

UNITED STATES DEPARTMENT OF AGRICULTURE
Federal Crop Insurance Corporation
Small Grains Crop Provisions



If a conflict exists between the Common Crop Insurance Policy and the Special Provisions, the Special Provisions will control. If a conflict exists between these Crop Provisions and the Special Provisions, the Special Provisions will control.

1. Definitions

- (a) **Adequate stand** - A population of live plants per unit of acreage which will produce at least the yield used to establish your production guarantee.
- (b) **Days** - calendar days.
- (c) **Final planting date** - The date contained in the Special Provisions by which the insured crop must initially be planted in order to be insured for the full production guarantee.
- (d) **Good farming practices** - The cultural practices necessary for the insured crop to make usual and normal progress toward maturity and which can be expected to produce at least the yield used to determine the production guarantee. Good farming practices are generally those in use in the county for production of the insured crop and are recognized by the Cooperative Extension Service as compatible with agronomic and weather conditions in the area.
- (e) **Harvest** - Combining or threshing the insured crop for grain or cutting for hay or silage on any acreage. A crop which is swathed prior to combining is not considered harvested.
- (f) **Initially planted** - The first occurrence of planting the insured crop on insurable acreage for the crop year.
- (g) **Interplanted** - Acreage on which two or more crops are planted in a manner that does not permit separate agronomic maintenance or harvest of the insured crop.
- (h) **Irrigated practice** - A method of producing a crop by which water is artificially applied during the growing season by appropriate systems, and at the proper times, with the intention of providing the quantity of water needed to produce at least the yield used to establish the production guarantee on the irrigated acreage planted to the insured crop.
- (i) **Late planted** - Acreage planted during the late planting period.
- (j) **Late planting period** - (not applicable for fall-planted wheat) - The period that begins the day after the final planting date for the insured crop and ends twenty-five (25) days after the final planting date.
- (k) **Latest final planting date** -
- (1) The final planting date for spring-planted acreage in all counties for which the Special Provisions designate a final planting date for spring-planted acreage only;
 - (2) The final planting date for fall-planted acreage in all counties for which the Special Provisions designate a final planting date for fall-planted acreage only; or
 - (3) The final planting date for spring-planted acreage in all counties for which the Special Provisions designate final planting dates for both spring-planted and fall-planted acreage.
- (l) **Local market price** - The cash grain price per bushel for the U.S. No. 2 grade of the insured crop offered by buyers in the area in which you normally market the insured crop. The local market price will reflect the maximum limits of quality deficiencies allowable for the U.S. No. 2 grade of the insured crop. Factors not associated with grading under the Official United States Standards for Grain, including but not limited to protein, oil or moisture content, or milling quality will not be considered.
- (m) **Nurse crop (companion crop)** - A crop planted into the same acreage as another crop, that is intended to be harvested separately, and which is planted to improve growing conditions for the crop with which it is grown.
- (n) **Planted acreage** - Land in which seed has been placed by a machine appropriate for the insured crop and planting method, at the correct depth, into a seedbed which has been properly prepared for the planting method and production practice. Except for flax, land on which seed is initially spread onto the soil surface by any method and subsequently is mechanically incorporated into the soil in a timely manner and at the proper depth will be considered planted. Flax seed must initially be placed in rows to be considered planted.
- (o) **Practical to replant** - (subsection 1.(ff) of the Common Crop Insurance Policy does not apply to small grains.) Our determination, after loss or damage to the insured crop, based on factors, including but not limited to moisture availability, condition of the field, time to crop maturity, etc., that a replanting of the insured crop will attain maturity in the remainder of the crop year. It will not be considered practical to replant after the end of the late planting period or the final planting date if a late planting period is not applicable except that it may be determined practical to replant after the end of the late planting period or the final planting date if such practice is generally occurring in the area (see section 7).
- (p) **Prevented planting** - Inability to plant the insured crop with proper equipment by the latest final planting date designated in the Special Provisions for the insured crop in the county or the end of the late planting period. You must have been unable to plant the insured crop due to an insured cause of loss that has prevented the majority of producers in the surrounding area from planting the same crop.
- (q) **Production guarantee** - The number of bushels determined by multiplying the approved yield per acre by the coverage level percentage you elect.
- (r) **Replanting** - Performing the cultural practices necessary to replace seed for the insured crop, and replacing the seed in the insured acreage with the expectation of growing a successful crop.
- (s) **Small grains** - Wheat, barley, oats, rye, and flax.
- (t) **Swathed** - Severance of the stem and grain head from the ground without removal of the seed from the head and placing into a windrow.
- (u) **Timely planted** - Planted on or before the final planting date designated in the Special Provisions.

