

FSA HANDBOOK

Tree Assistance Program

To access the transmittal page click on the short reference

For State and County Offices

SHORT REFERENCE

1-TAP
(Revision 4)

UNITED STATES DEPARTMENT OF AGRICULTURE
Farm Service Agency
Washington, DC 20250

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Farm Service Agency
Washington, DC 20250

Tree Assistance Program 1-TAP (Revision 4)	Amendment 21
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Approved by: Acting Deputy Administrator, Farm Programs



Amendment Transmittal

A Reasons for Amendment

Paragraph 1 has been amended to update an organizational reference and the list of related handbooks.

Paragraph 33 has been amended to update an organizational reference.

Paragraph 61 has been amended to reference 2-TAP for automation procedure.

Parts 10 and 11 have been withdrawn. See new handbook 2-TAP for automation procedure.

Exhibit 3 has been withdrawn because automation procedure has been removed.

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Exhibits

- 1 Reports, Forms, Abbreviations, and Redelegations of Authority
- 2 Definitions of Terms Used in This Handbook
- 3 (Withdrawn--Amend. 21)

Part 1 Handbook Purpose and Responsibilities

1 Handbook Purpose and Coverage

A Handbook Purpose

This handbook provides procedure for TAP authorized under the 2014 Farm Bill and
--implemented by DAFP through SND.--

B Related Handbooks

Related handbooks include the following.

IF the material concerns...	THEN see...
referring possible fraud cases to OIG	9-AO.
TAP appeals	1-APP.
State and County Office records management	32-AS Supplement.
signatures, power of attorney, name and address, controlled substance, deceased individuals, or closed estates	1-CM.
Common Payment System	9-CM.
farm records	10-CM
acreage reporting or compliance	2-CP.
HELC/WC provisions	6-CP.
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environmental quality and cultural resource protection (cultural resources and wildlife protection and consultation)	1-EQ
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prompt payment interest	61-FI.
assignments or joint payees	63-FI.
--establishing and reporting receipts and receivables on NRRS	64-FI.--
digital photography	*--1-GIS.--*
information policies and procedures or information available to the public	2-INFO.
LA management	2-NAP.
web-based subsidiary files	3-PL.
AGI/payment limitation/direct attribution (applicable to 2014 through 2020 program years)	5-PL.
AGI/payment limitation/direct attribution (applicable to 2021 and subsequent program years)	6-PL.
--TAP software	2-TAP.--

2 Authority

A Statutory Authority

*--The Agricultural Act of 2014 (Pub. L. 113-79), as amended by the Agriculture Improvement Act of 2018 (Pub. L. 115-334), provides the authority to implement TAP.

B Regulatory Authority

Regulations governing general provisions for supplemental agricultural disaster programs, including TAP, are at 7 CFR Part 1416, Subpart A. Regulations for TAP are at 7 CFR Part 1416, Subpart E. Regulations governing environmental compliance are at 7 CFR Part 799, and 40 CFR 1500-1508, National Environmental Policy Act (NEPA).--*

C Regulatory Reference

The following table provides the regulatory references for TAP.

General Eligibility Provision	Regulatory Reference
Applicability and general statement	7 CFR 1416.1 and .400
Administration	7 CFR 1416.2 and .401
Eligible producers on a farm	7 CFR 1416.3
Equitable relief	7 CFR 1416.5
Payment limitation	7 CFR 1416.6
Misrepresentation	7 CFR 1416.7
Appeals	7 CFR 1416.8
Offsets, assignments, and debt settlement	7 CFR 1416.9
Records and inspections	7 CFR 1416.10
Refunds, joint and several liability	7 CFR 1416.11
Minors	7 CFR 1416.12
Deceased individuals or dissolved entities	7 CFR 1416.13
Miscellaneous	7 CFR 1416.14
Definitions	7 CFR 1416.402
Eligible Losses	7 CFR 1416.403
Eligible orchardists and nursery tree growers	7 CFR 1416.404
Application	7 CFR 1416.405
Payment calculation	7 CFR 1416.406
Obligations of participant	7 CFR 1416.407

D Funding Authority

TAP is administered by FSA using funds from CCC.

3 Internal Operating Guidelines

A Limitations

*--To the extent that more than 1 particular handbook provision appears to apply, the provision that is the most restrictive on benefits or eligibility applies.

This handbook is FSA's internal operating guideline issued by the Deputy Administrator for carrying out the provisions of regulations. Handbook provisions are considered interpretive of regulations. Whenever an unintended conflict appears to exist between any handbook provisions and the pertinent applicable Federal regulations, regulations apply. The Deputy Administrator is authorized to make determinations when there are questions about TAP regulations. Therefore, for issues or situations not specifically addressed by regulation, this handbook can reflect the Deputy Administrator's general applicable policy decision on those issues.

B Modifying Provisions

Provisions in this handbook must **not** be revised without prior written approval from the National Office.

Important: Revisions include adding, deleting, editing, clarifying, supplementing, or otherwise amending any procedure, form, or exhibit.

A separate State or county handbook must **not** be created.--*

--4 Publicizing TAP*A General Information**

FSA will publicize details on TAP.

B Publicizing Program Information or Details

FSA will assist persons by providing TAP information in a variety of ways. However, because of limits on FSA resources, publication may or may **not** be by direct mail or on an individual basis. FSA meets its publication responsibilities by making broad program announcements in the press, print, and electronic media, FR documents, radio and television announcements, and through posting program information in USDA Service Centers.

The reality of limited resources has increased the participant's responsibility for being aware of program provisions. FSA **cannot** be responsible for reaching out to every potential program participant with all program information. Participants **must** seek information on program details and **not** wait for FSA to individually write or communicate with them about program provisions.

As resources permit, COC will ensure that TAP provisions are publicized and maintain a record of any and all publicity efforts, including postings in Service Centers.--*

5 Responsibilities

A STC Responsibilities

STC's will:

- direct the administration of TAP
- establish maximum payment rates when they are lower than DAFP-established rates
- establish normal mortality rates
- ensure that State and County Offices follow TAP provisions
- thoroughly document all adverse actions in STC meeting minutes
- handle suspected fraud cases according to applicable procedure
- handle appeals according to 1-APP and 7 CFR Parts 11 and 780
- review and document in STC minutes, all CCC-899's approved or disapproved for State Office employees, COC members, CED's, County Office employees, and their spouses
- require reviews to be conducted by STC representative to ensure that TAP is implemented according to TAP provisions.

Note: STC may establish additional reviews to ensure that TAP is administered according to these provisions.

B SED Responsibilities

SED's will:

- ensure that County Offices follow TAP provisions
- *--be responsible for all environmental compliance within their State according to 1-EQ, paragraph 4, and subsequent revisions

Note: This authority is not delegable.

- nominate SEC'S to ensure adequate training is provided for environmental compliance and documentation is completed consistent with the requirements of 7 CFR 799 and 1-EQ and subsequent revisions

Note: There are no waivers or provisions for failure to complete environmental reviews for NEPA compliance.--*

5 Responsibilities (Continued)

B SED Responsibilities (Continued)

- handle appeals according to 1-APP and 7 CFR Parts 11 and 780
- ensure DD's conduct required reviews according to subparagraph A

Note: SED may establish additional reviews to ensure that TAP is administered according to these provisions.

- ensure that County Offices publicize TAP provisions
- immediately notify the National Office of software problems, incomplete or incorrect procedures, and specific problems or findings
- ensure training is provided to FSA-certified LA's
- follow 2-NAP to obtain the services of certified LA's.

SED equitable relief authority in 7-CP applies to TAP.

C DD Responsibilities

DD's will:

- ensure that COC's and CED's properly carryout TAP provisions
- conduct reviews according to subparagraph A and any additional reviews established by STC and SED
- provide SED with a summary report of all reviews
- ensure County Offices publicize TAP provisions.

5 Responsibilities (Continued)

D COC Responsibilities

COC's will:

- follow this handbook and regulations to properly administer TAP
- ensure CCC-899's are accepted from all interested producers and processed according to this handbook
- *--ensure the appropriate level of environmental review has been completed before implementing any part of the FSA-funded action

Note: COC's are not authorized to complete or sign FSA-850 on behalf of FSA.

Important: COC's will not play a role in the environmental compliance process.--*

- act on all submitted and completed CCC-899's

Important: COC may delegate authority to CED to approve routine cases.

- handle appeals according to 1-APP and 7 CFR Parts 11 and 780
- thoroughly document all adverse actions taken in COC minutes

Important: All of the following **must** be thoroughly documented for **all** TAP determinations made by COC:

- all factors reviewed or considered
 - all documentation reviewed
 - references to applicable handbooks, notices, and regulations
 - all sources of information obtained for review or consideration.
- ensure that applicants receive complete and accurate TAP information

Note: TAP information may be provided through the following:

- TAP leaflets, newsletters, and print media
 - meetings
 - radio, television, and video
 - County Office visits.
- handle suspected fraud cases according to applicable procedure
- ensure that TAP general provisions and other important items are publicized according to paragraph 4.

5 Responsibilities (Continued)

E CED Responsibilities

CED's will:

- follow this handbook and regulations to properly administer TAP
- ensure County Office employees are trained in and follow TAP provisions
- ensure certified FSA LA visits are completed in a timely manner
- act on completed and routine CCC-899's for TAP, if delegated
- *--be responsible for demonstrating to SED that environmental compliance has been completed consistent with 7 CFR 799 and 1-EQ and subsequent revisions--*
- handle appeals according to 1-APP and 7 CFR Parts 11 and 780
- ensure modifications to data by an applicant are accompanied by applicant initials and dates
- ensure a second party review is conducted before CCC-899 approval or disapproval
- immediately notify SED, through DD, of software problems and incomplete or incorrect procedures
- ensure general provisions and other important items are publicized according to paragraph 4.

F PT Responsibilities

PT's will:

- follow all TAP provisions
- immediately notify CED of software problems and incomplete or incorrect procedures
- ensure applicants receive complete and accurate information.

6-30 (Reserved)

Part 2 General Eligibility Requirements

31 General Eligibility Requirements

A TAP Assistance

TAP provides disaster assistance to eligible orchardists and nursery tree growers to replant or rehabilitate trees, bushes, and vines that were lost because of an eligible natural disaster.

TAP applies to orchardists and nursery tree growers who commercially raise perennial trees *--for production of an annual crop and sustain tree deaths in excess of 15 percent in a calendar year (or loss period in a case of plant disease) because of natural disaster after adjustment for normal mortality. TAP authorizes payments to eligible orchardists and nursery tree growers who actually replant or rehabilitate eligible trees, bushes, and vines and who produce nursery, ornamental, fruit, nut, or Christmas trees for commercial sale. To be eligible for TAP, an eligible owner of trees, bushes, or vines, or a grower of the annual crop produced from the trees, bushes, or vines with a claim to ownership share in the annual crop, **must** have trees bushes and vines that were directly affected by an eligible natural disaster.--*

Note: A marketing or production contract grower **must** have production history for commercial purposes on planted or existing trees. Any questions on the eligibility of a grower's marketing or production contract should be referred to the appropriate OGC regional attorney.

Eligible tree losses must have occurred on or after October 1, 2011.

B Eligible Losses

To be considered an eligible loss under TAP, eligible trees, bushes, or vines **must** have reached mortality (that is, died) above and below ground, as a result of an eligible natural disaster event, as identified in Exhibit 2. The stand must have sustained a mortality loss in excess of 15 percent after adjustment for normal mortality.

--If a tree, bush, or vine is damaged to such an extent that it is no longer commercially viable, the tree, bush, or vine may be considered dead in determining the 15 percent-- mortality loss threshold.

Note: Death of a plant's graft or scion that necessitates removal and replacement of the plant's rootstock may be counted toward the 15 percent mortality, adjusted for normal mortality.

31 General Eligibility Requirements (Continued)

C Qualifying Mortality Losses in the Case of Plant Disease

Determining mortality loss for plant disease differs from natural disaster because the time period between bacterial, fungal, or viral infection and symptom appearance can be from a few days to several years. Therefore, the 15 percent mortality threshold and normal mortality calculation for plant disease is cumulative based on the loss and time period, as approved by DAFP. STC's must submit documentation to DAFP for approval of STC determined loss and expected mortality time period according to subparagraph D.

D Requesting Cumulative Time Periods for Mortality for Plant Disease

For cumulative plant disease mortality losses, STC's **must** submit to DAFP, reliable documentation to support confirmed prognosis and the determined loss period for the claimed infected trees, bushes, or vines, such as:

- plant pathology reports
- entomology laboratory reports
- related environmental factors
- integrated pest management data that may include timing of application, including biological, cultural, and chemical controls, as appropriate
- any other related data on periphery of pathogen and stage of trees affected.

Note: There may be regional differences in disease severity within a State; therefore, STC **must** document requests by region.

*--County Offices **must** retain the producer's initial CCC-899 on plant disease confirmation in the automated system, and forward a copy to CCC representative to complete CCC-899, --* Part D when producer reports total mortality in subsequent years.

--32 Equitable Relief [7 CFR Part 1416.5]*A Equitable Relief Requests**

Equitable relief provisions will not be used to obtain a different program result, payment, or benefit not otherwise available to a participant who satisfied all eligibility and compliance provisions.

Example: TAP requires a 15 percent mortality loss (after normal mortality) to be eligible for assistance. Relief provisions cannot be used to extend TAP when the minimum mortality loss has not occurred.

B COC Action

COC will:

- review each equitable relief request (programmatic, failure to fully comply, or misinformation/misaction) and in cases where COC determines relief is warranted, document the justification for recommending equitable relief to STC
- follow 7-CP for processing relief requests.

C STC Action

STC's will:

- review each request for equitable relief and in cases where STC determines relief is warranted, document the justification for recommending equitable relief to DAFP
- follow 7-CP for processing relief requests.--*

--33 Submitting Documents and Requests to the National Office*A Overview**

Where this handbook provides that a request or documentation be sent to SND or any section of SND, State Offices will submit the file electronically according to this paragraph.

