the 2008 Act):

- was enacted on June 18, 2008
- provides for the ACRE program.

Unique production reporting components of ACRE are that participating producers:

- may report production to establish the historical benchmark farm yield
- must annually report production beginning in the year of ACRE participation.

B Purpose

This notice provides guidance to State and County Offices on:

- accepting production reports
- completing FSA-658 (Exhibit 1).

2 Production Report for Establishing the Benchmark Farm Yield

A Definition of Benchmark Farm Yield

Benchmark farm yield for a covered commodity or peanuts means the Olympic average of the average yield per **planted** acre for the farm for the 5 most recent crop years. For 2009, the benchmark farm yield is comprised of data from 2004 through 2008.

Disposal Date	Distribution
December 1, 2009	State Offices; State Offices relay to County Offices

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2 Production Report for Establishing the Benchmark Farm Yield (Continued)

B ACRE Plug Yield

To establish a benchmark farm yield, a production report is required for the immediately preceding 5 crop years. Because of situations where producers did not have control of farms for the preceding 5 years or the specific covered commodity or peanuts were not planted on the farm in 1 or more of the preceding 5 crop years, average county yield were established for the following:

- counties
- covered commodities and peanuts
- irrigation status.

The ACRE plug yield may be used by a producer instead of establishing farm yields. In addition, establishing an ACRE plug yield will assist producers by giving a starting point for production reporting.

The ACRE plug yield was computed by compiling NASS data for each county and multiplying that figure by 95 percent. The ACRE plug yield may be found at <http://www.fsa.usda.gov/dcp/> and clicking “ACRE County Yields (XLS; 2.96 MB; month, day, year)”. Producers may use the ACRE plug yield to establish the benchmark farm yield or may report production evidence. For each covered commodity and peanuts planted on a farm having a valid CCC-509ACRE, the yield of each of the 5 most recent years will be the higher of either of the following:

- 95 percent of the county average yield (NASS) for the covered commodity or peanuts
- actual farm yield determined by dividing the total actual production on the farm by the farm’s total planted acres, provided the continuity rule of subparagraph C is met.

In some situations, the ACRE plug yield will be blank for a year(s) for a county as shown in the following for 2006 grain sorghum yield and the 2004 oats yield of for Coosa County, Alabama . The reason that an ACRE plug yield was not calculated for these crops is because there was no NASS data available.

FINAL ACRE COUNTY YIELD PLUGS (UNIT PER ACRE) As of May 26, 2009						ACRE CTY	ACRE CTY	ACRE CTY
State	County	Commodity	Unit	Yield Typ		Yld Plug	Yld Plug	Yld Plug
						2004	2005	2006
Alabama	Conecuh	Wheat	Bushels	All Yield		45.8	47.2	54.5
Alabama	Coosa	Corn	Bushels	All Yield		99.9	103.6	72.6
Alabama	Coosa	Grain Sorghum	Bushels	All Yield		37.1	49.7	
Alabama	Coosa	Oats	Bushels	All Yield			54.4	35.3

In these situations, if producers need an ACRE plug yield, State and County Offices will be tasked to accumulate production data and submit to the National Office for inclusion in the ACRE plug yield spreadsheet. Information should be e-mailed through the State Office to Phil Sronce at phil.sronce@wdc.usda.gov. A subsequent spreadsheet will be posted to the Intranet and Internet displaying the approved ACRE plug yield.

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2 Production Report for Establishing the Benchmark Farm Yield (Continued)

C Continuity of Actual Yield Records

If a farm submits a production report, the yield for a year will only be considered if **both** of the following apply:

- the report is for a crop year for which the farm had planted acres of the covered commodity or peanuts
- there is not a break in continuity for a later year in the benchmark farm yield base period.

A break in continuity occurs when acreage is reported for a covered commodity or peanuts and no production is reported.

Note: 1-DCP (Rev. 3) will be amended accordingly.

D Reporting Requirement

Benchmark farm yields must be certified by the subsequent crop year's acreage reporting deadline.

3 Annual Production Reports

A Definition of Actual Farm Yield

Actual farm yield means for the current year in which ACRE benefits are sought, the amount determined by dividing the actual farm production of a covered commodity or peanuts by the farm's total **planted and prevented planted acres** of the covered commodity or peanuts.