2. Unit Division

Unless limited by the Special Provisions, a unit as defined in

subsection 1.(tt) of the Common Crop Insurance Policy may be divided into optional units if, for each optional unit you claim, all the conditions of subsections 2.(a), (b), and (c), and the conditions of paragraph 2.(d)(1), (d)(2), or (d)(3) are met, or if we agree to such division in writing. Optional units must be established at the time you file your report of acreage for each crop year.

- (a) You must have verifiable records of planted acreage and production for each optional unit for at least the last crop year used to determine your production guarantee.
- (b) You must plant the crop in a manner which results in a clear and discernable break in the planting pattern at the boundaries of each optional unit.
- (c) You must have measurements of stored production or market production from each optional unit in a manner that permits us to verify the production from the optional unit.
- (d) Each optional unit must meet one or more of the following:

(1) **Optional Units by Section, Section Equivalent, or ASCS Farm Serial Number:** Optional units may be established if each optional unit is located in a separate section. In the absence of sections, we may consider parcels of land legally identified by other methods of measure including, but not limited to: Spanish grants, railroad surveys, leagues, labors, or Virginia Military Lands. In areas which have not been surveyed using the systems identified above or another system approved by us, and in areas where boundaries are not readily discernable, each optional unit must be located in a separate ASCS Farm Serial Number.

(2) **Optional Units on Acreage Including Both Irrigated and Non-Irrigated Practices:** In addition to or instead of establishing optional units by section, section equivalent, or ASCS Farm Serial Number, optional units may be established if each optional unit contains only irrigated acreage or only non-irrigated acreage. The irrigated acreage may not extend beyond the point at which your irrigation system can deliver the quantity of water needed to produce the yield on which your guarantee is based. You must plant, cultivate, fertilize, or otherwise care for the irrigated acreage and the non-irrigated acreage in an appropriate manner.

(3) **Optional Units by Initially Planted Winter Wheat or Initially Planted Spring Wheat:** For wheat only, in addition to or instead of establishing optional units by section, section equivalent, or ASCS Farm Serial Number as described in paragraph 2.(d)(1) or by irrigated and non-irrigated practices as described in paragraph 2.(d)(2), optional units may be established if each optional unit contains only initially planted winter wheat or only initially planted spring wheat. Optional units may be established in this manner only in counties having both fall and spring final planting dates as designated by the Special Provisions.

Basic units may not be divided into optional units on any basis (production practice, type, variety, planting period, etc.) other than as described under this section. If you do not comply fully with these conditions, we will combine all optional units which are not established in compliance with these provisions into the basic unit

from which they were formed. We may do this at any time we discover that you have failed to comply with these conditions. If failure to comply with these provisions is determined to be inadvertent, and if the optional units are combined, the premium paid for electing optional units will be refunded to you.

3. Insurance Guarantees, Coverage Levels, and Prices for Determining Indemnities

In addition to the requirements under section 3 (Insurance Guarantees, Coverage Levels, and Prices for determining Indemnities) of the Common Crop Insurance Policy you may select only one price election for each crop insured under this policy in the county.

4. Contract Changes

The contract change date is December 31 preceding the cancellation date for counties with an April 15 cancellation date and June 30 preceding the cancellation date for all other counties (see the provisions under section 4. (Contract changes) in the Common Crop Insurance Policy).