Note: Requests for equitable relief or application of the finality rule for TAP participants are **not** subject to this paragraph and **must** be submitted according to 7-CP, paragraph 4.

Responses to items sent electronically may be made electronically, by hard copy, or both.

B Electronically Submitting Requests

Requests and documents addressed in this handbook must be submitted by internal FSA e-mail from State Offices to RA.FSA.DCWA2.DAFP@usda.gov, according to the format in subparagraph C.

Requests and documents submitted according to this paragraph must be sent by e-mail with a PDF attachment. Include a POC in the text of the e-mail, but nothing else of substance. Follow subparagraph C about the need for encryption. For questions about the password or submitting requests, e-mail RA.FSA.DCWA2.DAFP@usda.gov.--*

--33 Submitting Documents and Requests to the National Office (Continued)*C Format for Subject Line of E-Mails and Required Attachments**

The e-mail subject line **must** be formatted as follows:

- State abbreviation (for example, NY for New York)
- producer name
- county (for example, Clinton County)
- type of request (that is, EXT TAP Practices)
- date of request (for example, 5-10-22 for May 10, 2022).

Example: An example e-mail subject line from New York State, in Clinton County, for Roger Miller, for a TAP practice extension would be, “NY - Roger Miller - Clinton County – EXT 2020 TAP Practices - 5-10-22.”

Attachments containing PII **must** be in PDF and encrypted with a password provided to the field under separate cover. The following **must** be included in the attachments:

- written narrative explaining what is at issue and what is being sought
- **all** documents required by this handbook or other FSA directive (for example, CCC-899, FSA-578, and any other program documents, as applicable)
- COC or STC concurrence or approval, as applicable
- other information that may help in processing the request
- POC for questions about the request.--*

33 Submitting Documents and Requests to the National Office (Continued)**D Addresses and Phone Number**

If sending requests or documents electronically according to subparagraph B is **not** feasible, mail documentation to SND, PPB, DAS by one of the following:

- FedEx or overnight mail:

USDA, FSA, DAFP, SND, PPB
SOUTH BLDG, ROOM 4758 SOUTH
1400 INDEPENDENCE AVE SW
WASHINGTON DC 20250-0002
Telephone: 202-720-7641

- other mail:

--USDA, FSA, DAFP, SND, PPB--
1400 INDEPENDENCE AVE SW
STOP 0517
WASHINGTON DC 20250-0517.

Note: Do not send fax messages. They will **not** be acknowledged.

34-60 (Reserved)

Part 3 CCC-899's, Reimbursements, and Qualifying Losses

61 CCC-899, TAP Application for Assistance

A Filing CCC-899's

To apply for TAP benefits, an applicant **must** file an automated CCC-899 (2-TAP, Paragraph 62) in the administrative County Office that maintains the farm records for the agricultural operation by crop type, stand, and producer share.

Note: See subparagraph 61.5 A on filing CCC-899 for losses because of plant disease.

Applicants who suffered eligible tree, bush, and vine losses after January 1, 2017, must ~~provide~~ an application and supporting documentation to FSA within 90 calendar days of either of the following:

- the disaster event
- the date when the loss of the trees, bushes, or vines is apparent to the producer.

Example: A freeze event occurred on November 1, 2022. The loss was not apparent to the producer until January 1, 2023. The applicant has until April 1, 2023, (90 calendar days from the date the loss became apparent) to file his or her application.--*

Important: All CCC-899's must be loaded in the TAP automated software **before** the current year rollover of Farm Records.

Note: The program year is based on the calendar year in which the natural disaster event occurred.

~~*--~~**Example:** On March 20, 2023, applicant reports the loss of fruit trees because of a freeze event that occurred in December 2022. Applicants must provide an application to FSA within 90 calendar days of each disaster event or date when the loss of trees, bushes, or vines is apparent. Although the damage was not apparent until March 2023, in this example the disaster event, freeze, occurred in December 2022.--*

Applicants who suffer multiple disasters during the calendar year may file multiple CCC-899's.

Applicants must certify that the losses were the direct result of an eligible natural disaster. If requested by COC, applicants must also provide adequate proof to support their certification.

Notes: Applicants must be active in SCIMS with a legacy link to the administrative county accepting CCC-899 to apply and receive benefits under TAP.

Applicants must be active on a farm in the administrative county accepting CCC-899 to apply and receive benefits under TAP.

61 CCC-899, TAP Application for Assistance (Continued)

A Filing CCC-899's (Continued)

If an applicant is not in SCIMS with a legacy link to the administrative county accepting CCC-899, do the following:

- add the applicant to SCIMS
- create the legacy link according to 1-CM.

*--TAP funds are obligated when CCC-899 Part B, Applicants Stand Information, is entered into the automated system. CCC cannot incur obligations without TAP apportionment funding in place. When County Offices receive notification from the National Office that the TAP apportionment funding has been depleted, and that the TAP application software is being shut down, County Offices **must not**:

- accept manual CCC-899's
- enter CCC-899's into the automated system
- approve any CCC-899's until notified that funding is available.

County Offices will be notified by the National Office when the funding and application software is available.--*

61 CCC-899, TAP Application for Assistance (Continued)

B Filling CCC-899 Examples

Each eligible applicant with a share interest in a stand who wants TAP payments **must** complete and sign a separate CCC-899 for that share of the stand.

Example 1: John Brown and others suffered eligible fruit tree losses and have the following interests in 2 counties that are administered in Jefferson County:

- B and B General Partnership has a permanent TIN and owns citrus groves in Jefferson County
- John Brown as 100 percent individual owner of pecan trees in Jefferson County
- John Brown and Jane Brown share owners of huckleberry bushes in Jefferson County; John Brown and Jane Brown have separate TIN's and jointly own the bushes on a 25-75 percent share
- John Brown as 100 percent individual owner of a stand of citrus trees in De Soto County that is administered in Jefferson County.

Assuming John Brown and others want TAP payments for their share of each stand, the following CCC-899's would need to be submitted:

- one CCC-899 for B and B General Partnership for 100 percent share of the citrus trees in Jefferson County
- one CCC-899 for John Brown for 100 percent interest in the pecan stand in Jefferson County
- one CCC-899 for John Brown for 25 percent interest in the huckleberry bushes operation in Jefferson County he shares with Jane Brown
- one CCC-899 for Jane Brown for 75 percent share of the citrus grove in Jefferson County she shares with John Brown
- one CCC-899 for John Brown with 100 percent share of the citrus grove physically located in De Soto County, but administered in Jefferson County.

61 CCC-899, TAP Application for Assistance (Continued)

B Filing CCC-899 Examples (Continued)

Example 2: Smith Brothers, Inc., incurred eligible fruit tree losses and has 100 percent interest in the fruit trees.

Only one CCC-899 would be submitted for Smith Brothers, Inc., for its 100 percent share regardless of who owns Smith Brothers, Inc., or how it is comprised. The producer who suffered the loss is the producer who signs CCC-899. In this example, the Smith Brothers, Inc., is the producer that suffered the loss, and consequently, is the eligible applicant for TAP. The individual stockholders did not suffer the loss and are not individually eligible for the tree losses suffered by the corporation. Only an authorized representative of the corporation can sign CCC-899 on behalf of the corporation.

C Completing CCC-899's

An acreage report must first be filed according to 2-CP before completing CCC-899. Complete CCC-899 according to the following:

- Parts A, B, and C are to be completed when CCC-899 is submitted
- Part D is to be completed following FSA's field visit to verify cause of loss and determine trees/acres in stand according to paragraph 63
- COC or designated representative will then approve or disapprove the information--* entered in Part D, by signing Part E

Note: COC or designated representative **cannot** approve and sign CCC-899, Part E, before the appropriate level of environmental compliance has been successfully completed by appropriate signatories according to 1-TAP, paragraph 125, and subsequent revisions.

- Part F is to be completed, and signed by applicant, after the applicant completes all practices and submits cost documentation for all components of the completed practices; receipts should include individual component cost indicating total cost for each practice, the date, and vendor's name and location

Note: If applicant chooses to replant different eligible trees, bushes, or vines than those *--initially lost, Part F, Items 45 through 48, must reflect the new crop(s),--* applicable practice codes, trees, acres, completed, and actual cost.

- COC or designated representative shall then approve or disapprove CCC-899, and sign Part G.

Note: The signature date and approval date will be entered in the automated system **only** after the actual cost data is entered and CCC-899 is ready for payment.

61 CCC-899, TAP Application for Assistance (Continued)

D Signing and Certifying CCC-899's

*--When signing CCC-899, item 20A the applicant is:

- applying for TAP benefits for the applicant listed on CCC-899, item 5A--*
- certifying **all** of the following:
 - all trees, bushes, or vines entered on CCC-899 were planted for commercial purposes, and were lost and/or damaged because of an eligible natural disaster, as defined in Exhibit 2
 - applicant owns eligible trees, bushes, or vines, or is a producer of an annual crop from the tree, bush, or vine
 - all information on CCC-899 and all supporting documents provided is true and correct
 - benefits received under any other Federal disaster payment program for the same loss has been or will be refunded, as applicable (paragraph 154)

Note: CCC-899's may be disapproved if information or evidence is false or in error, and other sanctions or penalties may apply.

- authorizing FSA officials to:
 - enter on, inspect, and verify **all** applicable acreage where the applicant has an interest for the purpose of confirming accuracy of the information provided
 - review, verify, and authenticate all information provided on CCC-899 and supporting documents.

E Signature Requirements

Follow 1-CM for signature requirements.

61 CCC-899, TAP Application for Assistance (Continued)

F Deleting CCC-899's

County Offices must not delete or remove from FSA records, copies of any signed CCC-899.

If an applicant requests to withdraw a signed CCC-899, the applicant must write “**Withdrawn**” on CCC-899, initial, and write the date next to “**Withdrawn**”. County Offices will then delete CCC-899 from the automated system.

Notes: For succession-in-interest, a new CCC-899 **must** be initiated by the successor, and CCC-899 for the predecessor will be deleted from the automated system.

See paragraph 92 for succession-in-interest provisions.

G Acting on CCC-899's

COC or CED if delegated, **must** act on all submitted and completed CCC-899's.

Notes: CED may delegate approval authority to PT's for routine cases. PT's will **not** be delegated authority to disapprove any CCC-899's.

STC's must review all CCC-899's approved or disapproved for State Office employees, COC members, CED's, County Office employees, and their spouses.

Before approving CCC-899, Part G, the approving official **must** ensure that **all** eligibility requirements are met, a field visit has been completed according to paragraph 63, and the approving official is satisfied with **all** of the following:

- stand is eligible according to paragraph 151
- applicant has a stand that sustained mortality loss in excess of 15 percent after adjustment for normal mortality
- applicant is considered an eligible owner according to paragraph 91

61 CCC-899, TAP Application for Assistance (Continued)

G Acting on CCC-899's (Continued)

- loss occurred because of an eligible natural disaster as defined in Exhibit 2
- FSA has made a decision about the number of acres and trees destroyed and damaged
- all signature requirements on CCC-899, Part F are met
- all practices claimed for payment on the stand are complete
- all documentation is provided in support of payment
- all signature requirements are met.

If all TAP eligibility requirements are **not** met, or it is determined that the information on CCC-899 or any additional supporting documentation provided by the applicant is inadequate or **not** accurate or justifiably reasonable, the following actions will be taken:

- disapprove CCC-899
- notify the applicant of disapproval
- provide the applicant applicable appeal rights according to 1-APP
- thoroughly document reasons for disapproval in COC minutes, if disapproved by COC.

61 CCC-899, TAP Application for Assistance (Continued)

H Late-Filed Provisions

The COC and STC do not have authority to approve programmatic relief for late-filed CCC-899's. However, a late-filed CCC-899 will be reviewed according to the following table:

Note: Neither COC nor STC are under any obligation to recommend relief. COC is not required to submit cases to STC that COC believes do not warrant relief, nor is STC required to submit cases to DAFP that STC believes do not warrant relief. If relief is not recommended by either COC or STC, the late-filed application will be disapproved and the County Office will notify the participant in writing of the decision on the participant's request for late-filed CCC-899. If CCC-899 is disapproved, not the participant, with appropriate appeal rights according to 1-APP (based on the reviewing authority's decision that the CCC-899 was late and that relief was not appropriate). Cases do not have to be submitted to STC or DAFP for disapproval of relief.

If CCC-899 is submitted...	THEN do the following...
after the deadline, but it is not accompanied by a written request of the participant for late-filing	County Office will issue a letter to the participant explaining that FSA cannot process CCC-899 because it was filed after the deadline. The letter must advise the participant that the participant may, within 30 calendar days of the receipt of the letter, file a written appeal to COC.
after the application deadline and is either accompanied by a written request for late-filing or the participant has filed a timely appeal of the county FSA office's notification that the application cannot be processed.	<p>COC will review and make a determination of whether relief is appropriate and, if so, forward a recommendation to STC for final action. STC will review the participant's request and COC recommendation.</p> <p>Note: If the matter comes to COC by appeal, follow 1-APP for acknowledging and scheduling an appeal.</p> <p>Neither COC nor STC are under any obligation to recommend relief. COC or STC can disapprove CCC-899 and choose not to forward a recommendation for relief of approval of the late-filed CCC-899 to DAFP. If relief is recommended, STC will forward an appropriate recommendation to DAFP.</p> <p>DAFP may:</p> <ul style="list-style-type: none"> grant relief to approve the late-filed CCC-899 <p>Note: The FSA representative will sign and date CCC-899 with the effective DAFP decision date.</p> <ul style="list-style-type: none"> deny relief and disapprove the CCC-899. <p>Note: State Offices will advise COC to notify the participant in writing that relief has been disapproved by DAFP. The letter must include appropriate appeal rights according to 1-APP.</p>

61 CCC-899, TAP Application for Assistance (Continued)

I Example of CCC-899

Following is an example of CCC-899.

