INFORMATIONAL MEMORANDUM: IS-12-003

TO: All Approved Insurance Providers
    All Risk Management Agency Field Offices
    All Other Interested Parties

FROM: Michael A. Alston /s/ Michael A. Alston 7/12/2012
    Deputy Administrator for Insurance Services

SUBJECT: 2012 and Succeeding Crop Years Prevented Planting Eligibility in the
    Prairie Pothole National Priority Area

BACKGROUND:

Minnesota, North Dakota, and South Dakota experienced unusually dry conditions in the
fall of 2011 followed by one of the warmest winters on record with below normal
precipitation. Below normal precipitation continued through mid-May in certain areas
including northeast and east central North Dakota. These conditions allowed acreage
normally too wet for crop production (i.e., potholes and low-lying areas) to be tilled and
planted. The 2008 crop year also had abnormally dry conditions with more acreage
planted than in previous years. As a result, some believe this acreage may now be eligible
for prevented planting (PP) for an additional four years because planting in 2008 and 2012
“reset the clock” in accordance with item 5 of the Special Provisions (SP) statement which states:

“5. Any acreage not planted to a crop that is insured under the authority of the
Federal Crop Insurance Act, that is grown in the county on insurable acreage, and
harvested in at least one of the four most recent crop years, using recognized good
farming practices, unless such acreage was planted to an insured crop that was
damaged by an insured cause of loss and adjusted for purposes of a claim under the
Federal crop insurance program; or”

ACTION:

Planting, harvesting, and insuring a crop in a particular crop year, as indicated in item 5,
does not in and of itself does not qualify the acreage as meeting the 1 in 4 rule contained in
the special provisions for prevented planting eligibility. Item 5 must also be read in
conjunction with item 6 of the SP statement which states:

“6. Acreage that has any other condition, as determined by us, that would prevent
the proper and timely planting of the crop when weather and other conditions are
normal for the area in which the acreage is located. For example, acreage that is
normally too wet to plant in the spring may be dry enough to till or plant and even insure a crop in the fall. Such acreage would not be available for planting a spring crop even though such acreage may have been tilled, planted and/or insured the previous fall.”

Normally, the acreage in question is not available for planting and only because of the abnormally dry weather in the fall and spring was planting of this acreage possible for the 2008 and 2012 crop years. This is consistent with FAD-119 and item 6 of the SP statement.

**DISPOSAL DATE:**

December 31, 2012.