5. Cancellation and Termination Dates

The cancellation and termination dates are:

<u>Crop, State and County</u>	<u>Cancellation Date</u>	<u>Termination Date</u>
WHEAT All Colorado counties except Alamosa, Archuleta, Conejos, Costilla, Custer, Delta, Dolores, Eagle, Garfield, Grand, La Plata, Mesa, Moffat, Montezuma, Montrose, Ouray, Pitkin, Rio Blanco, Rio Grande, Routt, Saguache, and San Miguel Counties; all Iowa Counties except Plymouth, Cherokee, Buena Vista, Pocahontas, Humbolt, Wright, Franklin, Butler, Black Hawk, Buchanan, Delaware, and Dubuque Counties and all Iowa counties north thereof; all Wisconsin Counties except Trempealeau, Jackson, Wood, Portage, Waupaca, Outagamie, Brown, and Kewaunee Counties and all Wisconsin counties north and west thereof; and all other states except Alaska, Arizona, California, Connecticut, Idaho, Maine, Massachusetts, Minnesota, Montana, Nevada, New Hampshire, New York, North Dakota, Oregon, Rhode Island, South Dakota, Utah, Vermont, Washington, and Wyoming.	September 30	September 30
Archuleta, Custer, Delta, Dolores, Eagle, Garfield, Grand, La Plata, Mesa, Moffat, Montezuma, Montrose, Ouray, Pitkin, Rio Blanco, Routt, and San Miguel Counties, Colorado; Connecticut; Idaho; Plymouth, Cherokee, Buena Vista, Pocahontas, Humboldt, Wright, Franklin, Butler, Black Hawk, Buchanan, Delaware, and Dubuque Counties, Iowa, and all Iowa counties north thereof; Massachusetts; all Montana counties except Daniels, Roosevelt, Sheridan, and Valley Counties; New York; Oregon; Rhode Island; all South Dakota counties except Harding, Perkins, Corson, Walworth, Edmonds, Faulk, Spink, Beadle, Jerauld, Aurora, Douglas, and Bon Homme Counties and all South Dakota counties north and east thereof; Washington; and all Wyoming counties except Big Horn, Fremont, Hot Springs, Park, and Washakie Counties.	September 30	November 30

you may report all planted acreage as insurable when you report your acreage for the crop year. Premium will be due on all the acreage. Your premium amount will be reduced by the amount shown on the Actuarial Table for any acreage you destroy prior to a date designated in the Special Provisions if you do not claim an indemnity on such acreage. In accordance with subsection 14.(b) of the Common Crop Insurance Policy, you must obtain our consent before and give us notice after you destroy any of the insured crop so your acreage report can be revised to make you eligible for this reduction in premium.

- (c) In counties for which the Wheat Special Provisions designate both fall and spring final planting dates, you may elect a winter coverage endorsement for wheat. This endorsement provides two options for alternative coverage for wheat that is damaged between the fall final planting date and the spring final planting date. Coverage under the endorsement will be effective only if you designate the coverage option you elect by executing the endorsement by the sales closing date for winter wheat in the county.

7. Insurance Period

In lieu of the requirements under section 11 (Insurance Period) of the Common Crop Insurance Policy, and subject to any provisions provided by the Wheat crop insurance winter coverage endorsement if you have elected such endorsement, the insurance period is as follows:

- (a) Insurance attaches on each unit or part thereof on the later of the date we accept your application or the date the insured crop is planted.
- (1) For oats, rye and flax, the following limitations apply:
- (i) The acreage must be planted on or before the final planting date designated in the Special Provisions for the insured crop except as allowed in subsection 12.(c).
 - (ii) Any acreage of the insured crop damaged before the final planting date, to the extent that growers in the area would normally not further care for the crop, must be replanted unless we agree that replanting is not practical (see subsection 1.(o)).
- (2) For barley and wheat, the following limitations apply:
- (i) The acreage must be planted on or before the final planting date designated in the Special Provisions for the type (winter or spring) except as allowed in subsection 12.(c).
 - (ii) Whenever the Special Provisions designate only a fall final planting date, any acreage of winter barley or

wheat damaged before such final planting date, to the extent that growers in the area would normally not further care for the crop, must be replanted to a winter type of the insured crop unless we agree that replanting is not practical.

- (iii) Whenever the Special Provisions designate both fall and spring final planting dates, winter barley or wheat planted on or before the fall final planting date which is damaged:
- (A) before the fall planting final planting date, to the extent that growers in the area would normally not further care for the crop, must be replanted to a winter type of the insured crop unless we agree that replanting is not practical.
 - (B) on or after the fall final planting date, but before the spring final planting date, to the extent that growers in the area would normally not further care for the crop, must be replanted to an appropriate variety of the insured crop unless we agree that replanting is not practical.