*_

CCC-899 (10-13-22)		U.S. DEPARTMENT OF AGRICULTURE Commodity Credit Corporation		1. Admin State Name/Code	2. Admin County Name/Code
TREE ASSISTANCE PROGRAM APPLICATION FOR TREES, BUSHES, AND VINES				3. Program Year	4. Application No.
<p>NOTE: The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a - as amended). The authority for requesting the information identified on this form is 7 CFR Part 1416, the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), and the Agricultural Act of 2014 (Pub. L. 113-79). The information will be used to determine eligibility for tree assistance program benefits. The information collected on this form may be disclosed to other Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated). Providing the requested information is voluntary. However, failure to furnish the requested information will result in a determination of ineligibility for tree assistance program benefits.</p> <p>This information collection is exempted from the Paperwork Reduction Act as specified in the Agricultural Act of 2014 (Pub. L. 113-79, Title I, Subtitle F – Administration). The provisions of criminal and civil fraud, privacy, and other statutes may be applicable to the information provided. RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.</p>					
PART A - APPLICANT INFORMATION					
5A. Applicant's Name				5B. Applicant's Address (Including Zip Code)	
PART B - APPLICANT'S STAND INFORMATION					
6. A. I am an orchardist or nursery tree grower that planted trees for commercial purposes: <input type="checkbox"/> B. I did not plant the trees but have a production history for commercial purposes on the planted or existing trees: <input type="checkbox"/>					7. Disaster Event
8. Disaster Date	9. Lost or Damaged Crop Name	10. Stand Number	11. Applicant's Share %	12. Total Acres in Stand	
13. Total Acres Damaged	14. Total Trees in Stand	15. Total Trees Lost	16. Total Trees Damaged	17. Total Replanted Trees	
18. Practice Code			19. Trees/Acres Requested		
PART C - APPLICANT CERTIFICATION STATEMENT					
<p>Payments under the Tree Assistance Program will be made to eligible orchardists and nursery tree growers who replant trees, bushes and vines that were grown for the commercial production of an annual crop and who suffered eligible losses due to natural disaster, adverse weather, or other environmental condition. Each producer must complete and file Form CCC-899 to be eligible to receive program benefits. By signing this application, applicant:</p> <ol style="list-style-type: none"> Agrees to provide FSA any documentation required to determine eligibility that verifies and supports all information provided, including the applicant's certification; Understands the application may be disapproved if the applicant fails to provide any information requested by FSA; Authorizes FSA, at any time, with or without the applicant's presence, to enter upon, inspect and verify all acres and crops in which the applicant has an interest; Agrees to comply with, and acknowledges the applicant is subject to, all the regulations governing the program and understands that instructions and assistance are available for completing this form; Agrees to complete all replanting, rehabilitation, and other appropriate program-related activities within 12 months from the date of application approval. <p>I certify that:</p> <ol style="list-style-type: none"> The above information provided by me, or my legal representative is true and correct. The losses occurred during the disaster date listed in Item 8. If determined eligible, I will receive the lesser of: (a) 65 percent of the producer's actual cost of replanting, in excess of 15 percent mortality (adjusted for normal mortality), and/or 50 percent of the producer's actual cost of rehabilitation, in excess of 15 percent damage or mortality (adjusted for normal tree damage and mortality); or (b) the maximum eligible amount established for the practice by the Deputy Administrator. If, determined eligible, and at the time of application, I meet the definition of a beginning farmer or rancher or veteran farmer or rancher, I will receive the lesser of: (a) 75 percent of the actual cost of replanting, in excess of 15 percent mortality (adjusted for normal mortality), and/or 75 percent of the actual cost of rehabilitation, in excess of 15 percent damage or mortality (adjusted for normal tree damage and mortality); or (b) the maximum eligible amount established for the practice by the Deputy Administrator. I understand that this application may be disapproved if information or evidence provided is false or in error, and that civil or criminal penalties associated with the provision of false or erroneous information could apply, including but not limited to those provided for in 18 U.S.C. 1001. 					
20A. Applicant's Signature (By)		20B. Title/Relationship of the Individual Signing in the Representative Capacity		20C. Date (MM-DD-YYYY)	
<p><small>In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.</small></p> <p><small>Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.</small></p> <p><small>To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.asc.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov. USDA is an equal opportunity provider, employer, and lender.</small></p>					

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61 CCC-899, TAP Application for Assistance (Continued)

I Example of CCC-899 (Continued)

*--

CCC-899 (10-13-22)				Page 2 of 2
PART D - COC ACTION/DETERMINATION (FOR FSA USE ONLY)				
21. Disaster Event	22. Disaster Date	23. Lost or Damaged Crop Name	24. Stand Number	25. Total Determined Trees in Stand
26. Total Determined Trees Lost	27. Total Determined Trees Lost for Payment	28. Total Determined Trees Damaged	29. Total Determined Damaged Trees for Payment	
30. Total Determined Acres in Stand	31. Total Determined Damaged Acres in Stand	32. Total Determined Acres for Payment	33. Total Determined Replanted Trees	
34. Practice Code		35. Trees/Acres		
PART E - COC APPROVAL OR DISAPPROVAL OF TAP LOSS AND ACRES FOR PAYMENT				
36A. COC Signature		36B. Action: <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED		36C. Date (MM-DD-YYYY)
37. Remarks				
PART F - CERTIFICATION AND APPLICATION FOR PAYMENT (To Be Completed by Applicant)				
38. Disaster Event	39. Disaster Date	40. Lost or Damaged Crop Name	41. Stand Number	
42. Practice Code		43. Trees/Acres Completed		44. Actual Cost
				\$
				\$
				\$
45. Replacement Crop Name	46. Replacement Practice Code	47. Replacement Trees/Acres Completed	48. Actual Cost	
49A. Applicant's Signature (By)		49B. Title/Relationship of the Individual Signing in the Representative Capacity		49C. Date (MM-DD-YYYY)
PART G - COC APPROVAL OR DISAPPROVAL FOR TAP PAYMENT				
50A. COC or Designee's Signature		50B. Action: <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED		50C. Date (MM-DD-YYYY)

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61 CCC-899, TAP Application for Assistance (Continued)

***--J Instructions for Completing CCC-899**

The following table provides instructions for completing CCC-899. County Offices will complete Items 1 through 4.

Item	Instruction
1	Enter the Applicant's Administrative State and FSA Code. Note: This Item will be completed by the FSA County Office.
2	Enter the Applicant's Administrative County and FSA Code. Note: This Item will be completed by the FSA County Office.
3	Enter the program year. Note: The program year is based on the calendar year in which the natural disaster event occurred.
4	Enter the application number.
PART A – APPLICANT INFORMATION	
5A	Enter applicant's name.
5B	Enter applicant's address (including ZIP Code).
PART B – APPLICANT'S STAND INFORMATION	
6	A. Check box if you are an orchardist or nursery grower that planted trees for commercial purposes. B. Check box if you did not plant the trees but have a production history for commercial purposes on the planted or existing trees.
7	Enter the disaster event.
8	Enter the date the disaster occurred.
9	Enter the name of the lost or damaged crop.
10	Enter the stand number.
11	Enter the applicant's share.
12	Enter the total number of acres in the stand.
13	Enter the total number of acres damaged.
14	Enter the total number of trees in the stand.
15	Enter the total number of trees lost.
16	Enter the total number of trees damaged.
17	Enter the total number of trees replanted (if applicable).
18	Enter the applicable practice code(s).
19	Enter the total number of trees/acres requested to be replaced/rehabilitated.

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61 CCC-899, TAP Application for Assistance (Continued)

*--J Instructions for Completing CCC-899 (Continued)

PART C – APPLICANT’S CERTIFICATION STATEMENT	
20A	Applicant shall sign.
20B	Enter the title/relationship of the individual who signed in 20A.
20C	Enter the date of signature (MM-DD-YYYY).
PART D – COC ACTION/DETERMINATION (FOR FSA USE ONLY) (To be completed following FSA loss adjustor’s field visit to verify cause of loss and determination of trees/acres lost/damaged, and lost/damaged trees/acres for payment in the stand.)	
21	Enter the disaster event.
22	Enter the disaster date.
23	Enter the name of the lost or damaged crop.
24	Enter the stand number.
25	Enter the total determined number of trees in the stand.
26	Enter the total determined number of trees lost in the stand.
27	Enter the total determined number of trees lost for payment.
28	Enter the total determined number of trees damaged.
29	Enter the total determined number of damaged trees for payment.
30	Enter the total number of determined acres in the stand.
31	Enter the total number of determined damaged acres in the stand.
32	Enter the total number of determined acres for payment.
33	Enter the total number of determined replanted trees (if applicable).
34	Enter the applicable practice code(s) for the lost and damaged trees.
35	Enter the applicable number of trees/acres.
PART E – COC APPROVAL OR DISAPPROVAL OF TAP LOSS AND ACRES FOR PAYMENT	
36A	COC Representative shall sign.
36B	COC shall approve or disapprove the information in Part D.
36C	Enter the date of COC representative approval/disapproval (MM-DD-YYYY).
37	Enter any applicable remarks.

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61 CCC-899, TAP Application for Assistance (Continued)

*--J Instructions for Completing CCC-899 (Continued)

PART F – CERTIFICATION AND APPLICATION FOR PAYMENT (To be Completed by Applicant)	
38	Enter the disaster event from Item 21 above.
39	Enter the disaster date from Item 22 above.
40	Enter the name of the lost or damaged crop from Item 23 above.
41	Enter the stand number from Item 24 above.
42	Enter the applicable practice code(s).
43	Enter the trees/acres for payment.
44	Enter the actual cost for each approved practice.
45	<p>If applicable, enter the name of the replacement crop.</p> <p>Note: Payments to eligible owners who replant different eligible trees, bushes, or vines will not exceed the established maximum payment rates to re-establish the eligible trees, bushes, or vines that were actually lost, as determined by COC.</p>
46	Enter the applicable practice code for the replacement crop.
47	Enter the number of replacement trees/acres completed.
48	Enter the actual cost of the completed practice(s).
49A	Applicant must sign.
49B	Enter the title/relationship of the individual signing in the representative capacity, if applicable.
49C	Enter the date (MM-DD-YYYY) the applicant signed Item 49A.
PART G – COC APPROVAL OR DISAPPROVAL FOR TAP PAYMENT	
50A	COC or Designee must sign.
50B	COC or Designee must approve or disapprove the application for payment.
50C	Enter the date of COC or Designee's signature.

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61.5 CCC-899's for Cumulative Losses Due to Plant Disease

A Filing CCC-899's for Cumulative Plant Disease Losses

Producers suffering cumulative losses because of plant disease, such as citrus greening, must contact their administrative County Office to report the presence of the disease. For cases where STC has requested a loss period for plant disease and DAFP has approved that request, the loss period for the plant disease begins when the producer first recognizes the disease in the stand, and ends when an infected tree becomes either biologically dead or no longer commercially viable within the loss period established by STC and DAFP according to paragraph 31. The 15 percent mortality threshold and normal mortality calculation is cumulative based on the loss and time period.

The Loss Adjuster Management software requires the stand number from the CCC-899 TAP application in order to pay LA's for performing field inspections for TAP. Therefore, manual CCC-899's are no longer authorized for cumulative plant disease losses. County offices must enter all previously filed manual CCC-899's for cumulative mortality losses due to plant disease into the automated system.

Producers must annually file CCC-899, Parts A through D only, by stand to report the number of trees lost, even though they may not file for assistance until a subsequent year in the loss period.

Important: Part E, COC Approval or Disapproval of TAP Loss and Acres for Payment, must not be signed until the producer requests to file one cumulative CCC-899 capturing all losses in the approved loss period.

Note: Cumulative CCC-899's must be filed according to the time line in paragraph 31 C.

B Finalizing CCC-899 for Cumulative Losses Due to Plant Disease

The CCC-899 may be finalized when the producer requests to file one cumulative CCC-899 capturing all loss in the approved loss period.

Before approving CCC-899 for payment, the approving official must ensure that all eligibility requirements are met, and a field visit has been completed to verify practice completion. See paragraph 63 for LA requirements.

62 Reimbursement and Qualifying Losses

A Eligibility Overview

TAP provides replanting and rehabilitation assistance to eligible orchardists and nursery tree growers that suffered more than a 15 percent tree, bush, or vine mortality loss, adjusted for normal mortality, on a stand as a result of natural disaster.

Important: A stand that did not sustain a mortality loss is **not** eligible for payment.

*--B Eligibility for Those Who Replant Trees

Eligible orchardists or nursery tree growers who planted trees for commercial production, but lost those previously planted trees because of an eligible natural disaster, may be reimbursed for the cost of replanting trees and/or rehabilitating trees damaged, in excess of 15 percent mortality (adjusted for normal tree mortality), as follows:

- for replanting and the cost of seedlings or cuttings, for tree, bush, or vine replacement the lesser of either of the following:
 - 65 percent of the actual total cost of the practice
 - total amount calculated using rates established by DAFP for the practice
- for the cost of pruning, removal, and other costs incurred for salvaging existing trees, bushes, or vines, or in the case of mortality, to prepare the land to replant trees, bushes, or vines, the lesser of either of the following:
 - 50 percent of the actual cost of the practice
 - amount calculated using rates established by DAFP for the practice.

***--Note:** Eligible orchardists or nursery growers who did not plant the lost trees, but have a production history for commercial purposes on planted or existing trees, will be “considered to have planted the trees” for TAP eligibility purposes.--*

* * *

62 Reimbursement and Qualifying Losses (Continued)

--C Eligibility for Rehabilitation Under TAP Following Natural Disaster--

If there is tree damage, then tree loss (mortality plus normal mortality) **must** be met **before** eligibility for tree damage can be determined. Payments for pruning, removing, and other costs incurred for salvaging existing trees or, for tree mortality, to prepare the land to replant trees, is the lesser of the following:

- 50 percent of the actual total cost of the practice
- total amount calculated using rates established by DAFP for the practice.

Note: Losses from different stands with the same crop type will **not** be averaged to determine loss eligibility.