B Reporting Requirement

Actual farm yields must be reported by the subsequent crop year's acreage reporting deadline.

4 Acceptable Production Evidence

A General Information

Production evidence must be reported on FSA-658. Producers will be required to certify, but **not** submit, the documents to support their production at the time FSA-658 is filed. However, the documentation will be required at a later date to verify the producer's reported production.

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4 Acceptable Production Evidence (Continued)

B Acceptable Evidence

COC's shall:

- ensure that all documents submitted by the producer to verify production certified on FSA-658 meet all applicable production evidence requirements in this notice
- be satisfied that the evidence provided by the owner or producer on FSA-658 accurately represents production for the applicable crop year, acreage, and FSN.

The following paragraphs provide different situations for determining acceptable production evidence. See paragraph:

- 5 for commodities sold, stored, or disposed of commercially off the farm
- 6 for grain production used or stored on the farm
- 7 for acreages that were:
 - hayed or grazed
 - silaged, if production records are **not** available
- 8 for acreage silaged if production records (measurements or weighed production) are available.

C Handling Evidence

If County Offices receive documentation production evidence or supporting documentation is required by spot check, County Offices shall:

- date-stamp all submitted evidence in a conspicuous place on the document

Note: Include the County Office name when date-stamping production evidence to prevent the documents used for production evidence from being submitted to more than 1 county.

- make copies of the documents and return originals to the producer.

Note: Attach copies to FSA-658 as part of the permanent record. Do **not** release FSA copies to a producer after evidence has been submitted for review, even if FSA-658 is withdrawn.

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5 Commodities Sold, Stored, or Disposed of Commercially Off the Farm

A Required Information

For production that is commercially sold, stored, or disposed of off the farm, evidence must show the following:

- producer's name
- commodity
- buyer or storing facility
- transaction or delivery date

Note: COC may consider production evidence acceptable if transaction or delivery dates are not shown if all of the following apply:

- the evidence is a summary provided by the buyer or warehouse
 - the crop year is indicated on the evidence
 - COC is satisfied that the evidence accurately represents the production from the farm for the applicable crop year.
- quantity (bushels, pounds, or hundredweight, as applicable).

Note: The amount of production evidence is the **net** quantity. If the evidence indicates dockage and/or excessive moisture, and an adjustment is not shown on the evidence, County Offices shall make the applicable adjustments according to the applicable 2-LP.

B Supporting Evidence

Production can be substantiated by the following documentation:

- LDP or MAL records

Note: Various rules and examples in this notice reference LDP quantities. Loan quantities shall be considered synonymous with LDP quantities, as the producers may receive a loan or LDP, but not both, on eligible quantities.

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5 Commodities Sold, Stored, or Disposed of Commercially Off the Farm (Continued)

B Supporting Evidence (Continued)

- warehouse receipts
- warehouse ledgers
- warehouse load summaries
- settlement sheets
- scale tickets or weight slips supported by other evidence, such as a sales document
- computer-generated documents from a licensed warehouse that contain required information
- gin records
- RMA yield production records

Note: This includes certified yields within the APH database.

- RMA records of loss appraisals

Note: This includes proof of loss forms generated by multi-peril insurance providers when indemnities are paid.

- measured quantities of farm-stored production according to paragraph 6
- measured quantities performed by uninterested third parties. See subparagraph 14 B.

Important: COC shall carefully review all documents to ensure duplicate records are not submitted for the same production. Additionally, COC shall:

- require additional evidence if it has reason to:
 - question existing evidence
 - believe existing evidence does not represent correct production
- limit combinations of production evidence according to subparagraph C.

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5 Commodities Sold, Stored, or Disposed of Commercially Off the Farm (Continued)

C Ensuring That Evidence Is Not Duplicated

COC's shall carefully review documents submitted, according to subparagraph B, to ensure duplicate records have not been submitted for the same production. Additionally, COC's shall **not** authorize either of the following combinations:

- farm-stored measurement records with **any other** form of supporting evidence
- loan and/or LDP records with **any other** form of supporting evidence.

Exception: Combinations may be authorized when production records clearly remove any probability of duplication. For example, a producer sells 10 loads of corn, with delivery dates from October 1 to October 15. FSA farm-stored measurement date for LDP is November 15.