If you have elected coverage under one of the available wheat winter coverage options available in the county, the insurance period for wheat will be in accordance with the selected options.

- (iv) Whenever the Special Provisions designate a spring final planting date, any acreage of spring barley or wheat damaged before such final planting date, to the extent that growers in the area would normally not further care for the crop, must be replanted to a spring type of the insured crop unless we agree that replanting is not practical.
- (v) Whenever the Special Provisions designate only a spring final planting date, any acreage of fall planted barley or wheat is not insured unless you request such coverage and we agree in writing that the acreage has an adequate stand in the spring to produce the yield used to determine your production guarantee. Insurance will then attach to acreage having an adequate stand on the earlier of the spring final planting date or the date we agree to accept the acreage for insurance. If such fall planted acreage is not to be insured it must be recorded on the acreage report as an uninsured fall planted crop.

- (b) Insurance ends on each unit at the earliest of:
 - (1) total destruction of the insured crop on the unit;
 - (2) harvest of the unit;
 - (3) final adjustment of a loss on the unit;
 - (4) September 25 following planting in Alaska, or October 31 of the calendar year in which the crop is normally harvested in all other states; or
 - (5) abandonment of the crop on the unit.

8. Causes of Loss

In addition to the provisions under section 12 (Causes of Loss) of the Common Crop Insurance Policy, any loss covered by this policy must occur within the insurance period. The specific causes of loss for small grains are:

- (a) adverse weather conditions;
- (b) fire;
- (c) insects, but not damage allowed because of insufficient or improper application of pest control measures;
- (d) plant disease, but not damage allowed because of insufficient or improper application of disease control measures;
- (e) wildlife;
- (f) earthquake;
- (g) volcanic eruption; or
- (h) failure of the irrigation water supply.

9. Replanting Payments

- (a) A replant payment for wheat only is allowed as follows:
 - (1) You comply with all requirements regarding replanting payments contained under section 13 (Replanting Payment) of the Common Crop Insurance Policy and in any winter coverage endorsement for which you are eligible and which you have elected;
 - (2) The wheat must be damaged by an insurable cause of loss to the extent that the remaining stand will not produce at least 90 percent of the production guarantee for the acreage;
 - (3) The acreage must have been initially planted to spring wheat in those counties with only a spring final planting date;
 - (4) The damage must occur after the fall final planting date in those counties where **both** a fall and spring final planting date are designated;
 - (5) Replanting must take place not later than 25 days after the spring final planting date; and
 - (6) The replanted wheat must be seeded at a rate that is normal for initially planted wheat (if new seed is planted at a reduced seeding rate into a partially damaged stand of wheat, the acreage will not be eligible for a replanting payment).
- (b) No replanting payment will be made for acreage initially planted to winter wheat in any county for which the Special Provisions contain only a fall final planting date.

- (c) In accordance with subsection 13.(c) of the Common Crop Insurance Policy, the maximum amount of the replanting payment per acre will be the lesser of twenty percent (20%) of the production guarantee or 3 bushels, multiplied by your price election multiplied by your share.
- (d) When wheat is replanted using a practice that is uninsurable for an original planting, the liability for the unit will be reduced by the amount of the replanting payment. The premium amount will not be reduced.

10. Duties In The Event of Damage or Loss

In addition to your duties under section 14 of the Common Crop Insurance Policy, if you initially discover damage to any insured crop within 15 days of, or during harvest, you must leave representative samples of the unharvested crop for our inspection. The samples must be at least 10 feet wide and the entire length of each field in the unit, and must not be harvested or destroyed until the earlier of our inspection or 15 days after harvest of the balance of the unit is completed.