D TAP Eligibility for Beginning or Veteran Farmer or Rancher

Beginning with 2019 losses, eligible beginning farmers or ranchers and veteran farmers or ranchers who planted trees for commercial production, but lost those previously planted trees because of an eligible natural disaster, may be reimbursed for the cost of replanting trees and/or rehabilitating trees damaged, in excess of 15 percent mortality (adjusted for normal tree mortality), as follows:

- for replanting and the cost of seedlings or cuttings, for tree, bush, or vine replacement the lesser of either of the following:
 - 75 percent of the actual total cost of the practice
 - total amount calculated using rates established by DAFP for the practice
- for the cost of pruning, removal, and other costs incurred for salvaging existing trees, bushes, or vines, or in the case of mortality, to prepare the land to replant trees, bushes, or vines, the lesser of the following:
 - 75 percent of the actual total cost of the practice
 - total amount calculated using rates established by DAFP for the practice.

Important: Applicants must meet the definition of a beginning farmer or rancher or veteran farmer or rancher at the time the CCC-899 is filed.

Applicants requesting assistance as a beginning farmer or rancher or veteran farmer or rancher must provide their certification on CCC-860, according to 1-CM.

62 Reimbursement and Qualifying Losses (Continued)

E Acreage Reports Determining Losses Without Physical Evidence

An acreage report for trees, bushes, and vines must be filed according to 2-CP. If physical evidence of the lost trees, bushes, or vines no longer exists, the owner must provide evidence acceptable for COC to determine the eligible trees, bushes, or vines existed and were lost on each stand because of the approved eligible natural disaster condition. The owner has the burden of proof to substantiate previous existence of trees that no longer exist. Evidence that COC may determine acceptable includes the following:

- receipts for the original purchase of the eligible trees, bushes, or vines where TAP is requested
- documentation of labor and equipment used to plant or remove the eligible trees, bushes, or vines that were lost
- chemical, fertilizer, or other related receipts to substantiate the existence of the eligible trees, bushes, or vines
- RMA appraisal worksheet may be used by COC to substantiate applicant's certification of trees lost

Note: This may be considered; however, FSA is under **no** obligation to find or obtain these records.

- certifications of tree, bush, or vine losses by third parties (indirectly involved), such as consultants, Extension Service, universities, or Government personnel, but only if the following conditions are met:
 - there is no other documentation available
 - COC determines the cost estimates are reasonable for the practice compared to actual cost documentation submitted by other contractors or vendors for comparable practice components for that crop type and stand.

62 Reimbursement and Qualifying Losses (Continued)

F Ineligible Trees, Bushes, or Vines

See Exhibit 2 for the definitions of trees, bushes, or vines.

The following are examples of trees, bushes, or vines **not** eligible for TAP:

- trees grown for pulp or timber
- other trees, bushes, or vines **not** grown for commercial sale or use or for production of annual crops
- tomatoes, pumpkins, watermelons, and pineapple
- trees, bushes, or vines that have reached or exceeded the industry standard, as established by STC, of commercial lifespan even if the loss is because of an eligible event.

G Ineligible Losses

Losses ineligible for TAP include the following:

- trees replanted, but destroyed either before an application for payment is filed or paid by FSA, or destroyed within 1 year of replanting for other than natural disaster
- losses because of lack of irrigation systems, or other conditions not included in the definition of natural disaster (see Exhibit 2 for definition)
- losses that could have been prevented through readily available horticultural measures
- losses of trees, bushes, or vines that would have normally been replanted within the 12-month period following the loss, in absence of a natural disaster
- losses of fruit and nut trees that were not planted for commercial purposes

* * *

- losses of plants grown outside USDA hardiness zone for the recognized crop type grown
- losses of trees grown for commercial timber or pulp
- losses not directly affected by an eligible natural disaster.

Example: Damaging weather interrupts electrical power service causing irrigation pumps to fail. The loss of trees, bushes, or vines because of the lack of water from the failure of the irrigation equipment is **not** eligible because natural disaster did not directly impact the trees, bushes, or vines.

63 Loss Adjustment Requirements

A Authorized Use of Certified FSA Loss Adjusters (LA) for TAP

--Certified FSA LA's will perform field visits for TAP. Certified LA's may also be used for any prior year TAP work. Follow procedure in 2-NAP to obtain the services of certified-- LA's.

Note: If a certified LA is unable to timely perform the field visit, an FSA representative may be used.

B Loss Adjustment Responsibilities for TAP

Responsibilities include, **but are not limited to**, the following:

- use and be proficient with the applicable loss adjustment equipment
- be familiar with TAP eligibility requirements, this handbook, TAP regulation (7 CFR §1416.400 – Subpart E), and CCC-899 (TAP Application)
- review applicant's CCC-899 and all supporting documentation; that is, review and verify acreage report, before performing on-site visual inspections to verify loss
- *--advising applicant not to begin TAP practices until successful completion of the appropriate level of environmental review by designated FSA staff, and TAP approval has been received in writing

Note: LA's are not authorized to complete FSA-850 on behalf of FSA.--*

- timely perform on-site visual inspections to verify **actual** qualifying losses and the number of tree and acres involved
- consult qualified experts, such as Department of Forestry, Universities, Extension Service, etc., for guidance in determining appropriate practices
- for plant disease mortality losses, consult with STC to verify the determined loss period established for a specific plant disease
- perform a second on-site visual inspection to verify practice completion.

C Field Visit to Verify Applicant's Claim

Before COC approval of CCC-899, Part E, a certified FSA LA will perform a field visit and manually document the following on CCC-899, Part D:

- eligible disaster event
- date of disaster event

63 Loss Adjustment Requirements (Continued)

C Field Visit to Verify Applicant's Claim (Continued)

- name of lost and/or damaged crop
- stand number
- total determined number of trees in the stand
- *--LA's should take photos to assist with FSA's subsequent environmental review--*
- total determined number of trees lost (reached mortality, i.e., dead, above and below ground) in the stand

Note: Death of a plant's graft or scion that necessitates removal and replacement of the plant's rootstock may be counted toward the 15 percent mortality adjusted for normal mortality.

- total determined number of trees lost (reached mortality, i.e., dead, above and below ground), eligible for payment
- total determined number of trees damaged in the stand
- total determined number of trees damaged in the stand eligible for payment
- total determined acres in the stand

Note: Review and verify the acreage report submitted by applicant.

- total determined damaged acres in the stand
- total determined damaged acres in the stand eligible for payment
- applicable DAFP-established practice codes
- trees and/or acres eligible for each practice code (see subparagraph 152 A for a list of eligible practice codes and maximum payment rates).

Note: LA's may consult qualified experts, i.e., Department of Forestry, Universities, Extension Service, etc., for guidance in determining appropriate practices.

Important: In cases of plant disease or insect infestation, COC may require information from a qualified expert to determine the extent of loss.

63 Loss Adjustment Requirements (Continued)

D Verifying Losses

Regardless of the number of trees for which the applicant requests TAP, the FSA representative must be able to determine the actual number of trees and acres in the stand, and actual trees lost and damaged because of an eligible natural disaster, to ensure that the correct eligible loss threshold calculation is performed.

Example: The applicant reports he or she will only replace 30 trees in a 10-acre orchard. FSA representative visits the orchard and determines the total number of trees in the stand is 1,000, and actual trees lost is **400**, which meets the 15 percent mortality loss threshold (15 percent + 3 percent normal mortality) (1,000 x 18 percent = 180 trees that must be lost).

Notes: If at the time the applicant reports the completed practices, records show 100 trees were replanted instead of the 30 trees, the applicant will be eligible for reimbursement on the 100 trees. This applies because the maximum number of trees for TAP assistance that may be paid in this example is 328 trees:

400 trees lost x 18% (15% mortality + 3% normal mortality) = 72 trees
400 trees lost – 72 trees = 328 trees eligible for payment.

CCC-899 **must** be modified to reflect the change and approved by COC * * *.

E Field Visit to Verify Practice Completion

Before COC approval of CCC-899, Part G, an FSA certified LA shall perform a field visit to verify practice completion, and that all eligibility requirements have been met.

64 Payment Calculations

*--A TAP Payment Eligibility

Eligible orchardists and nursery tree growers qualify under TAP for eligible tree, bush, and vine mortality and damage losses in excess of 15 percent, adjusted for normal mortality and normal damage, that occurred in the calendar year (or loss period in the case of plant disease) where benefits are requested, due to an eligible natural disaster.--*

Qualifying applicants are eligible for the **lesser** of either of the following:

- 65 percent of their actual cost for replanting trees (in excess of 15 percent mortality, adjusted for normal mortality) **and** 50 percent of the actual cost of pruning, removing, and other costs incurred to salvage existing trees or, in the case of tree mortality, to prepare the land to replant trees, in excess of 15 percent mortality * * * (adjusted for normal mortality)
- payment amount calculated using the maximum DAFP-established practice payment rates.

After the applicant qualifies for payment by meeting the 15 percent tree mortality threshold plus normal mortality, payments will be calculated as the **lesser** of the following:

- Actual Cost Receipts x Percent Applicant Share x Percent Payment Level = Total Payment
- Total Determined Trees Lost, Trees Damaged, and Acres x Percent Applicant Share x Practice Payment Rate = Total Payment.

64 Payment Calculations (Continued)

B Loss Examples

Example 1: In the following example, Bonnie, owner of stand 123, reported a total stand of 500 apple trees on 5 acres and a loss of 250 apple trees on 3 acres. Bonnie filed CCC-899 to replant all 250 of the lost apple trees. Bonnie indicated a producer's share of 100 percent. The loss threshold is 15 percent and the normal mortality rate is 3 percent. COC representative subsequently visited the orchard and determined that, because of an eligible disaster condition, 250 fruit trees were lost on 3 acres.

Stand Information:	Stand Number	123
	Total Trees in Stand	500
	Total Acres in Stand	5
	Total Determined Lost Trees	250
	Total Determined Damaged Trees	0
	Total Acres Requested	3

- The first calculation is to determine if Bonnie is eligible for TAP.

Calculate loss threshold and normal mortality on stand of trees as follows.

500 trees in stand x 15% loss threshold =	75 trees
500 trees in stand x 3% normal mortality =	<u>15</u> trees
	90 trees

Bonnie is eligible for TAP because the 250 trees lost are greater than the loss threshold of 90 trees.

- The second calculation is to determine the trees and acres for payment.

Calculate trees and acres for payment as follows.

250 trees lost
- <u>45</u> (250 trees lost x 18% (15% loss threshold + 3% normal mortality) = 45 trees))
205 trees eligible for payment

3.0 acres lost
- <u>.5</u> acre (3 acres lost x 18% (15% loss threshold + 3% normal mortality) = .5 acre))
2.5 acres eligible for payment

Bonnie is eligible for payment on:

- 205 trees
- 2.5 acres.

64 Payment Calculations (Continued)

B Loss Examples (Continued)**Example 1: (Continued)**

- The following DAFP-established practice rates and payment levels were used to determine Bonnie's maximum eligible payment amount:

Practice Code 01 - (Fruit and Nut Tree Replacement Per Tree = \$8)

$$205 \text{ trees} \times 100\% \text{ (share)} \times \$8 \text{ per tree} = \$1,640$$

Practice Code 10 - (Tree Planting Cost Per Tree = \$2)

$$205 \text{ trees} \times 100\% \text{ (share)} \times \$2 \text{ per tree} = 410$$

Practice Code 14 - (Site Preparation Per Acre = \$500 per acre)

$$2.5 \text{ acres} \times 100\% \text{ (share)} \times \$500 = 1,250$$

Actual cost receipts submitted by Bonnie are calculated as follows.

$$\text{Receipts for tree replacement: } \$1,000 \times 100\% \text{ (share)} \times 65\% \text{ (payment level)} = \$650$$

$$\text{Receipts for tree planting: } \$500 \times 100\% \text{ (share)} \times 65\% \text{ (payment level)} = 325$$

$$\text{Site preparation expense: } \$1,200 \times 100\% \text{ (share)} \times 50\% \text{ (payment level)} = 600$$

- Bonnie is eligible for the **lesser** of the maximum payment or actual cost per practice as follows:
 - practice 01: \$650 (actual cost)
 - practice 10: \$325 (actual cost)
 - practice 14: \$600 (actual cost).

In this example, Bonnie's estimated TAP payment amount is **\$1,575**.

64 Payment Calculations (Continued)

B Loss Examples (Continued)

Example 2: Gray, owner of stand 221, reported a total of 400 trees with loss of 30 lemon trees, and damage of 75 lemon trees on 2 acres of his 6-acre orchard. Gray indicated a producer's share of 100 percent. COC representative visited the orchard and determined, because of eligible disaster condition, 30 lemon trees were lost, and 75 lemon trees were damaged on 2 acres.

Stand Information:	Stand Number	221
	Total Trees in Stand	400
	Total Acres in Stand	6
	Total Determined Lost Trees	30
	Total Determined Damaged Trees	75
	Total Acres Requested	2

- The first calculation is to determine if Gray is eligible for TAP.

Calculate loss threshold and normal mortality on trees/acres as follows.

400 trees in stand x 15% loss threshold =	60 trees
400 trees in stand x 3% normal mortality =	<u>12</u> trees
	72 trees

- Gray is **not** eligible for TAP * * * because the 30 trees that died did not exceed the 72 tree loss threshold and normal mortality requirement.

64 Payment Calculations (Continued)

B Loss Examples (Continued)

Example 3: Steven, owner of stand 378, reported a total of 500 apple trees with loss of 100 trees, and damage of 70 trees on the 5-acre orchard. Steven indicated a share of 100 percent. COC representative visited the orchard and determined, because of an eligible disaster condition, 100 apple trees were lost, and 70 apple trees were damaged on 5 acres.

Stand Information:	Stand Number	378
	Total Trees in Stand	500
	Total Acres in Stand	5
	Total Determined Lost Trees	100
	Total Determined Damaged Trees	70
	Total Acres Requested	3

- The first calculation is to determine if Steven is eligible for TAP.

Calculate loss threshold and normal mortality on trees * * * as follows.

500 trees in stand x 15% loss threshold =	75 trees
500 trees in stand x 3% normal mortality =	<u>15 trees</u>
	90 trees

- Steven is eligible for TAP because the 100 trees lost meets the loss threshold of 90 trees. Since Steven met the 15 percent mortality loss threshold, adjusted for normal mortality, Steven is eligible for payment on his damaged trees.