6 Acceptable Records for Farm-Stored Production or Production Used on the Farm

A Crops Remaining in Farm Storage

Either of the following may be considered acceptable production evidence for crops remaining in farm storage:

- measured quantities if measurements were completed and documented by an FSA or crop insurance representative

Note: Farm-stored measurement records may be used if the production was later marketed; however, they may **not** be used in conjunction with certain other evidence. See subparagraph 5 C.

- LDP and/or loan records.

B Production Used for Seed

Production used for seed for the producer's own use may be considered acceptable if **both** of the following apply:

- producer provides written certification, indicating the following:
 - disposition was by planting
 - production is not included in LDP, loan, or any other record
 - seeding rate
 - number of acres planted

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6 Acceptable Records for Farm-Stored Production or Production Used on the Farm (Continued)

B Production Used for Seed (Continued)

- COC determines that:
 - the quantity used for seed is reasonable, considering the number of acres planted and the seeding rate
 - the evidence is satisfactory and represents the applicable farm and year
 - it is customary in the area for producers to use farm-raised seed to produce the specific crop.

C Fed Production

Acceptable proof that production was used on the farm as livestock feed shall be limited to existing FSA records or crop insurance records that indicate the crop was fed or was to be used for livestock feed.

IF...	AND...	THEN...
grain was measured by FSA or crop insurance representative and/or producer obtained LDP or loan	records are on file to indicate the grain was fed or will be used for feed	LDP, loan, or measured quantity is acceptable.
grain was measured by FSA or crop insurance representative	records were not filed to indicate the grain was fed or will be used for feed	the measured quantity is acceptable, only if other production records dated after the measurement date are not submitted.
grain was not measured	LDP or loan was either: <ul style="list-style-type: none"> • not obtained • obtained on a portion of the production 	the ACRE plug yield will be used.

Note: The manner of disposition must have been timely filed for the applicable crop year. It is **not** permissible for a producer to revise any document, or to certify at this time, to show that grain production was fed to receive production credit.

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7 Acceptable Records When All Acres Are Grazed, Silaged, or Hayed

A General Information

This paragraph authorizes an exception to the requirement that production evidence must be verifiable when the disposition of the production does not lend itself to providing verifiable production records. The provisions in this paragraph shall be used **only** in situations where **all** of the following apply:

- submitted production evidence does not meet the requirements of paragraph 5 or 6
- disposition of the crop on all the acreage was grazing, silage, or haylage
- disposition or intended disposition was timely documented on FSA or crop insurance records for the applicable crop years, according to subparagraph B.

Note: It is **not** permissible for a producer to revise any document, or to revise a previous certification that acreage of a crop was or was intended to be grazed, silaged, or hayed.

B Documenting Disposition and Acreage

The disposition and the amount of acreage applicable to each crop use must have been timely documented on FSA or crop insurance records for the applicable crop years. COC shall consider either of the following to be acceptable documentation that the applicable acreage was grazed, silaged, or hayed:

- FSA records, including LDP records, NAP records, or FSA-578, documented during the applicable crop year or by the final date to request LDP, show the number of acres that were grazed, silaged, or hayed
- crop insurance records, including loss adjustment records or appraisal records, documented during the applicable crop year or by the final date to file claims, show the number of acres that were grazed, silaged, or hayed.

Note: Revisions to update existing records to document haying, grazing, or used for silage are **not** authorized. See subparagraph C.

C Revisions Not Allowed

If existing records do not indicate the acreage was grazed, silaged, or hayed (i.e. abandoned, left standing, plow down, etc), the credited production from the applicable acreage is **zero**, in which case subparagraph D is **not** applicable.

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7 Acceptable Records When All Acres Are Grazed, Silaged, or Hayed (Continued)

D No Verifiable Records of Production

If documentation of disposition and acreage is available according to subparagraph B, but verifiable **production** records are unavailable for acreage of the crop on the farm, COC shall assign a yield for each applicable crop year, according to the following:

- if LDP was approved for the farm, credit the farm and crop with the applicable amount of **grain** production, based on the approved LDP's for grazed, silaged, or hayed crops

Note: Yields assigned by COC for LDP shall be used as a record of production for ACRE purposes.