11. Settlement of Claim

- (a) We will determine your loss on a unit basis. In the event you are unable to provide records of production that are acceptable to us for any:
 - (1) optional unit, we will combine all optional units for which acceptable records of production were not provided; or for any
 - (2) basic unit, we will allocate any commingled production to such units in proportion to our liability on the harvested acreage for each unit.
- (b) In the event of loss or damage covered by this policy, we will settle your claim by:
 - (1) multiplying the insured acreage by the production guarantee;
 - (2) subtracting from this the total production to count;
 - (3) multiplying the remainder by your price election; and
 - (4) multiplying this result by your share.
- (c) The total production (bushels) to count from all insurable acreage on the unit will include:
 - (1) all appraised production as follows:
 - (i) Not less than the production guarantee for acreage:
 - (A) which is abandoned;
 - (B) put to another use without our consent;
 - (C) damaged solely by uninsured causes; or
 - (D) for which you fail to provide records of production that are acceptable to us;
 - (ii) Production lost due to uninsured causes;
 - (iii) Unharvested production (mature unharvested production may be adjusted for quality deficiencies and excess moisture in accordance with subsection 11.(d));
 - (iv) Potential production on insured

acreage you want to put to another use or you wish to abandon and no longer care for, if you and we agree on the appraised amount of production. Upon such agreement the insurance period for that acreage will end if you put the acreage to another use or abandon the crop. If:

- (A) agreement on the appraised amount of production is not reached, you may elect to continue to care for the crop, or we will give you consent to put the acreage to another use if you agree to leave intact, and provide sufficient care for, representative samples of the crop in locations acceptable to us. The amount of production to count for such acreage will be based on the harvested production or appraisals from the samples at the time harvest should have occurred. If you do not leave the required samples intact, or you fail to provide sufficient care for the samples, our appraisal made prior to giving you consent to put the acreage to another use will be used to determine the amount of production to count.
 - (B) you elect to continue to care for the crop, we will determine the amount of production to count for the acreage using the harvested production, or our reappraisal if additional damage occurs and the crop is not harvested.
- (2) all harvested production from the insurable acreage.
- (d) Mature wheat, barley, oat, and rye production may be adjusted for excess moisture and quality deficiencies. Flax production may be adjusted for quality deficiencies only.
- (1) Production will be reduced by .12 percent for each .1 percentage point of moisture in excess of:
- (i) 13.5 percent for wheat;
 - (ii) 14.5 percent for barley;
 - (iii) 14.0 percent for oats; and
 - (iv) 16.0 for rye.
- We may obtain samples of the production to determine the moisture content.
- (2) Production will be eligible for quality adjustment if:
- (i) deficiencies in quality, in accordance with the Official United States Standards for Grain, result in:
 - (A) wheat not meeting the grade requirements for U.S. No. 4

(grades U.S. No. 5 or worse) because of test weight, total damaged kernels (excluding heat damage), shrunken or broken kernels, or defects (excluding foreign material and heat damage), or grading garlicky, light smutty, smutty or ergoty;

- (B) barley not meeting the grade requirements for U.S. No. 4 (grades U.S. No. 5 or worse) because of test weight, percentage of sound barley, damaged kernels, thin barley, or black barley, or grading smutty, garlicky, or ergoty;
 - (C) oats not meeting the grade requirements for U.S. No. 4 (grade U.S. sample grade) because of test weight or percentage of sound oats, or grading smutty, garlicky, or ergoty;
 - (D) rye not meeting the grade requirements for U.S. No. 3 (grades U.S. No. 4 or worse) because of test weight, percent damaged kernels or thin rye, or grading smutty, garlicky, or ergoty;
 - (E) flaxseed not meeting the grade requirements for U.S. No. 2 (grades U.S. sample grade) due to damaged kernels; or
 - (ii) substances or conditions are present, including mycotoxins, that are identified by the Food and Drug Administration or other public health organizations of the United States as being injurious to human or animal health.
- (3) Quality will be a factor in determining your loss only if:
- (i) The deficiencies, substances, or conditions resulted from a cause of loss against which insurance is provided under these crop provisions;
 - (ii) The deficiencies, substances, or conditions result in a net price for the damaged grain that is less than the local market price of U.S. No. 2 production;
 - (iii) All determinations of these deficiencies, substances, or conditions are made using samples of the production obtained by us or by a disinterested third party approved by us; and
 - (iv) The samples are analyzed by a grain grader licensed under the authority of the United States Grain Standards