***--Calculate lost trees for payment as follows:**

100 trees lost
<u>-18</u> (100 trees lost x 18% (15% loss threshold + 3% mortality = 18 trees))
82 trees eligible for payment

Calculate payment eligibility for trees damaged, as follows.

70 trees damaged in stand x 18% damage (15% loss threshold + 3% normal damage)=	13 trees
Determine damaged trees eligible for payment:	70 trees damaged
	<u>-13 trees</u>
	57 trees

- Steven is eligible for payment on 57 of the 70 damaged trees.

Calculate lost acres for payment as follows.--*

3.0 acres lost
<u>-.5</u> acre (3 acres lost x 18% (15% loss threshold + 3% normal mortality) = .5 acre))
2.5 acres eligible for payment.

64 Payment Calculations (Continued)

B Loss Examples (Continued)**Example 3: (Continued)**

- The following DAFP-established practice rates and payment levels were used to determine Steven's maximum eligible payment amount.

Practice Code 01 – (Fruit and Nut Tree Replacement Per Tree = \$8)

$$*--82 \text{ trees} \times 100\% \text{ (share)} \times \$8 \text{ per tree} = \$ 656$$

Practice Code 02 – (Fruit and Nut Tree Rehabilitation Per Tree) = \$15)

$$57 \text{ trees} \times 100\% \text{ (share)} \times \$15 \text{ per tree} = 855$$

Practice Code 10 – (Tree Planting Cost Per Tree) = \$2

$$82 \text{ trees} \times 100\% \text{ (share)} \times \$2 = 164$$

Practice Code 14 – (Site Preparation Per Acre) = \$500 per acre

$$2.5 \text{ acres} \times 100\% \text{ (share)} \times \$500 = \underline{1,250}$$

\$2,925**Actual cost receipts submitted by Steven are calculated as follows:**

Receipts for tree replacement: \$1,000 x 100% (share) x 65% (payment level) =	\$ 650
Receipts for rehabilitation: \$1,000 x 100% (share) x 50% (payment level) =	500
Receipts for tree planting: \$300 x 100% (share) x 65% (payment level) =	195
Receipts for site preparation: \$1,200 x 100% (share) x 50% (payment level) =	<u>600</u>
	\$1,945

- Steven is eligible for the lesser of the maximum payment or actual cost for each practice as follows:
 - practice code 01: \$650 (actual cost)
 - practice code 02: \$500 (actual cost)
 - practice code 10: \$164 (DAFP maximum payment rate)
 - practice code 14: \$600 (actual cost).

In this example, Steven's estimated TAP payment amount is **\$1,914.--***

65 Approval and Disapproval Letters

A Issuing Approval or Disapproval Letters

--County Offices must issue approval or disapproval letters to all applicants.--

B Example of Approval Letter

This is an example of an approval letter.

(Enter County Office name, address, and telephone number)

(Enter applicant's name and address)

Dear (Enter applicant's name):

Your request for TAP assistance is approved.

--The following is a guide in completing and reporting the practices:--

- if the work has been performed, provide copies of all sales receipts, invoices, canceled checks, or other documentation necessary to determine costs
- if the work has not already been performed, make arrangements to replant or rehabilitate the eligible trees, bushes, or vines as soon as possible, but within the 12-month period from the date of COC application approval on CCC-899
- if the work cannot be completed within the 12-month period, notify the County Office
- report practice completion **immediately** to maintain eligibility.

Before TAP payments can be issued, an FSA employee will need to perform a site visit on your farm to verify practice completion.

County Executive Director

65 Approval and Disapproval Letters (Continued)

C Example of Disapproval Letter

This is an example of a disapproval letter.

<p>(Enter County Office name, address, and telephone number)</p> <p>(Enter applicant's name and address)</p> <p>Dear (Enter applicant's name):</p> <p>The County FSA Committee has disapproved your request for TAP assistance.</p> <p>Your request was reviewed by the County Committee and was determined ineligible because (enter explanation of all reasons for disapproval; include copy of CCC-899).</p> <p>If you believe the decision by the County Committee is in error, you may elect any of the options in the following sequence:</p> <ol style="list-style-type: none"> 1. Reconsideration by the County Committee. 2. Request mediation. 3. Appeal to the State Committee. 4. Appeal to the National Appeals Division. <p>You may elect these options in the indicated sequence. You may select any of the first 3 options, or you may skip any of the first 3 options and select a later choice, or skip all 3 and appeal directly to NAD.</p> <p>You have 30 calendar days from the date of this letter to request reconsideration, appeal to the State Committee, or enter into mediation. Additionally, you may file an appeal with NAD within 30 days of the date you receive this decision.</p> <p>(Use this paragraph for non-certified States if the Certified State Mediation Program does not offer mediation for the specific issue in question.)</p> <p>(Certified States)</p> <p>Mediation is available under the (insert State name) State Mediation Program. Informal mediation may enable us to narrow and resolve these issues by agreement. FSA will participate in good faith in mediation. To obtain information about mediation, contact (insert the State name, address, and phone number). The written request for mediation must be postmarked or faxed by you not later than 30 calendar days after the date of this letter. Mediation does not replace or limit your right to further appeal to NAD.</p> <p>(Non-certified States)</p> <p>Mediation is available and FSA will participate in good faith. Informal mediation may enable us to narrow and resolve these issues by agreement. To obtain information about mediation, and to request mediation, contact (insert the State name, address, and phone number). The written request for mediation must be postmarked or faxed by you not later than 30 calendar days after the date of this letter. Mediation does not replace or limit your right to further appeal to NAD.</p> <p>County Executive Director</p>

Note: See 1-APP when providing appeal rights.

66-90 (Reserved)

Part 4 Eligibility

91 Owner Eligibility for TAP

A Eligible Orchardists and Nursery Tree Growers

[7 CFR Part 1416.404] To be eligible for TAP payments, the eligible orchardist or nursery tree grower must:

- (1) Have planted, or be considered to have planted (by purchase prior to the loss of existing stock planted for commercial purposes) trees, bushes, or vines for commercial purposes, or have a production history, for commercial purposes, of planted or existing trees, bushes, or vines;
- (2) Have suffered eligible losses of eligible trees, bushes, or vines occurring on or after October 1, 2011, as a result of a natural disaster or related condition;
- (3) Have continuously owned the stand from the time of the disaster until the time that the TAP application is submitted.

A new owner of an orchard or nursery who does **not** meet the requirements in this subparagraph may receive TAP payments if the provisions of paragraph 92 are satisfied.

Federal, State, and local Governments, and political subdivisions thereof, are **not** eligible for TAP payments in any instance.

B Qualifying for Payments

To qualify for payments, applicants **must** satisfy subparagraph A or paragraph 92 and the applicant **must**:

- file CCC-899 according to paragraph 61

Note: Contract growers operating under marketing or production contracts **must** have production history for commercial purposes on planted or existing trees, bushes, and vines. Any eligibility questions about grower marketing or production contract stipulations shall be referred to the appropriate OGC regional attorney.

- **not** be ineligible under the restrictions applicable to citizenship and foreign corporations contained in 7 CFR Part 1416.3
- **not** be a Federal, State, or local Government, or political subdivision thereof

91 Owner Eligibility for TAP (Continued)

B Qualifying for Payments (Continued)

- *--meet environmental compliance provisions in 7 CFR 799.7, FSA Program Participant Responsibilities, and 1-EQ and subsequent revisions--*
- meet **all** other requirements including, but **not** limited to, 7 CFR Part 1416, Subpart B that includes HEL/WC (6-CP).

Note: Regardless of whether an applicant is seeking payment as an initial applicant or as a successor (as a new owner, estate, or heir) all persons or entities seeking payment **must** be in compliance with common program eligibility provisions, such as citizenship, foreign ownership, and HEL/WC). See paragraph 92.

See subparagraph C for deceased persons and dissolved entities.

See subparagraph D for issuing payments to deceased persons, closed estates, and dissolved entities.

See subparagraph 92 D for inheritance provisions.

C Deceased Owners or Dissolved Entities

Authority to sign contracts, applications, and other documents on behalf of deceased applicants may vary according to State law. If an eligible applicant is now deceased or a dissolved entity, then an authorized representative of the deceased applicant or dissolved entity may sign CCC-899, if the authorized representative has authority to enter into a contract for the deceased applicant or dissolved entity. See 1-CM.

Important: Proof of authority to sign for the eligible deceased applicant or dissolved entity **must** be on file in the County Office **before** FSA will act on CCC-899. Proof of authority includes any of the following:

- court order
- letter from Secretary of State
- document approved by an OGC regional attorney.

FSA-325 is:

- only used in situations where CCC-899 was filed by an individual who subsequently died, is declared incompetent, or is missing before the payment is issued
- **not** applicable for determining who may file CCC-899 for a deceased, incompetent, or missing individual.

91 Owner Eligibility for TAP (Continued)

C Deceased Owners or Dissolved Entities (Continued)

--State Offices will consult with an OGC regional attorney on the following types of cases:--

- documentation submitted does **not** clearly establish authority to enter into a contract or application on behalf of the deceased individual, closed estate, or dissolved entity
- CCC-899 request for issuing payments to heirs of a deceased individual without documentation establishes authority to enter into a contract or application on behalf of the deceased individual.

If subsequent to CCC-899 being signed by the eligible owner, the eligible owner dies, follow 1-CM procedure for completing FSA-325.

See subparagraph 92 D for inheritance provisions.

D Issuing Payments According to Deceased Individuals, Closed Estates, and Dissolved Entities

TAP payments for CCC-899's involving deceased individuals, closed estates, or dissolved entities shall be made according to the following table if all other eligibility requirements are met.

IF the applicant is an...	AND CCC-899 is signed by an authorized representative of the...	THEN payments shall be issued...
individual who died before CCC-899 was filed	deceased according to subparagraph B	to any of the following, as applicable, using applicant's TIN: <ul style="list-style-type: none"> • deceased individual • individual's estate • the heirs, based on OGC determination, according to 1-CM, Part 26.
estate that closed before CCC-899 was filed	estate according to subparagraph B	
entity that dissolved before CCC-899 was filed	dissolved entity according to subparagraph B	using applicant's TIN.
individual who dies, is declared incompetent, or is missing after filing CCC-899		to eligible payees executing FSA-325 according to 1-CM.

Notes: FSA-325 is **only** used when CCC-899 was filed by an individual who:

- subsequently died
- is declared incompetent
- is missing before payments are issued.

Heirs **cannot** succeed to a loss or file their own CCC-899 as an heir. Heirs **must** be otherwise eligible in their own right with respect to questions of common eligibility provisions. See subparagraph B.

92 Successor-in-Interest

A Eligibility of Successors

[7 CFR Part 1416.404] A new owner of an orchard or nursery who does not meet the requirements of paragraph (a) of this section may receive TAP payments approved for the previous owner of the orchard or nursery and not paid to the previous owner, if the previous owner of the orchard or nursery agrees to the succession in writing and if the new owner:

- (1) Acquires ownership of trees, bushes, or vines for which benefits have been approved;**
- (2) Agrees to complete all approved practices that the original owner has not completed; and**
- (3) Otherwise meets and assumes full responsibility for all provisions of this part, including refund of payments made to the previous owner, if applicable.**

Successor agreements to complete practices are on a “per stand” basis.

Except as provided in subparagraph D, predecessor on CCC-899 **must** agree in writing to the succession-in-interest. Once the predecessor’s written agreement is obtained, County Office will do **all** the following:

- make certain there is a hardcopy of the predecessor’s CCC-899 on file before deleting the predecessor’s CCC-899 (paragraph 288)
- initiate a new CCC-899 for the successor (paragraph 61)
- annotate on CCC-899 that the application is a succession-in-interest application and attach the predecessor’s CCC-899 (now deleted) to the successor’s CCC-899.

Notes: In the case of successors-in-interest, a successor’s eligibility for payments is limited to whatever would have been paid the eligible predecessor.

The predecessor on CCC-899 is subject to the provisions of paragraph 121. No payments will be issued to a predecessor or successor if predecessor fails to satisfy paragraph 121.

If a Federal, State, or local Government or political subdivision thereof acquires the ownership of an orchard or nursery from a predecessor, the Federal, State, or local Government, and political subdivision is still ineligible for TAP payments.

92 Successor-in-Interest (Continued)**A Eligibility of Successors (Continued)**

The extent of TAP payments that will be made available to successors on a CCC-899 is limited to that of the predecessor. This does **not** mean the successor will be paid what the predecessor may have been paid, it simply means that the successor **cannot** be paid more than what would have been paid the predecessor if there had been no succession.

County Offices will have to manually control payments to predecessors and successors.

* * *

B Inheritance

If ownership of an eligible orchard or nursery is acquired because of inheritance, the heirs will be eligible for **only** TAP payments that the predecessor decedent would have been paid if not for the death of the decedent. * * *

Heirs who succeed to decedents interests will have to provide legal documents attesting to the death of the predecessor and the heir's right to succeed. See subparagraph 91 B.

92 Successor-in-Interest (Continued)

C Examples of Succession-in-Interests

Example 1: Owner A owns a 10-acre stand of apples. On June 25, 2012, Owner A lost the apple trees because of loss from Hurricane Helen. Owner A timely filed CCC-899 for replanting the 10 acres of apple trees. COC approved Owner A's CCC-899 and Owner A met all eligibility requirements. In August 2012, Entity B acquired ownership of the 10 acres that was the subject of Owner A's CCC-899. Owner A submitted a written statement agreeing to allow Entity B to seek TAP benefits that Owner A would have obtained if Owner A had not conveyed the acreage to Entity B. Entity B signed CCC-899 assuming full responsibility for completing all approved incomplete practices.

Result 1: Provided that Entity B meets all other eligibility requirements of paragraph 91, Entity B is eligible for TAP payments on the successor CCC-899 not to exceed the extent to which Owner A was eligible.

