

# PUBLIC SUBMISSION

<b>As of:</b> 5/21/26 10:02 PM
<b>Received:</b> April 09, 2026
<b>Status:</b> Posted
<b>Posted:</b> April 10, 2026
<b>Tracking No.</b> mnr-u5pq-h1y2
<b>Comments Due:</b> May 22, 2026
<b>Submission Type:</b> API

**Docket:** FSA-2023-0020  
Emergency Relief Program (ERP) 2022

**Comment On:** FSA-2023-0020-0006  
Agency Information Collection Activities; Proposals, Submissions, and Approvals: Emergency Relief Program 2022; Correction

**Document:** FSA-2023-0020-0035  
Comment on FR Doc # 2026-05565

---

## Submitter Information

**Name:** Mark Boekelheide  
**Address:**  
Northville, SD, 57465  
**Email:** mboek@nvc.net  
**Phone:** 6052283768

---

## General Comment

I am writing to respectfully request reconsideration and equitable relief regarding ERP 2022 funds that I repaid after I found out that we were out of compliance with crop insurance requirements for forage, oats, and rye for the applicable year.

After I appealed at the county level and lost, I complied with the request to refund the ERP payment in good faith. At the time, I felt if we were denied at the local level, I wouldn't stand a chance appealing to a higher level. I am now requesting administrative reconsideration based on the specific facts and circumstances surrounding my operation during that year. It appears that some are getting to keep their funds, and those of us who paid it back are being treated unfairly.

When I was initially completing my ERP application, I was advised by FSA employees not to include the rye and oats because those crops were not insured during that year. I agreed with that guidance that I believe came from higher up their management ladder as well. I believed that if a crop did not have crop insurance coverage, it would not make me ineligible for a payment under this program. I relied on this advice when completing my application.

By way of background, we are strictly a cash crop farm with no livestock. The forage acres are rented out. As such, forage insurance was not needed.

Regarding the oats and rye, the applicable year was the first year these crops had been planted on our farm. Due to the absence of yield history, the available T-yield coverage was extremely low, making insurance economically impractical. Once yield databases were established, I began insuring both crops in

subsequent years. Additionally, the rye crop was planted after September 30, which was beyond the sales closing date, making crop insurance unavailable at the time. The rye was initially planted as a soil-health experiment and weren't sure we would even harvest it. After determining that it could play a roll in our quest for soil health, we chose to insure it moving forward to prevent similar issues in the future.

I believe these facts demonstrate that I acted in good faith, relied on agency guidance when completing my application, and that insurance was either unavailable or economically unreasonable under the circumstances. I have since taken corrective action to remain compliant. Repayment of the ERP funds has created financial hardship, and reconsideration would be consistent with the intent of the ERP program and provide meaningful support during the current agricultural economic conditions. I respectfully request that my ERP 2022 application be reconsidered under these circumstances. Thank you for your time and consideration.

Boekelheide & Sons  
% Mark Boekelheide  
37938 155th St  
Northville, SD 57465