

Tree Assistance Program (TAP)

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PURPOSE

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Tree Assistance Program (TAP) provides assistance to qualifying orchardists and nursery tree growers to replant or rehabilitate eligible trees, bushes, and vines damaged by natural disasters occurring on or after January 1, 2008, and before October 1, 2011.

Background

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- On May 7, 2010, the Farm Service Agency (FSA) published a Final Rule to implement TAP. This final rule implements Sections 12033 and 15101 of the Food, Conservation, and Energy Act of 2008.
- TAP provides disaster assistance to eligible orchardists and nursery tree growers to replant or rehabilitate trees, bushes, and vines lost due to natural disaster.
- Eligible trees, bushes, and vines are those from which an annual crop is produced for commercial purposes. Nursery trees include ornamental, fruit, nut, and Christmas trees produced for commercial sale. Trees used for pulp or timber are ineligible.

Who Qualifies for TAP?

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To qualify for TAP, orchardists and nursery tree growers must:

- suffer qualifying tree, bush, or vine losses in excess of 15% (adjusted for normal mortality) from an eligible natural disaster for the individual stand
- have owned the eligible trees, bushes, and vines when the disaster occurred; however, eligible growers are not required to own the land on which eligible trees, bushes, and vines are planted
- replace eligible trees, bushes, and vines within 12 months from the date the application is approved.

What are the Prerequisites?

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- Orchardists and nursery tree growers must have obtained a policy or plan of insurance for all crops through either Federal Crop Insurance Act or FSA's Noninsured Crop Disaster Assistance Program (NAP)
- Eligible producers who meet the definition of "Socially Disadvantaged", "Limited Resource", or "Beginning Farmer or Rancher" do not have to meet this requirement

How are Payments Calculated?

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For tree, bush, or vine replacement including replanting and the cost of seedlings, the payment calculation is the lesser of the following:

- 70% of the actual cost of the practice, or
- the amount calculated for each practice using the established rates

For salvaging existing trees, bushes, or vines, including the cost of pruning, removal, or other costs, the payment calculation is the lesser of the following:

- 50% of the actual cost of the practice, or
- the amount calculated for each practice using the established rates

What are the Payment Limitations?

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- For 2009 through 2011 TAP payments, no person or legal entity may receive, directly or indirectly, more than \$100,000 per program year
- For 2008 TAP payments, payments are limited per “person” according to payment limitation rules in effect for 2008
- Cumulative total quantity of acres planted to trees, bushes, or vines a producer may receive TAP payments between January 1, 2008, and September 30, 2011, cannot exceed 500 acres
- Adjusted Gross Income (AGI) limitations:
 - For 2009 and subsequent program years, producers or legal entities whose average nonfarm AGI exceeds \$500,000 are **not** eligible
 - For the 2008 program year, producers are not eligible if their average AGI is \$2.5 million or greater, unless 75% or more of their AGI is from agriculture

What are the steps for a Participant to obtain a TAP Payment?

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- **Step 1: File an application (FSA-899) at the FSA administrative county office that maintains the producer's farm records for the agricultural operation, within the time period(s) specified above. A complete application includes the following:**
 - Completed application form (FSA-899)
 - certification that Risk Management Purchase Requirement (RMPR) has been met on all crops on the farm
 - acreage report for the farming operation
 - a written estimate of the number of trees, bushes, or vines lost or damaged that is certified by the producer or a qualified expert, including the number of acres on which the loss occurred; and
 - sufficient evidence of the loss to allow the county FSA committee to calculate whether an eligible loss occurred.

What are the steps for a Participant to obtain a TAP Payment? (continued)

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- **Step 2: FSA staff will make a field visit and validate which practices are appropriate to address the losses. After verification, FSA will inform the producer of the approved eligible practices and estimated payment.**
- **Step 3: Producer must complete the approved practices within 12 months of FSA approval. Payments will be made after the practices are completed on the stand.**

When does signup begin?

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- Signup begins May 10, 2010, for losses suffered during calendar years 2008 and 2009, and for losses suffered during January 1, 2010, to May 7, 2010.

What are the deadlines?

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The following table provides the final dates to submit a TAP application and supporting documentation:

Date of Loss	Final Date to Submit Application and Supporting Documentation
Calendar Year 2008	July 6, 2010
Calendar Year 2009	July 6, 2010
January 1, 2010, to May 7, 2010	July 6, 2010
May 8, 2010, to September 30, 2011	Within 90 calendar days from the disaster event or the date when the loss is apparent

Additional Information

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More information regarding TAP is available at local FSA County Offices and on FSA's Web site at:

www.fsa.usda.gov/tap

Frequently Asked Questions and Answers

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- Q. Do I have to suffer tree mortality in order to be eligible for TAP?**
- A.** Yes, producers must sustain a mortality loss in excess of 15%, adjusted for normal mortality. Producers who suffer tree damage only are not eligible for TAP.
- Q. Where do I apply for TAP?**
- A.** Producers must apply for TAP in the FSA administrative county that maintains the producer's farm records for the agricultural operation.
- Q. Do I have to meet the Risk Management Purchase Requirement (RMPR) on my farm to be eligible for TAP?**
- A.** Yes, producers are required to meet RMPR on all RMA crops insurable or Noninsured Crop disaster Assistance Program (NAP) eligible crops on the farm. Eligible farmers and ranchers who meet the definition of "socially disadvantaged farmers and ranchers," "limited resource farmers and ranchers," and "beginning farmers or ranchers" do not have to meet this requirement.
- Q. What documentation do I need to provide FSA when I file my application?**
- A.** Producers must submit an acreage report for the operation; a written estimate of the number of trees, bushes, or vines lost or damaged; and any other required documents, applicable to your farming operation; such as an AD-1026 for HEL/WC.

Frequently Asked Questions and Answers (continued)

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Q. What is the payment limitation for TAP?

A. For 2009 through 2011 payments, no person or legal entity may receive, directly or indirectly, more than \$100,000 per program year. 2008 payments are limited per “person” according to payment limitation rules in effect for 2008.

Q. Are there acre limitations?

A. Yes, the cumulative total quantity of acres planted to trees, bushes, or vines for which a producer may receive payment for losses that occurred between January 1, 2008 and September 30, 2011, cannot exceed 500 acres.

Q. Can I receive TAP assistance for the same acreage and trees as I received NAP and SURE assistance?

A. Yes. TAP provides assistance for replacement/rehabilitation of trees. NAP provides assistance for production losses, and, SURE provides assistance for income losses.

Q. Can I replant in a different field, State, or county?

A. You may replant eligible trees, bushes, or vines in a different field on the **same** FSA farm.

Frequently Asked Questions and Answers (continued)

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Q. Do I have to replant the same type of the lost trees, bushes, and vines?

A. No. The new types planted may be different from those originally planted, if the new types have the same general end use, as determined and approved by the county FSA committee. Also, the site preparation costs for the new location must not exceed the cost to re-establish the original stand in the original location.

Q. Are my cucumbers, watermelon, cantaloupe, and tomato crops eligible for TAP?

A. No. TAP covers the loss of fruit, and not vegetable. Although tomato is considered a fruit, it does not meet the definition of an eligible vine. However, the four crops may be eligible for NAP, FCIC crop insurance, or SURE payments.

Q. Is there a time limit for completing the approved practices?

A. Yes, all approved practices must be completed within 12 months of application approval by the COC.

Q. When will I receive my TAP payment?

A. TAP payments will be issued once all approved practices on the stand have been completed, and COC has approved the application for payment.