Example 2: N & H Nursery suffered an eligible loss of trees and had an approved CCC-899 with 100 percent of the 15 acres of lost trees. Based on the loss sustained on the 15 acres, N & H Nursery was eligible for TAP payments that would have been limited to \$100,000. N & H Nursery was sold and the 15 acres was divided among 4 different buyers. N & H Nursery submitted a written statement to FSA advising that it agreed to allow new owners to apply for TAP benefits that N & H Nursery would have obtained had N & H Nursery not conveyed the property to new owners. Two of the new owners signed a successor CCC-899 assuming full responsibility for completing all approved incomplete practices on the acreage that had been part of N & H Nursery.

Result 2: The eligibility of N & H Nursery was determined based on the entire 15-acre stand of trees. All the new owners who chose to be successors cannot be paid more than what N & H Nursery would have been paid irrespective of owners who chose not to succeed.

* * *

93-120 (Reserved)

Part 5 Payment, Acreage, and Compliance Provisions

121 Payment Provisions

A Availability of Funds

TAP will be administered by FSA using funds from CCC according to the 2014 Farm Bill. Approved CCC-899's will **not** be subject to a national payment factor.

B Prompt Payment Interest

The Prompt Payment Act provisions apply to TAP according to 61-FI, **except** that interest applies to payments issued more than 30 calendar days after **all** of the following have been completed:

- participant completed and signed CCC-899 along with all required forms
- all documentation required from the participant has been submitted, such as sales receipts, etc.
- all referrals to OIG have been returned or cases completed
- participant appeals have been finalized for CCC-899's disapproved by COC.

C Assignments and Offsets

County Offices will:

- accept assignments according to 63-FI
- apply offsets according to 58-FI.

D Payment Limitation

*--The 2014 Farm Bill limited a person or legal entity to a \$125,000 payment limitation for losses that occurred after October 1, 2011, through December 31, 2016, for TAP.

The Bipartisan Budget Act of 2018 removed the payment limitation for losses that occurred after January 1, 2017. Follow procedure in 5-PL.--*

E Foreign Person Provisions

All applicants **must** meet the foreign person requirements in 7 CFR Part 1400, Subpart E.

122 Acreage Provisions

A Acreage Limitations

For losses that occurred on or after October 1, 2011, through December 31, 2016, the cumulative total quantity of acres planted to trees, bushes, or vines, where a person or legal entity receive TAP, must **not** exceed 500 acres annually.

For losses that occurred on or after January 1, 2017, the Bipartisan Budget Act of 2018 increased the cumulative total quantity of acres planted to trees, bushes, or vines, where a person or legal entity receive TAP from 500 to 1,000 acres annually.

B FSA-578's

FSA-578 is required for TAP. Each CCC-899 requires the producer to identify the crop type, trees and acres in stand, and applicant's share. Geographical physical location can be identified with an aerial photocopy and filed in producer's farm folder. Therefore, FSA-578 ***--must** be filed at the time the producer files CCC-899, Part B.

FSA-578 must reflect the acreage impacted at the time of loss.

Example: On March 20, 2023, the applicant reports the loss of nursery because of a freeze event that occurred in December 2022, which is the 2023 crop year for nursery crops. Applicants must provide an application to FSA within 90 calendar days of each disaster event or date when the loss is apparent. Although the damage was not apparent until March 2023, the disaster freeze event occurred in December 2022, so this event would be considered a 2022 program year loss. The acreage report on file at the time of loss, December 2022, would be for the 2023 crop year, and should be used since it reflects the acreage impacted at the time of loss.--*

123 Conservation Compliance and Administrative Provisions**A Conservation Compliance Provisions**

TAP participants are subject to conservation compliance provisions in 6-CP. A signed AD-1026 **must** be on file covering the program year for TAP **before** issuing payments. It is not necessary for the participant to complete a new AD-1026 if there are no changes to the farming operation since completing a previous AD-1026 by the participant.

If a new AD-1026 is required to be filed, payments may be issued to eligible producers after signing AD-1026, item 12. It is **not** necessary to delay issuing payments pending NRCS HELC or WC determinations. The continuous certification statement on AD-1026 **requires** producers to refund program payments if an NRCS determination results in the discovery of a HELC/WC violation.

B Other Criteria

The following are other program and administrative provisions that are applicable to TAP:

- controlled-substance provisions
- fraud/FCIC

Note: County Offices shall record determinations for the applicable criteria in the eligibility file according to 3-PL.

- equitable relief provisions.

124 National Compliance Reviews**A National Selection Process**

County Offices are **required** to conduct farm inspections to ensure that producers comply with FSA program requirements. Producers will be selected for compliance reviews and spot check through a national selection process. If selected, producers will be spot checked and reviewed for TAP compliance.

B Performing Reviews

County Offices shall perform TAP compliance reviews for any producer that participated in TAP that was selected for spot check and review through the national producer selection process. Follow procedure in 2-CP, subparagraph 356, for performing 2011 and subsequent years TAP compliance reviews.

--125 Environmental Compliance and Protected Resource Considerations*A Environmental Compliance and Protected Resource Considerations**

All TAP applications require completing FSA-850, or an EA, when appropriate. Environmental compliance must be completed consistent with 1-EQ, paragraph. 23, and subsequent revisions, without any extraordinary circumstances or adverse impacts to protected resources before signatures are obtained for those documents. Environmental compliance must be successfully completed before CCC-899 can be approved. All FSA-850's require a site visit by FSA or NRCS employees before any of the following can occur:

- ground disturbance below the site-specific plow zone
- new ground disturbance on previously undisturbed ground
- tree removal
- stump removal.

CCC-899 **cannot** be approved without additional environmental compliance when the potential exists to adversely affect protected resources, including, but not limited to 100-year floodplains, FSA-listed threatened or endangered species, wetlands, or historic properties according to 7 CFR Part 799 and 1-EQ. COC **cannot** approve CCC-899 for practices that would drain or negatively affect the 100-year floodplain or quality of any wetlands, as defined in the NRCS Field Office Technical Guide without additional environmental compliance, including public notification for any anticipated adverse impacts to wetlands or the 100-year floodplain.

Consult SEC for guidance on environmental compliance for protected resources listed in 1-EQ, Part 4, and subsequent revisions or any other environmental compliance-related matters.

This policy does not invalidate MOU's which have been agreed to between FSA and the State Historic Preservation Officer, Tribal Historic Preservation Officer(s), Tribal Governments, U.S. Fish and Wildlife Service or any other office that regulates the protected resources being evaluated. Copies of those agreements should be specifically cited or attached to the appropriate level of environmental compliance undertaken.--*

--125 Environmental Compliance and Protected Resource Considerations (Continued)*B Required Environmental Compliance Evaluations Before CCC-899 Approval**

NEPA requires (among other things) that Federal agencies consider the effects of their proposed activities on the environment before committing to those activities. For each CCC-899, FSA must complete an evaluation of the proposed practice or practices by successfully completing FSA-850 or NRCS-CPA-052, EA, or similar State documents, according to 1-EQ, and subsequent revisions, to determine whether the proposed practice would have any adverse impacts to the environment or protected resources. The environmental evaluation must be completed before CCC-899 approval.

If CED, SEC, or other FSA employee with DAFP approval authority is the FSA-850 preparer, then that person may also sign as the approving official.

C Actions That Impede Completing the Appropriate Level of Environmental Review

The following producer actions must not occur at the site location or the area associated with the proposed TAP practices before FSA-850 is considered successfully completed, and producer is notified of their TAP approval in writing, according to 7 CFR 799.7 and 11, and 1-EQ, or subsequent revisions:

- any actions related to the proposed TAP action being evaluated by FSA
- ground disturbance, regardless of depth
- removal of tree roots, vines or their roots
- site preparation including, but not limited to compacting, grading, leveling or filling
- purchase or acceptance of delivery of equipment and/or materials, including rootstock
- alterations to any structures that are 50 years old or older or within a historic district.

125 Environmental Compliance and Protected Resource Considerations (Continued)**D Examples**

Example 1: The TAP amendment was released on September 26, 2019; however, a producer submitted CCC-899 on April 1, 2019, and it was approved on April 22, 2019. Regardless of when the producer submits documentation for TAP payment, FSA-850 is **not** required.

Example 2: A producer began removing dead trees on October 1, 2019, without prior approval of FSA-850, and submitted CCC-899 on October 23, 2019. Because the producer began activities listed in subparagraph 125 C prior to FSA-850 approval, CCC-899 **cannot** be approved.

Example 3: A producer submits CCC-899 for losses for nursery trees in containers with no site preparation or ground disturbance. Completing FSA-850 is still required according to this subparagraph; however, a “listed” categorical exclusion may apply, meaning only the first portion of FSA-850 requires completion along with signatures. See 7 CFR 799.31 and 32, and 1-EQ or subsequent revisions.

126-150 (Reserved)

Part 6 TAP Criteria

151 Stand Criteria

A Stand

Stand means a contiguous acreage of the same type of trees (including Christmas trees, ornamental trees, nursery trees, and potted trees), bushes (including shrubs), or vines.

Stands **must**:

- have been impacted by an eligible cause of loss according to subparagraph A
- be grown for commercial purposes for the annual production of a crop, including immature trees
- sustain qualifying tree, bush, or vine deaths in excess of 15 percent because of an eligible natural disaster after adjustment for normal mortality for the stand.

B Stand Eligibility

Eligible trees, bushes, or vines of the same crop type in a stand, but **not** in the same field or similar area, unless inter-planted, such as separated by a natural or man-made barrier, may be considered separate, individual stands, if COC determines there are significantly differing levels of loss susceptibility.

--Acreage stands with scattered plantings will be determined based on recommended-- spacing requirements.

Differences in loss susceptibility may be because of factors that are **not** natural disasters, such as:

- species
- the age of the tree, bush, or vine
- natural site conditions
- other natural causes or barriers as determined by STC.

152 TAP Payment and Mortality Rates

A Maximum Payment Rates

DAFP-established practice rates in the following table are maximum payment rates to eligible owners.

Note: STC may establish lower rates than the rates established by DAFP in this subparagraph. The rates established by STC must **not** exceed the maximum rates established by DAFP.

Practice Code	Practice	Maximum Rates
01	Fruit and nut tree replacement per tree (orchards).	*--\$12--*
02	Fruit and nut tree rehabilitation per tree (orchards).	\$15
03	Caneberry, grape, kiwi, and passion fruit replacement per vine.	\$4
04	Caneberry, grape, kiwi, and passion fruit rehabilitation per vine.	\$3
05	Maple tree for syrup replacement per tree.	\$8
06	Maple tree for syrup rehabilitation per tree.	\$15
07	Nursery tree (fruit, nut, ornamental, and Christmas trees) replacement per tree (field and container). Notes: Trees in a nursery operation, including Christmas trees, etc., are paid under this practice code. Research indicates that smaller than 25 gallon containerized potted trees are not ordinarily rehabilitated, but are replaced.	\$5
08	Nursery tree rehabilitation per tree (field and container). Note: Rehabilitation for nursery tree containers is applicable to only industry standard large-size containers (25 gallon and above).	\$3
09	Pecans rehabilitation, including pruning, site preparation, and debris removal per tree .	\$40
10	Planting cost per eligible tree (including Christmas trees, fruit and nut trees, ornamental trees, nursery trees, and potted trees), bushes (including shrubs), and vines.	*--\$3--*

152 TAP Payment and Mortality Rates (Continued)

A Maximum Payment Rates (Continued)

Practice Code	Practice	Maximum Rates
11	Pruning cost per eligible tree. <u>1</u> / Notes: Applies to rehabilitation only . Does not apply to TAP pecans.	\$7
12	Rehabilitation cost per eligible tree (including Christmas trees and ornamental trees), bushes (including shrubs), and vines on a tree farm . Note: Research indicates that potted trees are not ordinarily rehabilitated, but are replaced.	\$4
13	Replacement cost per eligible tree (including Christmas trees, ornamental trees, and potted trees), bushes (including shrubs), and vines on a tree farm .	*--\$3--*
14	Site preparation per acre (including cleanup, tree and debris removal, and tillage). Note: Not applicable to Practice Code 09 (pecan rehabilitation).	\$500
15	Replacement cost per eligible cranberry plant.	\$0.06
16	Planting cost per eligible cranberry plant.	\$0.03
17	Hawaii papaya replacement cost per hill.	\$0.67
18	Hawaii papaya replanting cost per hill.	\$1.04

Notes: See subparagraph C for practice code applicability.

TAP does not provide cost share for royalty or shipping expenses.

1/ Practice code 11 (Pruning - \$7) is only used, if pruning is the only practice completed. In all other cases, where stakes, ties, fertilizer, trellis, etc. are added to practice completion, practice code 02 (Rehabilitation - \$15) for orchards, which includes pruning, is eligible for payment. For orchards, applicant would never be eligible for both practice codes 02 and 11.

B Normal Mortality

Eligible orchardists and nursery tree growers may be eligible for TAP if the **tree mortality**, as a result of an eligible cause of loss, exceeds 15 percent (adjusted for normal mortality).

Note: State Offices are responsible for establishing normal mortality rates for their State.

152 TAP Payment and Mortality Rates (Continued)

C Practice Code Applicability

The following table provides the list of crop codes and practices to where they can be applied.

Note: Beginning in crop year 2017, bananas and plantains will no longer be eligible for TAP.

