



United States
Department of
Agriculture

INFORMATIONAL MEMORANDUM: IS-12-003

Farm and Foreign
Agricultural
Services

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

Risk
Management
Agency

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

1400
Independence
Avenue, SW
Stop 0801
Washington, DC
20250-0801

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



The Risk Management Agency Administrators
And Oversees All Programs Authorized Under
The Federal Crop Insurance Corporation

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.