- if LDP was approved for only part of the production, COC shall assign the ACRE plug yield
- if LDP's were not approved for acreage on a farm that was grazed, silaged, or hayed, then COC shall assign the ACRE plug yield.

8 Acceptable Records When Some Acres Are Grazed, Silaged, or Hayed

A LDP's Approved on All Production

If part of the crop acreage was harvested as grain and part was grazed, silaged, or hayed, LDP and/or loan production approved for the entire farm and crop may be used as actual production.

B Production for Acres Harvested as Grain

Production for the acreage harvested as grain shall be either of the following:

- production from verifiable production records, including LDP's
- assigned production.

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8 Acceptable Records When Some Acres Are Grazed, Silaged, or Hayed (Continued)

C Production for Acres Grazed, Silaged, or Hayed

Production for acreage grazed, silaged, or hayed shall receive production credit equal to the following, **only if** existing FSA or crop insurance records show the number of acres harvested as grain separately from the number of acres grazed, silaged, or hayed. If acceptable production evidence for the acreage grazed, silaged, or hayed, is:

- available, such as LDP for silage, use the acceptable production records
- not available, and actual, verifiable production records for grain harvested on the farm in the same year are:
 - available, COC shall assign production for acreage grazed, silaged, or hayed based on the actual yield per acre for grain production on the farm
 - not available, COC shall assign production for acreage grazed, silaged, or hayed based on the provisions of paragraph 7.

9 Establishing Yields for Farms With Both Irrigated and Nonirrigated Practices

A COC Authority

COC's are authorized to establish both irrigated and nonirrigated yields on a farm in a year for a crop, **only if all** of the following conditions are met:

- producer planted both irrigated and nonirrigated acreage
- both irrigated and nonirrigated practices were reported on FSA-578
- acceptable production evidence is available for the total crop acres for the farm
- existing production records from the irrigated and nonirrigated acreage were maintained separately at the time of harvest
- both irrigated and nonirrigated yields have been established for the county.

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9 Establishing Yields for Farms With Both Irrigated and Nonirrigated Practices (Continued)

B Existing Records

Existing records, as required in subparagraph A, are limited to documentation that was available at the time the crop was harvested. These existing records:

- must clearly substantiate whether the production was harvested from irrigated acreage or nonirrigated acreage
- may include records that producers create to document production from irrigated acreage or nonirrigated acreage. These records may be used at COC's discretion.

Example 1: Producer submits existing multi-peril crop insurance records, which indicate the amount of irrigated production and nonirrigated production separately.

Example 2: FSA-578 indicates different crop shares for irrigated acreage and nonirrigated acreage of the same crop, and sales evidence reflects the FSA-578 crop shares.

Example 3: Producer submits existing harvesting records which clearly indicate the amount of irrigated production and nonirrigated production separately and COC is thoroughly satisfied records reflect actual production.

Not Allowed: Producer submits production evidence marked with either of the following:

- “from irrigated land”
- “from nonirrigated land”.

COC determines production evidence does not clearly reflect actual production.

10 Determining Production for Farms Where Production Is Not Available

A COC Authority

For a variety of reasons, certain owners are unable to submit acceptable production evidence for all of the harvested acreage on a farm. The procedure in this paragraph is applicable **only** to the specific acreage of a crop for which **both** of the following apply to both the current owners and producers of a farm:

- did not have an interest in the crop
- are unable to obtain acceptable production records from a previous producer.

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10 Determining Production for Farms Where Production Is Not Available (Continued)

B Multiple Producers

Owners of a farm with multiple producers may not be able to obtain production evidence from **former** producers on the farm for all of the applicable crop years. COC shall assign the ACRE plug yield for acreage from which production evidence is unavailable, provided existing records at FSA or crop insurance clearly document the planted acreage of the crop on the farm.

C No Interest in Acreage

Owners may be unable to obtain production evidence for the entire farm, as it is constituted in 2009 because they did not have an interest in all or a portion of the acreage of the crop in 1 or more of these years and cannot obtain verifiable production records from the previous producers. COC shall assign the ACRE plug yield for planted acreage in the crop year or years in which the current owner or current producer did not have an interest in the crop and verifiable production records cannot be obtained from the previous producers.