Crop Code	Crop	Crop Abbreviation	Eligible Practice Codes
0023	Oranges	ORANG	01, 02, 10, 11, 14
0024	Tangelo	TANGL	01, 02, 10, 11, 14
0028	Almonds	ALMND	01, 02, 10, 11, 14
0029	Walnuts	WLNUT	01, 02, 10, 11, 14
0030	Grapefruit	GFRUT	01, 02, 10, 11, 14
0032	Elderberries	ELDER	10, 12, 13, 14
0034	Peaches	PEACH	01, 02, 10, 11, 14
0035	Lemons	LEMON	01, 02, 10, 11, 14
0036	Limes	LIMES	01, 02, 10, 11, 14
0048	Tangerines	TANGR	01, 02, 10, 11, 14
0053	Grapes	GRAPE	03, 04, 10, 14
0054	Apples	APPLE	01, 02, 10, 11, 14
0058	Cranberries	CRNBR	14, 15, 16
0060	Figs	FIGS	01, 02, 10, 11, 14
0086	Prunes	PRUNS	01, 02, 03, 04
0100	Maple	MAPSP	05, 06, 10, 11, 14
0106	Avocado	AVOCD	01, 02, 10, 11, 14
0108	Blueberries	BLUBR	10, 12, 13, 14
0128	Cherries	CHERY	01, 02, 10, 11, 14
0143	Aronia (Photinia Melanocarpa, formerly Aronia Melanocarpa)	ARONIA	10, 12, 13, 14
0144	Pears	PEARS	01, 02, 10, 11, 14
0146	Pecans	PECAN	01, 09, 10
0175	Coconuts	COCON	01, 02, 10, 11, 14
0176	Coffee	COFFE	01, 02, 10, 11, 14
--0179	Tea	TEA	01, 02, 10, 11, 14--
0181	Papaya	PAPAY	01, 02, 10, 11, 14, 17, 18
0182	Cacao	CACAO	01, 02, 10, 11, 14
0250	Nectarines	NECTR	01, 02, 10, 11, 14
0254	Plums	PLUMS	01, 02, 10, 11, 14
0326	Apricots	APRCT	01, 02, 10, 11, 14
0370	Mulberries	MULBR	01, 02, 10, 12, 13, 14
0375	Chestnuts	CHENT	01, 02, 10, 11, 14
0376	Hazel Nuts	HAZNT	01, 02, 10, 11, 14
0380	Dragonfruit	DRAGFR	03, 04, 10, 14
0381	Pawpaw Trees	PAWPA	01, 02, 10, 11, 14
0421	Noni	NONI	01, 02, 10, 11, 14
0463	Kiwifruit	KIWIF	03, 04, 10, 14

152 TAP Payment and Mortality Rates (Continued)

C Practice Code Applicability (Continued)

Crop Code	Crop	Crop Abbreviation	Eligible Practice Codes
--0464	Mango	MANGO	01, 02, 10, 11, 14--
0465	Persimmons	PERSI	01, 02, 10, 11, 14
0466	Plumcotes	PLUMC	01, 02, 10, 11, 14
0467	Pomegranates	POMEG	01, 02, 10, 11, 14
0468	Quinces	QUINC	01, 02, 10, 11, 14
0469	Macadamia	MACAD	01, 02, 10, 11, 14
0470	Pistachios	PISTA	01, 02, 10, 11, 14
0496	Dates	DATES	01, 02, 10, 11, 14
0498	Guavas	GUAVA	01, 02, 10, 11, 14
0500	Loquats	LOQUA	01, 02, 10, 11, 14
0501	Olives	OLIVE	01, 02, 10, 11, 14
0502	Passion Fruit	PASFT	03, 04, 10, 14
0622	Huckleberries	HUKBR	10, 12, 13, 14
--7164	Rambutan	RMBTN	01, 02, 10, 11, 14--
--9904	Mayhew berries	MAYHW	01, 02, 10, 11, 14--
0906	Pummelo	PUMLO	01, 02, 10, 11, 14
0997	Atemoya	ATMYA	01, 02, 10, 11, 14
0998	Sapote	SAPBK	01, 02, 10, 11, 14
0999	Carambola/Star Fruit	CRMBA	01, 02, 10, 11, 14
1010	Nursery – Container	NRSRY	07, 08, 10
1010	Nursery – Field	NRSRY	07, 08, 10, 11, 14
1166	Caimito (star apple)	CAMTO	01, 02, 10, 11, 14
1167	Guamabana/Soursop	GUANA	01, 02, 10, 11, 14
1290	Breadfruit	BREAD	01, 02, 10, 11, 14
1291	Cashew	CASHE	01, 02, 10, 11, 14
1292	Genip	GENIP	01, 02, 10, 11, 14
1295	Vanilla	VANIL	03, 04, 10, 14
1297	Honeyberries	HONEYB	10, 12, 13, 14
1302	Tangors	TANGS	01, 02, 10, 11, 14
2018	JuJube	JUJU	01, 02, 10, 11, 14
2019	Ume	UME	01, 02, 10, 11, 14
5000	Bay Leaf	BAY	01, 11, 12, 13, 14
6000	Caneberries	CANBR	03, 04, 10, 14
7037	Jack Fruit	JCKFR	01, 02, 10, 11, 14
7208	Mangosteen	MNGST	01, 02, 10, 11, 14
7302	Wax Jambu	WXJM	01, 02, 10, 11, 14
7321	Christmas Trees	CHRUT	10, 12, 13, 14
8004	Longan	LONGN	01, 02, 10, 11, 14
8005	Lychee	LYCHE	01, 02, 10, 11, 14
8008	Sapodilla	SPDLA	01, 02, 10, 11, 14
8045	Cherimoya	CHRMY	01, 02, 10, 11, 14
9995	Citron	CTRON	01, 02, 10, 11, 14

Note: Eligible producers who did not plant or own trees will not be eligible for TAP payments for replanting practices.

153 TAP Practice Completion and Expiration

A Practice Completion

Eligible owners are required to replant and rehabilitate **only** the qualifying eligible trees, bushes, or vines, on that portion where they seek payment. All practices **must** be completed, and actual cost receipts provided on each stand **before** payments can be issued.

B Practice Expiration

Eligible owners must complete approved replacement and rehabilitation practices within 12 months from the date CCC-899 is approved for payment by COC or designee. If an applicant is unable to complete the approved practice within 12 months from the date CCC-899, Part E is approved, STC's may grant an extension of up to 1 additional year. All practice request extensions must be requested by the applicant in writing prior to the established practice completion date.

Note: If the producer still cannot complete the practice within the 1-year STC extension, the State Office must submit the request to DAFP along with supporting documentation, such as COC minutes, weather data, etc., indicating reasons why the practices could not be completed within the allotted time, and the timeframe required for practice completion.

C Replanting Different Eligible Trees, Bushes, or Vines

When eligible trees, bushes, or vines are replanted, the eligible tree, bush, or vine:

- types planted may be different than types lost as long as the new eligible trees, bushes, or vines have the same general end use, as determined by COC

Note: Payments to eligible owners who replant different eligible trees, bushes, or vines will **not** exceed the established maximum payment rates to re-establish the eligible trees, bushes, or vines that were actually lost, as determined by COC.

- types planted may be replanted on the same farm in a different location than the lost stand.

If applicant chooses to replant different eligible trees, bushes, or vines than those initially lost, CCC-889, Part F, Items 45 through 48, must reflect the replacement crop,--* applicable practice codes, trees and/or acres completed, and actual cost.

Example: CCC-899, Part B indicates a loss of 500 orange trees on 3 acres in stand number 344 on September 12, 2020. COC determines applicant is eligible for practice codes 01, 02, 10, 11, and 14.

On August 1, 2021, applicant visits the County Office to report practice completion. Applicant reports their decision to replant blueberry bushes instead of oranges.

153 TAP Practice Completion and Expiration (Continued)

C Replanting Different Eligible Trees, Bushes, or Vines (Continued)

Notes: Payments for eligible owners who replant in a different field must **not** exceed the cost to replant in the field where the loss actually occurred, as determined by COC.

Applicants may choose to replace damaged trees in cases where the rehabilitation expense exceeds the cost of tree replacement.

D Cost Documentation

Eligible owners are required to submit actual cost documentation for all components of the completed practices. Receipts should include the following:

- date
- vendor's name
- vendor's location.

Important: Applicants receiving TAP payments, or any other legal entity or person who furnishes information for the purposes of enabling such participant to receive a payment **must**:

- maintain any books, records, and accounts supporting any information furnished for 3 years following the end of the calendar year that the request for payment was filed
- allow authorized representatives of USDA and OIG, during regular business hours, to inspect, examine, and make copies of such books or records, and to enter upon, inspect and verify **all** applicable acreage where the applicant has an interest for the purpose of confirming the accuracy of information provided by or for the applicant.

Producers who perform practices on their own land and/or trees, may submit cost estimates for each component of a practice. COC may approve the cost estimates if they are determined reasonable for the practice compared to documentation of actual costs submitted by other contractors or vendors in the area for the same practice components. CED shall document justification for determinations in COC minutes.

Producers must provide COC the documentation of actual costs to complete the practices, such as receipts for labor costs, equipment rental, and purchases of seedlings or cuttings. If the documentation is not available, COC **must** review CCC-899 and determine if the costs are reasonable and acceptable.

154 Payment Policy

--A Payment Eligibility and Duplicate Benefits*[7 CFR 1416.6] Payment eligibility and limitation.**

(b) The Deputy Administrator may take such actions as needed to avoid a duplication of benefits under the programs provided for in this part, or duplication of benefits received in other programs, and may impose such cross-programs payment limitations as may be consistent with the intent of this part in order to help prevent a person or legal entity being paid more than the total value of their loss.

The following table provides guidance if an eligible owner is eligible for a TAP payment and may be eligible for benefits under another program.

IF an owner is eligible to receive TAP payment, and for the same loss, is also eligible for...	THEN the eligible owner...
NAP	can receive both, but not to exceed the total value of loss.
Indemnity payments under crop insurance policies, including pilots, for orchard trees	can receive both.
Emergency loans	can receive both.
2017 WHIP	
WHIP+	
ECP benefits, the Biomass Crop Assistance Program, CRP, EQIP, WRP, or any other program where duplication of benefits are received	cannot receive payment for the same or similar type of practices for the same or similar loss.
Florida, citrus, producers covered by block grant	

--*

154 Payment Policy (Continued)

B Receiving Benefits on Both ECP and TAP

An applicant may be eligible to receive benefits on the same stand for both ECP and TAP, providing the compensation is **not** approved for the same type of practice.

Example: If an applicant used ECP practices EC-1 (Debris Removal) and EC-2 (Grading, Shaping, Re-leveling), then the applicant would not be eligible to use TAP Practice 14 (Site Preparation). The applicant could be eligible for Practice 10 (Tree Planting Cost) and Practice 01 (Tree Replacement Cost) under TAP.

Note: All CCC-899's for payment that use both ECP and TAP practices for the same loss **must** be approved by a STC representative and documented in COC minutes.

C Payment Amount

Payments are limited to the lesser of either of the following:

- DAFP-established practice rates (subparagraph 152 A) **or**
- 65 percent of the actual cost of replanting trees on the * * * stand, in excess of 15 percent mortality (adjusted for normal mortality) **and**
- reimbursement of 50 percent of the cost of pruning, removing, and other costs incurred to salvage existing trees or, in the case of tree mortality, to prepare the land to replant the trees, in excess of 15 percent damage or mortality (adjusted for normal tree damage and mortality).

154 Payment Policy (Continued)**D Timing of Payments**

Payments will be made after the latest of the following:

- regulations have been published
- owner's submission of documentation that the practice was completed
- COC approval of CCC-899, Part G.

E Payments

Payments are computed using the smaller of either of the following:

- maximum trees/acres determined and approved for payment by COC on CCC-899, Part G
- the trees/acres actually completed and certified by the applicant from CCC-899, Part F.

The following are examples of payments.

Example 1: The applicant requested 3 stands with each stand having Practice 14 (Site Preparation), Practice 10 (Tree Planting Cost), and Practice 13 (Tree Replacement Cost) on CCC-899, Part B. The applicant completed all 3 practices on 1 stand and completed CCC-899, Part F. This applicant is eligible for a payment on the stand that was completed.

Example 2: The applicant requested 1 stand with Practice 14 (Site Preparation), Practice 10 (Tree Planting Cost), and Practice 13 (Tree Replacement Cost) on CCC-899, Part B. The applicant completed site preparation, but is able to complete only half of the tree planting and tree replacement on that stand
 --because of the unavailability of trees. COC will calculate payment based on the number of qualifying trees, bushes, or vines replanted.--

--155 CCC-770 TAP, TAP Checklist*A Introduction**

CC-770 TAP was developed to address areas of concern to ensure that TAP payments are issued properly.

B Using CCC-770 TAP

CCC-770 TAP:

- may be used as a management tool to help address deficiencies identified by a review or spot check of whether TAP policies or procedures are being followed before issuing a TAP payment
- may be used when CCC-899, Part F is filed by the applicant
- is applicant specific
- does **not** negate STC, SED, State Office, DD, COC, CED, and County Office responsibility for administering all provisions applicable to TAP.

Note: CCC-770 TAP was developed by the National Office and is the **only** authorized checklist for TAP. County Offices shall **not** use State- or locally-generated checklists for administering TAP.

C Maintaining CCC-770 TAP

CCC-770 TAP:

- is applicable for each applicant by administrative county
- is designed to enable County Offices to update CCC-770 TAP as actions are taken
- shall be filed in the applicant's TAP folder.--*

--155 CCC-770 TAP, TAP Checklist (Continued)*D Retention Period**

All CCC-770 TAP shall be retained in the applicant's TAP folder with CCC-899. If a new CCC-770 TAP is initiated, then the original CCC-770 TAP shall be retained, along with the newly initiated CCC-770 TAP. CCC-770 TAP shall be destroyed when CCC-899 is destroyed.

E County Offices Using CCC-770 TAP

The County Office may complete CCC-770 TAP to address deficiencies identified by a review or spot check on whether TAP policies and procedures are followed **before** issuing a TAP payment.

The County Office employee who completes each item on CCC-770 TAP is certifying the applicable TAP provisions have, or have not, been met. As an alternative, County Offices may choose to review all items after COC approval, if applicable.

After all questions on CCC-770 TAP are answered in a manner that supports approving the applicable forms, the County Office employee shall sign CCC-770 TAP, item 17A as the preparer.

Note: In cases involving multiple preparers, the preparer can use item 20, Remarks Section, to indicate items they verified.

Additionally, County Offices shall refer to the applicable handbook provisions, as specified, for additional information.