- Act or the United States Warehouse Act with regard to deficiencies in quality, or by a laboratory approved by us with regard to substances or conditions injurious to human or animal health. Test weight for quality adjustment purposes may be determined by our loss adjustor.
- (4) Production of small grains that is eligible for quality adjustment, as specified in paragraphs 11.(d)(2) and (3), will be reduced as follows:
- (i) The market price of the qualifying damaged production and the local market price will be the prices on the earlier of the date such quality adjusted production is sold or the date of final inspection for the unit. The price for the qualifying damaged production will be the market price for the local area to the extent feasible. Discounts used to establish the net price of the damaged production will be limited to those which are usual, customary, and reasonable. Any reduction in price due to the following factors will not be accepted:
- (A) moisture content;
- (B) damage due to uninsured causes; or
- (C) drying, handling, processing, or any other costs associated with normal harvesting, handling, and marketing of the grain; except, if the price of the damaged production can be increased by conditioning, we may reduce the price of the production after it has been conditioned by the cost of conditioning but not lower than the value of the production before conditioning.
- We may obtain prices from any buyer of our choice. If we obtain prices from one or more buyers located outside your local market area, we will reduce such prices by the additional costs required to deliver the production to those buyers.
- (ii) The value of the damaged or conditioned production will be divided by the local market price to determine the quality adjustment factor.
- (iii) The number of bushels remaining after any reduction due to excessive moisture (the moisture-adjusted gross bushels (if appropriate)) of the damaged or conditioned production will then be multiplied by the quality

adjustment factor to determine the net production to count.

- (e) Any production harvested from plants growing in the insured crop may be counted as production of the insured crop on a weight basis.

12. Late Planting and Prevented Planting

- (a) In lieu of paragraph 8.(b)(2) and subsection 1.(aa) of the Common Crop Insurance Policy, insurance will be provided for acreage planted to the insured crop during the late planting period (see subsection (c)), and acreage you were prevented from planting (see subsection (d)). These coverages provide reduced production guarantees. The reduced guarantees will be combined with the production guarantee for timely planted acreage for each unit. The premium amount for late planted acreage and eligible prevented planting acreage will be the same as that for timely planted acreage. If the amount of premium you are required to pay (gross premium less our subsidy) for late planted acreage or prevented planting acreage exceeds the liability on such acreage, coverage for those acres will not be provided (no premium will be due and no indemnity will be paid for such acreage). For example, assume you insure one unit in which you have a 100 percent share. The unit consists of 150 acres, of which 50 acres were planted timely, 50 acres were planted 7 days after the final planting date (late planted), and 50 acres are unplanted and eligible for prevented planting coverage. To calculate the amount of any indemnity which may be due to you, the production guarantee for the unit will be computed as follows:
- (1) For timely planted acreage, multiply the per acre production guarantee for timely planted acreage by the 50 acres planted timely;
- (2) For late planted acreage, multiply the per acre production guarantee for timely planted acreage by 93 percent (0.93) and multiply the result by the 50 acres planted late; and
- (3) For prevented planting acreage, multiply the per acre production guarantee for timely planted acreage by:
- (i) Fifty percent (0.50) and multiply the result by the 50 acres you were prevented from planting, if the acreage is eligible for prevented planting coverage, and if the acreage is left idle for the crop year, or if a cover crop is planted not for harvest. Prevented planting compensation hereunder will not be denied because the cover crop is hayed or grazed; or
- (ii) Twenty-five percent (0.25) and multiply the result by the 50 acres

you were prevented from planting, if the acreage is eligible for prevented planting coverage, and if you elect to plant a substitute crop for harvest after the 10th day following the latest final planting date for the insured crop. (This subparagraph (ii) is not applicable, and prevented planting coverage is not available hereunder, if you elected the Catastrophic Risk Protection Endorsement or you elected to exclude prevented planting coverage when a substitute crop is planted (see subparagraph 12(d)(1)(iii))).

The total of the three calculations will be the production guarantee for the unit. Your premium will be based on the result of multiplying the per acre production guarantee for timely planted acreage by the 150 acres in the unit.