11 Using Similar Farms

A Assigning Production Based on Similar Farms

The use of similar farms in assigning production is **not** authorized because of issues with PII.

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12 Hybrid Seed - Corn and Sorghum

A Hybrid Seed

If acceptable production evidence for hybrid corn or hybrid sorghum is submitted to COC as production evidence for the benchmark farm yield, COC shall convert the hybrid seed production to commercial production according to this paragraph. The following methods apply separately to corn and sorghum, and to each crop year. If more than 1 method is applicable to a farm:

- the farm owner may select the method to be used
- COC shall use the applicable method in the order stated, if the owner does not make a selection.

IF...	AND...	THEN...
both commercial crop acreage and hybrid seed acreage are grown on the farm	both the commercial and the hybrid acres are irrigated or nonirrigated	COC shall assign the actual per acre production from the commercial acreage to the hybrid seed acreage.
the producer and company entered into an agreement to use a commercial equivalent yield to calculate payments under the seed contract based on harvested commercial production	the producer has evidence that the calculation was based on actual harvested yields Note: Evidence may include the nomination form, selection of field form, or other form showing actual harvested commercial production.	the commercial equivalent production used for payment by the seed company shall be used, not to exceed 120 percent of the ACRE plug yield.
neither of the above apply nor the owner elects not to use either of the above		COC shall assign the ACRE plug yield.

13 Commingled Production

A Overview

The best available production records may include production that has been commingled between farms and/or years. COC is authorized to apportion commingled production according to this paragraph.

Note: COC shall only apportion production that is represented by acceptable records, but cannot be identified with a specific farm or year.

13 Commingled Production (Continued)

B Basic Option, Planted Acres

If commingled production cannot be separated by year or by farm, COC shall apportion production based on **planted** acres in each applicable year or each applicable farm. See example in subparagraph E.

Exception: COC **may** allow alternative methods to apportion production, as requested by owners or producers, according to subparagraph D.

C Commingled Years and Farms

If production is commingled between crop years and farms, COC shall apportion the production to applicable **crop years before** apportioning production to farms.

D Alternative Methods of Apportioning

COC must be satisfied that apportioning production by any method, other than using **planted** acres, according to subparagraph B, results in yields comparable to other similar farms for the applicable years and farm.

Note: The alternative method requested by owners or producers of a farm shall be documented on FSA-658. COC shall limit apportioning based on **planted** acreage according to subparagraph B, if an alternative method results in questionable or inequitable yields between farms or crop years.

COC **may** allow the apportioning of acceptable production evidence, based on:

- harvested acres in each applicable year or each applicable farm
- crop insurance records for each year
- other available records COC determines can reasonably be used for apportioning, such as custom harvesting records, producer load summaries, or weight tickets.

Note: See subparagraphs F and G for examples of apportioning production based on alternative methods approved by COC.

13 Commingled Production (Continued)

E Apportion Based on Planted Acres (Between Years)

This example apportions acceptable production evidence between crop years based on planted acres, according to subparagraph B. A producer has the following farm information:

- settlement sheet for 10,000 bushels after the 2006 crop was harvested
- settlement sheet for 20,000 bushels after the 2007 harvest, but before any 2008 harvest planted acres were:
 - 90 acres in 2006
 - 110 acres in 2007
- the producer has not requested COC to consider an alternative method of apportioning, according to subparagraph D.

In this example, production must be prorated between the years, based on the harvested acres each year, as follows:

- total the harvested acres from each year ($90 + 110 = 200$)
- divide the harvested acres for each applicable year by the sum of harvested acres for all years, to determine a percentage of acres applicable to each year:
 - (2006): $90 \div 200 = .4500$
 - (2007): $110 \div 200 = .5500$
- multiply the acreage percentage for each year times the commingled production:
 - $30,000 \times .45 = 13,500$ bushels attributed to 2006
 - $30,000 \times .55 = 16,500$ bushels attributed to 2007.

13 Commingled Production (Continued)

F Apportion Based on LDP Records (Between Farms)

In this example, the producer requested to apportion production evidence between farms for the 2005 crop year, based on the LDP records for each respective farm.