Reminder: County Offices **cannot** rely solely on using CCC-770 TAP for administering TAP. All TAP provisions **must** be met, **not** just the items included on CCC-770 TAP. CCC-770 TAP is used to assist with administering TAP and includes the major areas where deficiencies are identified, but is **not**, nor intended to be, inclusive of all TAP provisions.--*

***--155 CCC-770 TAP, TAP Checklist (Continued)**

F Determining When to Use CCC-770 TAP

SED, STC or designee, DD, or CED shall determine:

- when County Offices are to complete CCC-770 TAP if apparent control deficiencies are found during CED, STC representative, or DD reviews
- whether CCC-770 TAP is necessary to avoid findings indicated by CORP reviews
- when additional internal controls are necessary to reduce improper payments.--*

155 CCC-770 TAP, TAP Checklist (Continued)

G Example of CCC-770 TAP

This is an example of CCC-770-TAP.

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CCC-770 TAP (06-16-21)						U.S. DEPARTMENT OF AGRICULTURE Commodity Credit Corporation					
TREE ASSISTANCE PROGRAM (TAP) CHECKLIST						1. Applicant's Name			2. State Name		
						3. County FSA Office Name			4. Crop Year		
Office Staff Actions						Applicable Handbooks			YES	NO	N/A
5. Did the stand sustain a mortality loss in excess of 15 percent after adjustment for normal mortality due to an eligible natural disaster?						1-TAP (Rev. 4), Paragraph 31					
6. Was an acreage report completed and signed by the participant identifying crop type, trees and acres in stand, and applicant's share?						1-TAP (Rev. 4), Paragraph 122 B, and 2-CP (Rev. 16, Par. 162)					
7. If participant requested eligibility consideration based on beginning or veteran farmer or rancher, did the participant provide their certification on the CCC-860?						1-TAP (Rev. 4), Subparagraph D, and 1-CM (Rev. 3), Par. 950.					
8. Has the participant filed the required AGI certification and has the certification information been recorded in the web-based eligibility system?						5-PL, Paragraphs 3 and 41, and 1-TAP (Rev. 4), Subparagraph 121D					
9. Has the participant filed the required AD-1026 and has the eligibility information been recorded in the web-based eligibility system?						6-CP (Rev. 4), and 1-TAP (Rev. 4) Paragraph 123					
10. Has the FSA-850, or an EA, when appropriate, been completed prior to CCC-899 approval?						1-TAP (Rev. 4), Par. 125 and 1-EQ, paragraph 23, and subsequent revisions					
11. Was Part C of the CCC-899 (Applicant Certification Statement) signed by a person or legal entity who has signature authority on file (if the person is signing in a representative capacity)?						1-CM (Rev. 3), Part 25, and 1-TAP (Rev. 4) Paragraph 61					
12. Before COC approval, was the initial field visit performed by a certified FSA loss adjuster or FSA representative to verify the loss?						1-TAP (Rev. 4), Par. 63					
13. Was CCC-899, Part E, signed, dated, and approved by COC, or authorized representative, and recorded in the COC minutes?						1-TAP (Rev. 4), Paragraph 61					
14. Was an approval/disapproval letter issued to participant regarding the COC or authorized representative's decision for Part E?						1-TAP (Rev. 4), Paragraphs 61 and 65					
15. Has participant submitted applicable cost documentation for all components on the stand for the completed practices?						1-TAP (Rev. 4), Paragraph 153					
16. Has a certified FSA loss adjuster or FSA representative completed a final inspection to verify practice completion?						1-TAP (Rev. 4), Paragraph 63					
17. Was the CCC-899, Part G, (Approval or Disapproval for TAP Payment) signed and dated by COC or authorized representative, and recorded in the COC minutes?						1-TAP (Rev. 4), Paragraph 61					
Certification:											
18A. Signature of Preparer(s)									18B. Date (MM-DD-YYYY)		
19A. I concur/do not concur the above items have been verified and updated. <input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur											
19B. CED Signature for Spotcheck									19C. Date (MM-DD-YYYY)		
20A. I concur/do not concur the above items have been verified and updated. <input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur											
20B. DD Signature for Spotcheck									20C. Date (MM-DD-YYYY)		

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at <http://www.usda.gov/complaint>, <http://usda.gov>, and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9892. Submit your completed form or letter to USDA by: (1) mail, U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.integrity@usda.gov. USDA is an equal opportunity provider, employer, and lender.

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155 CCC-770 TAP, TAP Checklist (Continued)

G Example of CCC-770 TAP (Continued)

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CCC-770 TAP (06-16-2021)	Page 2 of 2
21. Remarks:	

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155 CCC-770 TAP, TAP Checklist (Continued)**H Completing CCC-770 TAP**

Complete CCC-770 TAP according to the following table.

Item	Instructions
1	Enter name of the applicant.
2	Enter applicable State name.
3	Enter administrative County Office name that is completing CCC-770 TAP.
4	Enter applicable crop year.
*--5 through 17	Check (✓) “Yes”, “No”, or ENTER “N/A”.
18A and 18B	County Office employee who reviews items 5 through 17 shall sign, as preparer, and enter the current date.
19A	When applicable, CED or designated representative shall indicate whether or not they concur with the accuracy of items 5 through 17.
19B and 19C	CED or designated representative who completed item 19 A shall sign and enter the current date.
20A	When applicable, STC or their representative shall indicate whether or not they concur with the accuracy of items 5 through 17.
20B and 20C	STC or its representative who completed item 20 A shall sign and enter the current date.
21	Enter applicable remarks.--*

156-180 (Reserved)

Parts 7-9 (Reserved)

181-270 (Reserved)

Part 10 (Withdrawn--Amend. 21)

Section 1 (Withdrawn--Amend. 21)

271-273 (Withdrawn--Amend. 21)
274-285 (Reserved)

Subsection 1 (Withdrawn--Amend. 21)

286-288 (Withdrawn--Amend. 21)
289-295 (Reserved)

Subsection 2 (Withdrawn--Amend. 21)

296-300 (Withdrawn--Amend. 21)
301-310 (Reserved)

Subsection 3 (Withdrawn--Amend. 21)

311-315 (Withdrawn--Amend. 21)
316-325 (Reserved)

Subsection 4 (Withdrawn--Amend. 21)

326, 327 (Withdrawn--Amend. 21)
328-335 (Reserved)

Subsection 5 (Withdrawn--Amend. 21)

336 (Withdrawn--Amend. 21)
337-345 (Reserved)

Subsection 6 (Withdrawn--Amend. 21)

346, 347 (Withdrawn--Amend. 21)
348-355 (Reserved)

Subsection 7 (Withdrawn--Amend. 21)

356, 357 (Withdrawn--Amend. 21)
358-365 (Reserved)

Subsection 8 (Withdrawn--Amend. 21)

366 (Withdrawn--Amend. 21)
367-375 (Reserved)

Section 2 (Withdrawn--Amend. 21)

376-381 (Withdrawn--Amend. 21)
382-400 (Reserved)

Part 11 (Withdrawn--Amend. 21)

Section 1 (Withdrawn--Amend. 21)

401-404 (Withdrawn--Amend. 21)

405-410 (Reserved)

Section 2 (Withdrawn--Amend. 21)

411 (Withdrawn--Amend. 21)

411.5 (Withdrawn--Amend. 21)

412 (Withdrawn--Amend. 21)

413-424 (Reserved)

Section 3 (Withdrawn--Amend. 21)

425 (Withdrawn--Amend. 21)

426-430 (Reserved)

Section 4 (Withdrawn--Amend. 21)

431, 432 (Withdrawn--Amend. 21)

Reports, Forms, Abbreviations, and Delegations of Authority

Reports

None

Forms

This table lists all forms referenced in this handbook.

Number	Title	Display Reference	Reference
AD-1026	Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification		123
CCC-770	TAP Checklist	155	
CCC-899	Tree Assistance Program Application for Trees, Bushes, and Vines	61	Text
FSA-325	Application for Payment of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent		91
FSA-578	Report of Acreage		33, 122
FSA-850	Environmental Screening Worksheet		5, 63, 125
NRCS-CPA-052	Environmental Evaluation Worksheet		125

Reports, Forms, Abbreviations, and Delegations of Authority (Continued)

Abbreviations Not Listed in 1-CM

The following abbreviations are not listed in 1-CM.

Approved Abbreviations	Term	Reference
2014 Farm Bill	Agricultural Act of 2014 (Pub. L. 113-79)	1, 2, 121
DAS	Disaster Assistance Section	33
EA	Environmental Assessment	125
NEPA	National Environmental Policy Act	2, 125
PPB	Program Policy Branch	33
SEC	State Environmental Coordinator	5, 125
SND	Safety Net Division	31

Redelegations of Authority

This table lists redelegations of authority in this handbook.

Redelegation	Reference
CED may redelegate approval authority to PT's for routine cases.	5, 61
Note: PT's shall not be delegated authority to disapprove any CCC-899's.	

Definitions of Terms Used in This Handbook

Bush

Bush means a low, branching, woody plant from which, at maturity of the bush, an annual fruit or vegetable crop is produced for commercial purposes, such as a blueberry bush. The definition does not cover plants that produce a bush after the normal crop is harvested such as asparagus.

Commercial Use

Commercial use means used in the operation of a business activity engaged in as a means of livelihood for profit by an eligible grower.

Commercially Viable

--Commercially viable means an eligible tree, bush, or vine, though damaged, that can rejuvenate and return to an acceptable level of commercial production at some time with rehabilitation and without replanting. A commercially viable tree, bush, or vine, regardless of the extent of damage or years of reduced production, is always excluded and never included as part of mortality under 7 CFR § 1416.403.--

County Committee (COC)

COC means the respective FSA COC.

County Office

County Office means the FSA or USDA Service Center that is responsible for servicing the farm on which trees, bushes, or vines are located.

Cutting

Cutting means a piece of vine which was planted in the ground to propagate a new vine for the commercial production of fruit, such as grapes, kiwi fruit, passion fruit or similar fruit.

Eligible Nursery Tree Grower

Eligible Nursery Tree Grower means a person or legal entity that produces nursery, ornamental, fruit, nut, or Christmas trees for commercial sale.

Eligible Orchardist

Eligible orchardist means a person or legal entity that produces annual crops from trees, bushes, or vines for commercial purposes.

Definitions of Terms Used in This Handbook (Continued)**Farm**

Farm means, for determining TAP eligibility, a tract or tracts of land that are considered to be a separate operation. Where multiple tracts of land are to be treated as 1 farm, the tracts must have the same operator, and must also have the same owner, except that tracts of land having different owners may be combined if all owners agree to the treatment of multiple tracts as 1 farm. Each farm has an identifier of “farm serial number”. See 10-CM.

Fruit Tree

Fruit tree means a woody perennial plant having a single main trunk, commonly exceeding 10 feet in height and usually devoid of branches below but bearing a head of branches and foliage or crown of leaves at the summit that is grown for the production of an annual crop, including nuts, for commercial market.

Lost

Lost means, with respect to the extent of damage to a tree or other plant, that the plant is destroyed or the damage is such that it would, as determined by FSA, be more cost effective to replace the tree or other plant than to leave it in its deteriorated, low-producing state.

Mortality

Mortality means tree, bush, or vines that died during a specific growing period, because of natural disaster.

Natural Disaster

Natural disaster means:

- drought
- excessive rain and wind damage
- earthquake
- fire
- flood
- freeze

Definitions of Terms Used in This Handbook (Continued)

Natural Disaster (Continued)

- hail
- high winds
- hurricane
- insect infestation
- lightning
- plant disease
- straight line winds
- tornado
- vog (volcanic emissions)
- *--other occurrences, as determined by the Deputy Administrator.--*

Note: STC's and State Offices are responsible for determining what constitutes plant disease and insect infestation. Information from a qualified expert may be requested from an applicant to help COC or STC determine cause and extent of loss regardless of whether an expert provides information, the decision about what constitutes a legitimate natural disaster is always FSA's.

*--Normal Damage

Normal damage means the percentage, as established for the area by the FSA STC, of trees, bushes, or vines in the stand that would normally be damaged during a calendar year for a producer.

Normal Mortality

Normal mortality means the percentage, as established for the area by the FSA STC, of expected lost trees, bushes, or vines in the stand that normally occurs during a calendar year for a producer. This term refers to the number of whole trees, bushes, or vines that are destroyed or damaged beyond rehabilitation. Mortality does **not** include partial damage such as lost tree limbs.--*

* * *

Ornamental

Ornamental means, for TAP purposes, eligible nursery stock, including deciduous shrubs, broadleaf evergreens, coniferous evergreens, and shade and flowering trees planted for commercial purposes. This includes Christmas trees, ornamental trees, bushes, and vines, including nursery trees, and potted trees, fruit and nut tree seedlings planted for sale and transplanted in a commercial orchard operation growing the fruit, nut, or Christmas trees, but does not include plants grown for timber or pulp operations.

Definitions of Terms Used in This Handbook (Continued)**Owner**

Owner means a grower or successor-owner who has legal ownership of the trees, bushes, or vines where benefits are requested and suffered eligible losses of trees because of an eligible natural disaster.

Program Year

--Program year means the 12-month calendar year in which the natural disaster event occurs.--

Seedling

Seedling means an immature tree, bush or vine that was planted in the ground or other growing medium to grow a new tree, bush, or vine for commercial purposes.

Stand

Stand means a contiguous acreage of the same type of trees (including Christmas trees, ornamental trees, nursery trees, and potted trees), bushes (including shrubs), or vines.

Timber

Timber means growing trees on woodland that were planted with the intention of producing crops for timber or pulp from trees for commercial purposes.

Tree

Tree means a tall, woody plant having comparatively great height, and a single trunk from which an annual crop is produced for commercial purposes, such as a maple tree for syrup, papaya tree, or orchard tree. Trees used for pulp or timber are not considered eligible trees under TAP.

Vine

Vine means a perennial plant grown in the field under normal conditions from which an annual fruit crop is produced for commercial market for human consumption, such as grape, kiwi, or passion fruit that has a flexible stem supported by climbing, twining, or creeping along a surface. Perennials that are normally propagated as annuals such as tomatoes, biennials such as strawberries, and annuals such as pumpkins, squash, cucumbers, watermelon, and other melons, are excluded from the term vine under TAP.

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