

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

Farm Records and Reconstitutions for 2013 and Subsequent Years 10-CM	Amendment 3
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Approved by: Deputy Administrator, Farm Programs



Amendment Transmittal

A Reasons for Amendment

Paragraph 51 has been amended to:

- incorporate changes to policy about determining administrative county to conform with Federal regulations
- clarify the table summarizing how a farm’s servicing County Office and administrative county are determined.

Paragraph 52 has been amended to update guidance on changing a farm’s servicing County Office and administrative county with and without a farm combination.

Paragraph 53 has been amended to clarify changes because of office closures and offices having reduced service hours.

Paragraph 54 has been amended to specify that requests for transfers of farms must be filed by August 1 to be effective that calendar year.

Exhibit 2 has been amended to add “servicing County Office”.

Exhibit 9 has been amended to update the example letter to producers about closed County Offices and add servicing County Office.

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Part 3 Administrative County**50 Overview****A Physical County**

The physical county is where the farm or the majority of the farm is physically located.

B Administrative County

The administrative county for a farm is the county that administers the Farm Records for the farm.

C Administrative County Office

The administrative County Office is the County Office designated by FSA to:

- make determinations
- handle official records
- issue payments to producers.

D Basic Rule

The basic rule is that the administrative county for a farm is the county in which the farm is physically located. The administrative County Office for the administrative county is the County Office assigned by FSA. The exceptions to this rule are covered in this part.

E Purpose

This part provides instructions for determining the administrative county and administrative County Office for a farm that includes land physically located in more than 1 county.

Section 1 Administrative County Office

--51 Determination of Administrative County*A Determining Administrative County**

[7 CFR 718.8] Administrative County.

(a) If all land on the farm is physically located in one county, the farm will be administratively located in that county, except as provided in the rest of this section.

(b) In cases where there is no FSA office in the county in which the farm is physically located or FSA county offices have been consolidated, the farm will be administratively located in a county contiguous to the physical county in the same State that is most convenient for the farm operator and owner.

(c) If a county contiguous to the county in which the farm is physically located in the same State does not have an FSA county office, the farm will be administratively located in a contiguous county in another contiguous State that is convenient to the farm operator and owner. Requests for changes made to administrative county under this paragraph must be made to FSA by August 1 of each year for the change to take effect that calendar year.

(d) When land on the farm is physically located in more than one county, the farm will be administered in one county office responsible for administration of programs for one or more of the physical counties involved in the farm's constitution as determined by FSA. Paragraph (b) or (c) of this section apply if changes occur to that administrative county.

(e) The operator and owner of a farm administered in any county can request a change of administrative county to another county in the same State by August 1 for the change to take effect that calendar year. Requests for change in administrative county will be reviewed and approved by COC if all the following can be determined to apply:

(1) The requested change does not impact the constitution of a farm;

(2) The requested change will not result in increased program eligibility or additional benefits for the farm's producers that would not be earned absent the change in administrative county being made; and

(3) The change is not to circumvent any of the provisions of other program regulations to which this part applies.

(f) The State committee will submit all requests for exceptions from regulations specified in this section to the Deputy Administrator.--*

***--51 Determination of Administrative County (Continued)**

A Determining Administrative County (Continued)

This table summarizes how to determine a farm’s administrative county.

Situation	General Rule
All of the land on the farm is physically located in 1 county and the county where the farm is physically located has an FSA County Office.	The servicing County Office is the physical location and administrative county. Follow procedure in paragraph 53 for handling servicing County Office closures.
All of the land on the farm is physically located in 1 county that was the servicing County Office and administrative county, but the servicing County Office closed, and the timeframe to request a change of administrative county has not yet passed.	Follow procedure in paragraph 53 for handling servicing County Office closures.
All of the land on the farm is physically located in 1 county that was the servicing County Office and administrative county, but the servicing County Office closed and the timeframe to request a change of administrative county has passed.	<p>The farm records will be located in a servicing County Office designated by FSA to serve as the administrative county for the physical location county.</p> <p>Example: Contiguous counties A and B are each servicing County Offices and are each administrative counties. Servicing County Office B is closed. FSA designates servicing County Office A to serve administrative county B as well as administrative county A.</p> <p>Note: The farm records may be transferred to another servicing County Office according to paragraph 52 in subsequent years. This may necessitate a change in administrative county.</p>
The land on the farm is physically located in more than 1 county.	<p>The farm will be administered in 1 servicing County Office responsible for administration of programs for 1 or more of the physical counties involved in the farm’s constitution as determined by FSA. For new designations of servicing County Office and administrative county, FSA will make this determination considering input of farm operator and COC’s.</p> <p>Paragraph 52 or 53 applies if changes are requested or if changes occur to that servicing County Office and administrative county.</p>

