

For: State and County Offices

September 30, 2011, Impact on SURE Eligibility

Approved by: Acting Deputy Administrator, Farm Programs



1 Overview

A Background

The SURE Program is authorized by the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill) to provide assistance to producers suffering crop losses because of disasters on or before September 30, 2011.

Because an eligible producer's SURE farm can include many economically significant crops which may and may not suffer loss because of disaster events occurring on or before September 30, 2011, this notice clarifies how the 2008 Farm Bill provisions that authorize SURE on or before September 30, 2011, will be administered.

B Purpose

This notice:

- clarifies how the SURE program authorization for losses stemming from a disaster on or before September 30, 2011, will be administered for 2011 and 2012 crops
- reiterates that all SURE eligibility provisions, including the risk management protection requirement (RMPR), apply to the producer and crops of economic significance
- instructs offices to publicize the contents of this notice.

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| Disposal Date | Distribution |
| January 1, 2012 | State Offices; State Offices relay to County Offices |

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2 Triggering SURE Farm Eligibility

A SURE Qualifying Loss

The 2008 Farm Bill and regulations (7 CFR Part 760, Subpart G) specify to receive SURE payments; an eligible producer on a SURE farm must have a qualifying loss. A qualifying loss is defined as a loss of 10 percent or more on at least 1 crop of economic significance because of disaster on a farm that is either:

- located in a disaster county
- if not located in any disaster county or county contiguous to such a county, but has an overall loss greater than or equal to 50 percent of normal production on the farm (expected revenue for all crops on the farm) because of disaster.

Notes: A SURE farm includes all crop acreage in all counties that a producer planted or intended to plant for harvest for normal commercial sale or farm livestock feeding.

A crop of economic significance is a crop that contributes at least 5 percent of the expected revenue for a producer's SURE farm.

A disaster county is a county for which a Secretarial disaster designation has been issued or a county contiguous to a county with a Secretarial disaster designation. The disaster designation must be effective for the crop year for which SURE payments are being applied.

B Qualifying Loss Requirements for 2011 and 2012 Crops

At the time of filing the 2011 or 2012 SURE application for payment, the producer will be required to identify and certify the crop of economic significance on the SURE farm that suffered the 10 percent loss because of disaster occurring on or before September 30, 2011.

Note: Crops are **not** required to be harvested on or before September 30, 2011, to maintain eligibility for SURE.

The determination of whether a producer's certification of crop loss is because of disaster occurring on or before September 30, 2011, FSA will review the crop's planting and growing period, asserted disaster event, and any other pertinent information that may be relevant or available.

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2 **Triggering SURE Farm Eligibility (Continued)**

B Qualifying Loss Requirements for 2011 and 2012 Crops (Continued)

COC shall ensure the economically significant crop certified as having the 10 percent qualifying loss because of a disaster occurring on or before September 30, 2011, meets the following criteria:

- for insured crops, the insurance policy defines the coverage period as beginning on or before September 30, 2011
- for NAP crops, the coverage period begins on or before September 30, 2011
- the final planting date according to RMA and FSA (NAP crops only) occur on or before September 30, 2011.

FSA must be satisfied that the claimed loss was because of disaster occurring on or before September 30, 2011, to determine that a qualifying loss has triggered.

3 **Action**

A State Office Action

State Offices will:

- ensure that County Offices publicize and follow the procedure in this notice
- assist County Offices with questions about this notice.

B County Office Action

County Offices will:

- follow the provisions of this notice
- publicize the contents of this notice through all available means
- direct their questions about this notice to the State Office.