Note: Although LDP quantities may be considered acceptable production evidence, this producer is requesting that commingled production on settlement sheets be apportioned based on the respective LDP quantities.

The producer has the following information:

- 6,000 bushel certified LDP, FSN 100
- 4,000 bushel certified LDP, FSN 200
- settlement sheet with commingled production totaling 10,150 bushels.

In this example, COC may allow apportioning of the production on settlement sheets, based on the LDP quantities, as follows:

- total the LDP quantities for the 2005 crop ($6,000 + 4,000 = 10,000$)
- divide the LDP quantities for each respective FSN by the sum of LDP quantities for the 2005 crop year, to determine a percentage applicable to each FSN, as follows:
 - FSN 100 $6,000 \div 10,000 = .6000$
 - FSN 200 $4,000 \div 10,000 = .4000$
- multiply the commingled production on the settlement sheets times the LDP percentage for each FSN, as follows:
 - $10,150 \text{ bushels} \times .6000 = 6,090 \text{ bushels}$ attributed to FSN 100
 - $10,150 \text{ bushels} \times .4000 = 4,060 \text{ bushels}$ attributed to FSN 200.

Note: COC shall limit options according to subparagraph B, if an alternative method results in questionable or inequitable yields between farms or crop years.

G Apportion Based on RMA Records (Between Farms)

In this example, the producer requested to apportion production evidence between farms for the 2008 crop year, based on multi-peril crop insurance APH records.

Note: Certified quantities for APH purposes are considered to be acceptable production evidence and these quantities may be used to apportion commingled production evidence to the satisfaction of COC.

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13 Commingled Production (Continued)

G Apportion Based on RMA Records (Between Farms) (Continued)

The producer has the following information:

- 20,000 bushels production certified on multi-peril units 1, 2, and 3 (FSN 100)
- 35,000 bushels production certified on multi-peril units 4, 5, and 6 (FSN 200)
- settlement sheets with commingled production totaling 54,650 bushels.

In this example, COC may allow apportioning of the production on settlement sheets, based on the quantities certified for APH purposes, as follows:

- total APH quantities for the 2008 crop ($20,000 + 35,000 = 55,000$)
- divide APH quantities for each respective FSN by the sum of APH quantities for the 1999 crop year, to determine a percentage applicable to each FSN, as follows:
 - FSN 100 $20,000 \div 55,000 = .3636$
 - FSN 200 $35,000 \div 55,000 = .6364$
- multiply the commingled production on the settlement sheets times the APH quantity percentage for each FSN, as follows:
 - $54,650$ production $\times .3636 = 19,871$ bushels attributed to FSN 100
 - $54,650$ production $\times .6364 = 34,779$ bushels attributed to FSN 200.

Note: COC shall limit options according to subparagraph B, if an alternative method results in questionable or inequitable yields between farms or crop years.

14 Production Evidence

A Silage Production

Acceptable records of silage production shall be converted from tons to bushels by multiplying the tonnage times the following factors:

- 6.47 for barley
- 7.94 for corn
- 5.51 for dry peas
- 3.114 cwt for grain sorghum
- 4.30 for lentils
- 4.08 for oats
- 6.00 for small chickpeas
- 5.00 for soybeans
- 6.99 for wheat.

Example: Producer A sells his or her corn crop to XYZ Dairy. All production is weighed. XYZ Dairy purchased 739.5 tons of corn silage from Producer A. The actual corn production for that year would be 5,872 bushels (739.5 tons $\times 7.94 = 5,872$).

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14 Production Evidence (Continued)

B Silage Measurements

Actual measurements to verify production for a particular year **must** have been taken **before** harvesting the next year's crop to document the year of production. Acceptable farm-stored forage measurements are those taken by the following:

- FSA employees, if done as part of an official measurement service
- FSA certified LA's
- Extension Service or USDA employees acting in an official capacity
- feed company consultants approved by COC
- private feed and forage consultants approved by COC
- RMA or reinsured company appraisers.

Note: Using sales receipts to document production eliminates the need for an on-farm hay or forage measurement.

C COC Guidelines for Approving Silage Measurements

COC's shall review applicant's documents from feed and forage consultants and make approvals based on whether or not the documents meet the requirements of this notice. It is evident that feed and forage consultants do **not** necessarily provide the same service to all customers.