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--52 Changing a Farm's Servicing County Office and Administrative County*A Changing Without a Farm Combination**

The operator or owner of a farm administered in any servicing County Office can request a change to another servicing County Office by August 1 for the change to be effective for that calendar year. The change in servicing County Office may also necessitate a new administrative county. The operator or owner must state the reason for change (such as, but not limited to, change in the operation of the farm). The transfer request will be reviewed for processing by FSA and will be approved if all the following are determined to apply for the transfer request. The change:

- does not impact the constitution of a farm (a reconstitution request may have to be filed if the farming unit has changed)
- will not result in increased program eligibility or additional benefits for a farm's producers that would not otherwise be attained absent a change in administrative county

Exception: Requests to move farm records and the farm to an administrative county responsible for the physical location of the farm will be permitted, but only if all other conditions of this paragraph are met and if all the land of the farm is physically located in the county for which administrative County Office designation is sought. The operator and owners must agree to conduct business in the servicing County Office responsible for the administrative county as designated by FSA.

Example: Farm 100 was physically located in Spruce County which was also an administrative county. In 2009, FSA closed the Spruce County Office and designated neighboring Pine County Office to serve the Spruce administrative county (as well as be an administrative county for Pine County). At the time, some farm operators of farms in Spruce County believed the Needle County Office was more convenient and asked that their records be transferred to the Needle County Office. This was approved, which necessitated a change in administrative county from Spruce to Needle County. The farm operator and owners now want to return the farm records for Farm 100 to the Spruce administrative county that is serviced in Pine County. Provided the request is filed by August 1, 2015, the administrative county and farm records can be transferred from Needle County to Spruce County which, is serviced in Pine County for the 2015 and subsequent years.

- is not intended to circumvent any program provisions, as determined by FSA.--*

***--52 Changing a Farm’s Servicing County Office and Administrative County (Continued)**

A Changing Without a Farm Combination (Continued)

This table provides an illustration for the example in this subparagraph.

Pine County	Spruce County
<p>Servicing County Office for:</p> <ul style="list-style-type: none"> • administrative county Pine • administrative county Spruce (FSA designation - 2009). <p>Note: 2009 - FSN 100 administered here; however, the operator and owners select Needle County Service Center, this necessitates a change in administrative county from Spruce to Needle County.</p>	<p>No Service Center County Office since 2009.</p> <p>2009 FSN 100 and Spruce Administrative County transferred to Pine Servicing County Office.</p>
Needle County	
<p>Servicing County Office for Administrative County Needle:</p> <ul style="list-style-type: none"> • 2009 FSN 100 added per operator and owner request • by August 1, 2015, FSN 100 operator and owners request to move FSN 100 back to its physical location and administrative county (Spruce) which is serviced in Pine County. 	

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***--52 Changing a Farm’s Servicing County Office and Administrative County (Continued)**

B Documenting Transfer Requests Without a Farm Combination

Reason for in and out transfer must be:

- specified on FSA-179

Note: On FSA-179, item 5, write in, “significantly more convenient”, if transfer is requested because of convenience. FSA COC will determine if it can approve the transfer unless any of the prohibitions in subparagraph A apply.

- signed by the farm operator and **all** owners.

Approving a request for transfer of servicing County Office may necessitate a change in administrative county for all purposes. See paragraph 64 for the timing of the transfer.