- (b) If you were prevented from planting, you must provide written notice to us not later than the acreage reporting date.
- (c) Late Planting
 - (1) For spring-planted wheat acreage in counties for which the Special Provisions designate a spring final planting date, and all barley, flax, oat, and rye acreage which is planted after the final planting date but on or before 25 days after the final planting date, the production guarantee for each acre will be reduced for each day planted after the final planting date by:
 - (i) one percent (.01) for the first through the tenth day; and
 - (ii) two percent (.02) for the eleventh through the twenty-fifth day.
 - (2) In addition to the requirements of section 6 (Report of Acreage) of the Common Crop Insurance Policy, you must report the dates the acreage is planted within the late planting period.
 - (3) If planting of the insured crop continues after the final planting date, or you are prevented from planting during the late planting period, the acreage reporting date will be the later of:
 - (i) the acreage reporting date contained in the Special Provisions; or
 - (ii) five (5) days after the end of the late planting period.
- (d) Prevented Planting (Including Planting After the Late Planting Period).
 - (1) If you were prevented from planting the insured crop (see subsection 1(p)), you may elect:
 - (i) To plant the insured crop during the late planting period. The production guarantee for such acreage will be determined in accordance with paragraph 12(c)(1);

- (ii) Not to plant this acreage to any crop except a cover crop not for harvest.

You may also elect to plant the insured crop after the late planting period. In either case, the production guarantee for such acreage will be 50 percent (50%) of the production guarantee for timely planted acres. In counties for which the Special Provisions designate a spring final planting date, the prevented planting guarantee will be based on your approved yield for spring-planted acreage of the insured crop. For example, if your production guarantee for timely planted acreage is 30 bushels per acre, your prevented planting production guarantee would be 15 bushels per acre (30 bushels multiplied by 0.50). If you elect to plant the insured crop after the late planting period, production to count for such acreage will be determined in accordance with subsections 11(c) through (e); or
- (iii) Not to plant the intended crop but plant a substitute crop for harvest, in which case:
 - (A) No prevented planting production guarantee will be provided for such acreage if the substitute crop is planted on or before the tenth day following the latest final planting date for the insured crop; or
 - (B) A production guarantee equal to twenty-five percent (25%) of the production guarantee for timely planted acres will be provided for such acreage, if the substitute crop is planted after the tenth day following the latest final planting date for the insured crop. If you elected the Catastrophic Risk Protection Endorsement or excluded this coverage, and plant a substitute crop, no prevented planting coverage will be provided. For example, if your production guarantee for timely planted acreage is 30 bushels per acre, your prevented planting production guarantee would be 7.5 bushels per acre (30 bushels multiplied by 0.25). You may elect to exclude prevented planting coverage when a substitute crop is planted for harvest and receive a reduction in the applicable premium rate. If you wish to exclude this coverage, you must so indicate,