15 Multiple Producers on a Farm

A Production Using Crop Shares

If a producer's share of the total production and the producer's production are known, this data may be used to compute the farm's total production as follows:

- the producer's share of the total production is .3333 and the producer's production records show he or she received 1,000 bushels
- COC may establish the farm's production at 3,000 bushels if the producer's share is a matter of record and the production evidence is acceptable.

16 Action

A State and County Office Action

State and County Office employees shall follow these procedures when collecting production evidence for the ACRE program.

Producer’s Report of Production on FSA-658

A Report of Production on FSA-658

Actual production or ACRE plug yield information for each crop year shall be documented by completing FSA-658 by crop and irrigation status by farm.

Notes: Producers are not required to submit production evidence when filing FSA-658. However, production evidence will be required at a later date to verify the producer’s reported yield information.

County Office may use an Excel program workbook that was developed by the National Office for the initial benchmark farm yield. This workbook will data fill the plug yields (95 percent of the ACRE plug yields), determine the benchmark farm yield based on the production certifications, and print FSA-658 for producer signature. This workbook (FSA-Generatorv_.xls) is to be used by County Offices only and is available on the DAFP Intranet at <http://intranet.fsa.usda.gov/dafp/>.

B Completing FSA-658

Complete FSA-658 according to the following.

Item	Instructions
1	Enter the name and address of the producer completing the certification of FSA-658. The producer must have an interest in the farm for 2009.
2	Enter the: <ul style="list-style-type: none"> • year of ACRE election if the benchmark farm yield is being developed • current year if reporting the actual farm yield.
3	Enter the applicable FSN, as constituted for FY 2009, for which the production evidence is applicable.
4	Enter commodity.
5	Enter the irrigated status of the applicable commodity.

Producer’s Report of Production on FSA-658 (Continued)

B Completing FSA-658 (Continued)

Item	Instructions
6	<p>Enter the type of evidence document available; such as assembly sheet, settlement sheet, gin receipt, scale tickets, etc.; with buyer’s name, etc.</p> <p>Note: It may be necessary to apportion commingled production from a document, between years and/or farms. The production evidence must be apportioned based on the planted acreage for each year and/or farm, unless producers agree to submit secondary information that is considered by COC to be reasonable and satisfactory. Producers should use the best available secondary information to make the apportionment. For example, scale tickets may be available that do not contain sufficient information to be acceptable as primary evidence, but those tickets could be used to apportion production from a warehouse ledger sheet between years and/or farms. Other forms of evidence acceptable for apportionment purposes include crop insurance data (APH certifications/appraisals), LDP records and harvested acres in the absence of more specific information.</p> <p>For the following 2 examples, the basic 2005 farm data is:</p> <ul style="list-style-type: none"> • FSN 107 planted 361.0 acres • FSN 792 planted 198.0 acres. <p>Prorate Using Crop Insurance APH</p> <p>Example 1: Assembly sheet #179456 documents 21,500 bushels of soybeans. These soybeans were produced on FSN 107 and FSN 792, and comprise all production for 2005.</p> <p>The crop insurance APH yield for 2005 (not the approved yield based on 4 to 10 years of evidence, but the certified yield/production for 1998) for FSN 107 is 39 bu./ac. and for FSN 792 is 43 bu./ac.</p> <p>39 bu./ac. x 361.0 acre = 14,079 bu. 43 bu./ac. x 198.0 = 8,514 bu. 14,079 + 8,514 = 22,593</p> <p>FSN 107 - 14,079 ÷ 22,593 = .6232 x 21,500 bu. = 13,398.8 bushels attributed to FSN 107</p> <p>FSN 792 - 8,514 ÷ 22,593 = .3768 x 21,500 bu. = 8,101.2 bushels attributed to FSN 792</p> <p>Prorate Using Acres</p> <p>Example 2: Assembly sheet #179456 documents 21,500 bushels of soybeans. These soybeans were produced on FSN 107 and FSN 792, and comprised all production from 2005.</p> <p>FSN 107 - 361.0 acres ÷ 559.0 = .6458 x 21,500 bu. = 13,884.7 bushels attributed to FSN 107</p> <p>FSN 792 - 198.0 acres ÷ 559.0 = .3542 x 21,500 bu. = 7,615.3 bushels attributed to FSN 792</p>