For County Office closures, see paragraph 53. For reduced hours of operation of an office and reduced staffing, see paragraph 54 for procedure in changing the servicing County Office and administrative county.

Notes: See 15-AO for determinations of which LAA the farm’s producer should be placed in the new county.

A change in the servicing County Office or administrative county may not impact FLP. FLP applications will be submitted in the County Office serving the area in which the farm is, or will be, located according to 7 CFR 1910.3. Files will be maintained according to 16-AO.--*

*--52 Changing a Farm’s Servicing County Office and Administrative County (Continued)

C Changing With a Farm Combination

A change in administrative county for a farm involved in a farm reconstitution may be permitted in a calendar year if the requested reconstitution was filed by August 1 and if both of the following apply:

- all owners (in both counties) agree with the transfer
- the transferred farm will be combined with a farm in the receiving county.

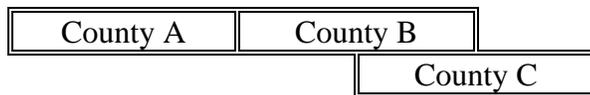
If a County Office determines that the farm transfer and combination are being requested to evade program rules, or obtain benefits that would not otherwise be obtained absent the transfer, the farm transfer, change in administrative county, and farm combination will **not** be approved.

Note: FSA decisions about what servicing County Office will be responsible for farm records in an administrative county are not program, eligibility, or benefit determinations subject to participant requests for administrative review or appeal. How FSA conducts its administrative operations and decides how farm records will be maintained are administrative decisions. For these reasons, decisions by FSA not to process requests for farm transfers or changes in administrative county are not subject to any sort of appeal or appealability review. Offices will provide **neither** appeal **nor** appealability review rights on administrative decisions about servicing County Office or administrative county.

Administrative county changes for farm combinations will only be made to counties that are contiguous to the county where the farm is physically located. If there are no servicing County Offices in the contiguous counties, producer may select a noncontiguous office that is **significantly** more convenient.

Note: In this context, the word “convenient” refers to the attributes 1 servicing County Office may have over another (location, distance of travel to and from farm or home, office hours, etc.). Because of nationwide customer service that enable a person to go into any servicing County Office to conduct business, requests for changes in servicing County Office should lessen.

Example: County A is contiguous to County B. County B is contiguous to County C. Each are servicing County Offices and administrative counties.



Land in counties A, B, and C may be combined and administered in any 1 of the 3 administrative counties if there are parent farms located in all 3 counties.

If land in County B is divided from the farm, the land located in counties A and C would be transferred back to County A and County C to be administered.--*

--52 Changing a Farm's Servicing County Office and Administrative County (Continued)*C Changing With a Farm Combination (Continued)**

In and out transfers shall be:

- requested on FSA-179
- signed by the farm operator and **all** owners
- between contiguous counties when possible.

Approving the request will change the administrative county originally designated by FSA for all purposes. See paragraph 64 for the timing of the transfer.

53 Servicing County Office Closures**A Background**

When a servicing County Office closes, FSA National Office designates a new servicing County Office for the administrative county.

B Letters

The new servicing County Office that is responsible for the administrative county and farm records in that administrative county will provide a letter within 60 calendar days of being notified of the closure of the previous servicing County Office to all operators and owners whose records were held in the closed servicing County Office. The letter informs the operator and owners:

- of the name and location of the servicing County Office where the administrative county farm records will be designated
- that if the designation by FSA is agreeable, the operator and owners will not need to do anything or take any action
- that subject to COC approval by the "transfer to" county, a different servicing County Office may be requested within 30 calendar days of the date of the letter (insert the names of the alternate servicing County Offices according to subparagraph C).

Note: Selection of an alternative servicing County Office may necessitate a change in administrative county. See Exhibit 9 for an example of the letter.--*

--53 Servicing County Office Closures (Continued)*C Criteria for Selecting a Different Servicing County Office and Administrative County**

An operator and owners who want to request a different servicing County Office and administrative county must request the transfer on FSA-179.