- on or before the sales closing date, on your application or on a form approved by us. Your election to exclude this coverage will remain in effect from year to year unless you notify us in writing on our form by the applicable sales closing date for the crop year for which you wish to include this coverage. All acreage of the crop insured under this policy will be subject to this exclusion.
- (2) Proof may be required that you had the inputs available to plant and produce the intended crop with the expectation of at least producing the production guarantee.
 - (3) In addition to the provisions of section 11 (Insurance Period) of the Common Crop Insurance Policy, the insurance period for prevented planting coverage begins:
 - (i) On the sales closing date contained in the Special Provisions for the insured crop in the county for the crop year the application for insurance is accepted; or
 - (ii) For any subsequent crop year, on the sales closing date for the insured crop in the county for the previous crop year, provided continuous coverage has been in effect since that date. For example: If you make application and purchase insurance for wheat for the 1996 crop year, prevented planting coverage will begin on the 1996 sales closing date for the insured crop in the county. If the wheat coverage remains in effect for the 1997 crop year (is not terminated or cancelled during or after the 1996 crop year, except the policy may have been cancelled to transfer the policy to a different insurance provider, if there is no lapse in coverage), prevented planting coverage for the 1997 crop year began on the 1996 sales closing date.
 - (4) The acreage to which prevented planting coverage applies will not exceed the total eligible acreage on all Farm Service Agency (FSA) Farm Serial Numbers in which you have a share, adjusted for any reconstitution that may have occurred on or before the sales closing date. Eligible acreage for each FSA Farm Serial Number is determined as follows:
 - (i) If you participate in any program administered by the United States Department of Agriculture that limits the number of acres that may be planted for the crop year, the acreage eligible for prevented planting coverage will not exceed the total acreage permitted to be planted to the insured crop.
 - (ii) If you do not participate in any program administered by the United States Department of Agriculture that limits the number of acres that may be planted, and unless we agree in writing on or before the sales closing date, eligible acreage will not exceed the greater of:
 - (A) The FSA base acreage for the insured crop, including acres that could be flexed from another crop, if applicable;
 - (B) The number of acres planted to the insured crop on the FSA Farm Serial Number during the previous crop year; or
 - (C) One hundred percent (100%) of the simple average of the number of acres planted to the insured crop during the crop years that you certified to determine your yield.
 - (iii) Acreage intended to be planted under an irrigated practice will be limited to the number of acres for which you had adequate irrigation facilities prior to the insured cause of loss which prevented you from planting.
 - (iv) Prevented planting coverage will not be provided for any acreage:
 - (A) That does not constitute at least 20 acres or 20 percent (20%) of the acreage in the unit, whichever is less (Acreage that is less than 20 acres or 20 percent of the acreage in the unit will be presumed to have been intended to be planted to the insured crop planted in the unit, unless you can show that you had the inputs available before the final planting date to plant and produce another insured crop on the acreage);
 - (B) For which the actuarial table does not designate a premium rate unless a written agreement designates such premium rate;
 - (C) Used for conservation purposes or intended to be left unplanted under any program administered by the United States Department of Agriculture;
 - (D) On which another crop is prevented from being planted, if you have already received a prevented planting indemnity, guarantee or amount of

insurance for the same acreage in the same crop year, unless you provide adequate records of acreage and production showing that the acreage has a history of double-cropping in each of the last four years;

- (E) On which the insured crop is prevented from being planted, if any other crop is planted and fails, or is planted and harvested, hayed or grazed on the same acreage in the same crop year, (other than a cover crop as specified in paragraph (a)(3)(i) of this section, or a substitute crop allowed in paragraph (a)(3)(ii) of this section) unless you provide adequate records of acreage and production showing that the acreage has a history of double-cropping in each of the last four years;
- (F) When coverage is provided under the Catastrophic Risk Protection Endorsement if you plant another crop for harvest on any acreage you were prevented from planting in the same crop year, even if you have a history of double cropping. If you have a Catastrophic Risk Protection Endorsement and receive a prevented planting indemnity, guarantee, or amount of insurance for a crop and are prevented from planting another crop on the same acreage, you may only receive the prevented planting indemnity, guarantee, or amount of insurance for the crop on which the prevented planting indemnity, guarantee, or amount of insurance is received; or
- (G) For which planting history or conservation plans indicate that the acreage would have remained fallow for crop rotation purposes.
- (v) For the purpose of determining eligible acreage for prevented planting coverage, acreage for all units will be combined and be reduced by the number of acres of the insured crop that are timely planted and late planted, if the late planting period is applicable. For example, assume you have 100 acres eligible for prevented planting

coverage in which you have a 100 percent (100%) share. The acreage is located in a single FSA Farm Serial Number which you insure as two separate optional units consisting of 50 acres each. If you planted 60 acres of the insured crop on one optional unit and 40 acres of the insured crop on the second optional unit, your prevented planting eligible acreage would be reduced to zero (i.e., 100 acres eligible for prevented planting coverage minus 100 acres planted equals zero).

- (5) In accordance with the provisions of section 6 (Report of Acreage) of the Common Crop Insurance Policy, you must report by unit any insurable acreage that you were prevented from planting. This report must be submitted on or before the acreage reporting date for spring-planted acreage of the insured crop in counties for which the Special Provisions designates a spring final planting date, or the acreage reporting date for fall-planted acreage of the insured crop in counties for which the Special Provisions designates a fall final planting date only. For the purpose of determining acreage eligible for a prevented planting production guarantee, the total amount of prevented planting and planted acres cannot exceed the maximum number of acres eligible for prevented planting coverage. Any acreage you report in excess of the number of acres eligible for prevented planting coverage, or that exceeds the number of eligible acres physically located in a unit, will be deleted from your acreage report.