Producer’s Report of Production on FSA-658 (Continued)

B Completing FSA-658 (Continued)

Item	Instructions
7	If production evidence is applicable to certain acreages, then enter the number of acres. If production evidence is not applicable to certain acreages, then no entry is required.
8A through 8E	For establishing the benchmark farm yield, enter the amount of production from the associated production evidence in item 6. An entry is not required in all years, however, continuity could be broken if production is not reported. See subparagraph 2 C.
8F	Total all production for each year in columns A, B, C, D, and E.
8G	Enter total planted acres of the crop for the applicable year. Enter all planted acreage including failed acreage and double-cropped acreage.
8H	Enter total prevented planted acres of the crop for the applicable year.
8I	<p>In establishing the benchmark farm yield, divide item 8F by item 8G, and enter result in this item for each applicable crop year. A check in the small box indicates the producer selected this yield in computing the benchmark farm yield. There can not be a check in the small box in items 8I and 8J. One or the other must be selected.</p> <p>In establishing the actual farm yield, divide item 8F by the total of items 8G and 8H, and enter result in this item for the crop year.</p>
8J	<p>In establishing the benchmark farm yield, enter the ACRE plug yield for each of the years in the base period. A check in the small box indicates the producer selected this yield in computing the benchmark farm yield. There can not be a check in the small box in items 8I and 8J. One or the other must be selected.</p> <p>No entry is required if entering the actual farm yield, unless the farm is totally prevented from planted.</p>
9A	Enter County Office name and address of the county in which the farm is participating in ACRE.
9B	Enter County Office telephone number.
10A	Signature of producer completing the certification. This producer shall also be responsible for providing the evidence, upon request.
10B	If the individual signing in item 10A is signing in a representative capacity for the participant, a title/relationship shall be listed. If the individual in item 10A is the signatory, then no entry is required.
11	Date the producer or person signing in a representative capacity completes the certification.
12	Enter the benchmark farm yield.
13A	COC member shall sign after COC has completed a review of the production evidence.
13B	Enter the date the review is completed and the production evidence is either approved or disapproved.
14	Enter remarks.

Producer's Report of Production on FSA-658 (Continued)

C Example of FSA-658

The following is an example of FSA-658.

This form is available electronically.							
FSA-658 (06-17-09)		U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency			1. Producer Name and Address		
RECORD OF PRODUCTION AND YIELD					2. Program Year		
					3. Farm No.		4. Crop
<p>NOTE: 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 information requested is necessary to document actual crop yields and production. Furnishing the requested information is voluntary. Failure to furnish the requested information will result in a determination of ineligibility for certain program benefits and other financial assistance administered by USDA. The 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>The 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, and privacy statutes may be applicable to the information provided. RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.</p>							
PART A - RECORD OF PRODUCTION AND YIELD							
6. Type of Evidence and Name of Buyer, Warehouse, Etc.		7. Acres	8. Year And Quantity				
			A. YR.	B. YR.	C. YR.	D. YR.	E. YR.
9A. County FSA Office Name and Address (Including Zip Code)		F. TOTALS					
		G. Planted Acres					
		H. Prevented Acres					
		I. Calculated Yield	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
9B. Telephone (Include Area Code)		J. 95% of ACRE County Yield					
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
PART B - PRODUCER'S CERTIFICATION							
I hereby certify that the information listed above includes a complete and accurate record of the production for the crop, farm and years shown. The production is accurately assigned to the farm and year of production. I understand that this report may be spotchecked and failure to certify accurately may result in loss of program benefits. I also hereby direct the purchaser, warehouseman, ginner, or any person who otherwise stores or purchases crops listed on this form to disclose the production records of such crops to USDA representatives for purposes of verification.							
10A. Producer's Signature (BY)		10B. Title/Relationship (Individual Signing in the Representative Capacity)			11. Date (MM-DD-YYYY)		
PART C - COC'S APPROVAL							
12. Benchmark Farm Yield		13A. Signature			13B. Date (MM-DD-YYYY)		
14. Remarks:							
The U.S. Department of Agriculture (USDA) 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.							