The County Office will inform the operator and owners of the available servicing County Offices the operator and owners may select from according to the following criteria:

- the requested servicing County Office must be contiguous to the servicing County Office that is closing **or** the requested servicing County Office must be contiguous to any of the contiguous counties of the servicing County Office responsible for the administrative county
- the request is subject to COC approval of the “transfer to” county.

Exception: A producer may request a servicing County Office that does not meet the above criteria if the producer wants to transfer to a servicing County Office that is currently responsible for the administrative county for another farm the operator operates or owner owns. The request is subject to COC approval of the “transfer to” administrative county. All other provisions of this handbook and paragraph 51 apply.

D Approval of Transfer Required by “Transfer to” County

The “transfer to” request must be approved or disapproved by COC by signing FSA-179.

COC may approve the request if it has knowledge of the farming practices of the “transfer from” farm based on the following characteristics of the geographic region:

- precipitation
- temperature
- cropping practices
- irrigation practices
- soil types
- management practices.

If COC does not approve the transfer for processing, the operator and owners must be notified in writing and provided an opportunity to select a different transfer request within 30 calendar days.

Note: DAFP has delegated authority to STC’s to approve requests for selecting a new servicing County Office in cases where County Offices have closed and an operator and owners request a servicing County Office other than the 1 designated by FSA to be responsible for the administrative county. STC may redelegate this authority to SED.--*

--54 Servicing County Offices With Reduced Hours of Operation*A Background**

Reduced hours at some servicing County Offices may create an inconvenience for some operators and owners in obtaining reasonable availability and accessibility to services. The servicing County Office with reduced hours of operation will notify operators and owners of this option if hours of operation are being permanently reduced.

Operators and owners on farms that are in an administrative county located within a servicing County Office that has reduced hours of operation may request a new servicing County Office. The farm operator or owner must document the reasons why the new servicing County Office is significantly more convenient.

Notes: In this context, the word “convenient” refers to the attributes 1 servicing County Office may have over another (location, distance of travel to and from farm or home, office hours, etc). Because of nationwide customer service that enables a person to go into any servicing County Office to conduct business, requests for changes in servicing County Office should lessen.

If SED determines that reduced staffing in a servicing County Office has caused an inconvenience to operators and owners, SED may use this procedure to allow a farm operator and owners to choose a new servicing County Office even though the servicing County Office may not close or have reduced work hours. The requested change in servicing County Office could necessitate a change of administrative county. After SED has made this decision, the servicing County Office must notify the operators and owners in the county of the option to choose another servicing County Office.

Any requests for new servicing County Office and administrative county for the current calendar year under this provision must be filed by August 1.

B Requesting a New Servicing County Office

A farm operator or owners who want to request a change in servicing County Office and administrative county must request the transfer on FSA-179. Requests for the current calendar year must be filed by August 1.--*

--54 Servicing County Offices With Reduced Hours of Operation (Continued)*B Requesting a New Servicing County Office (Continued)**

The servicing County Office will inform the operator or owners of the available servicing County Offices from which a new servicing County Office may be selected according to the following criteria:

- the requested servicing County Office must be contiguous to the servicing County Office that has reduced hours of operation or reduced staff **or** the requested servicing County Office must be contiguous to any of the contiguous counties of the servicing County office
- the request is subject to COC approval of the “transfer to” county.

Exception: An operator and owners may request a servicing County Office that does not meet the above criteria if the operator and owners want to transfer to a servicing County Office that currently is responsible for an administrative county for another farm the operator operates or owner owns. The request is subject to COC approval of the “transfer to” administrative county.

An operator and owners who select a new servicing County Office, must request a farm transfer to accomplish the change. The request is due by August 1 to be effective for the same calendar year. These requests will be reviewed and approved for processing by STC.

In and out transfers must:

- be requested on FSA-179

Note: On FSA-179, item 5, enter “reduced hours of operation” or “reduced staffing”, as applicable.

- be signed by the farm owner and operator
- occur between contiguous counties with the exception of closed offices
- be submitted to STC for approval for processing.

Approving the request could require a change to the administrative county for all purposes. See paragraph 64 for the timing of transfers.

Note: DAFP has delegated its authority to STC’s to approve requests for selecting a new servicing County Office in cases where County Offices have reduced hours of operation and/or reduced staffing. STC may redelegate this authority to SED.--*

55-61 (Reserved)

Definitions of Terms Used in This Handbook (Continued)

Operator

An operator is an individual, entity, or joint operation who is determined by COC as being in general control of the farming operations on the farm for the current year.

Other Conservation Acres

Other conservation acres are DCP cropland acres on the farm enrolled in a Federal conservation program other than CRP, WRP, EWP, WBP, and GRP for which payments are made in exchange for not producing an agricultural commodity on the acreage.

Other Producers

Other producers are producers who are:

- associated with a farm
- **not** owners or operators.

Out-of-Balance Tract

An out-of-balance tract is a tract that has base acres in excess of the tract's effective DCP cropland acres plus average double-cropped acres.

Owner

An owner is an individual or entity who has legal ownership of farmland, including individuals or entities that are any of the following:

- buying farmland under a contract for deed
- retaining a life estate in the property
- purchasing a farm in a foreclosure proceeding and both of the following apply:
 - the redemption period has not passed
 - the original owner has not redeemed the property
- a spouse in a community property State
- spouses owning property jointly.

Definitions of Terms Used in This Handbook (Continued)

*--Servicing County Office

Servicing County Office means the service center location of the FSA County Office designated by FSA to administer FSA programs and loans for an administrative county or counties.

Example: Contiguous counties A and B are each servicing County Offices located in counties A and B, respectively, and are administrative counties. The servicing County Office in County B is closed. FSA designates servicing County Office A to serve as administrative county B as well as administrative county A.--*

State Conservation Acres

State conservation acres are DCP cropland acres on the farm enrolled in a Federal conservation program administered by the State for which payments are made in exchange for not producing an agricultural commodity on the acreage.

Tract

A tract is a unit of contiguous land that is both of the following:

- under 1 ownership
- operated as a farm or a part of a farm.

Tract Combination

A tract combination is the optional consolidation of 2 or more tracts because of common ownership unit and contiguous land.

Tract Division

A tract division is the dividing of a tract into 2 or more tracts because of a change in ownership or operation. A tract division does not always require a subsequent farm division.

WBP Acres

WBP acres are DCP cropland acres enrolled in WBP according to 7 CFR Part 752.

WRP Acres

WRP acres are DCP cropland acres enrolled in WRP administered by NRCS according to 16 U.S.C. 3837, et seq.

Example of Letter to Producers About Closed County Offices

This is an example of the letter to producers about closed County Offices.

*--

Dear Producer:

The FSA County Office in (county name) County will be officially closed as of _____ (month, day, year). This will result in your farm records in _____ county and _____ servicing County Office being transferred to the _____ servicing County Office. The _____ County FSA Office is located at _____ (address) in _____ (town) and the phone number is _____ (phone). The administrative county will remain the same as it has been.

Operators on farms that are transferred to a servicing County Office because of closure may request a different servicing County Office, which may necessitate a change in administrative county. You may select one of the following servicing County Offices contiguous to _____ (closing county name) County as an alternative:

(List the alternative County Offices and addresses)

If you have a direct or guaranteed loan with FSA, please contact your loan officer to discuss where you would like to have your loan file located and serviced.

NRCS client files will remain with the NRCS field staff servicing those files.

You may also select a servicing County Office that is not contiguous to _____ (closing county name) if that servicing County Office is more convenient for you. This may necessitate a change in administrative county. You may select one of the following servicing County Offices as an alternative:

(List the alternative County Offices and addresses)

Your selection will apply for all programs for the next crop year and subsequent crop years.

Please contact the _____ County FSA Office within 30 calendar days of this letter to request the servicing County Office that will be more convenient for you. Your request is subject to State committee approval. If we do not hear from you within 30 calendar days of this letter, your farm records will continue to be serviced from the (county) County Office. The more convenient option is a one-time choice for producers.

Sincerely,

_____, CED

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