

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

**Noninsured Crop Disaster Assistance
Program for 2015 and Subsequent Years
1-NAP (Revision 2)**

Amendment 7

Approved by: Acting Deputy Administrator, Farm Programs



Amendment Transmittal

A Reasons for Amendment

Subparagraph 800 E has been amended to clarify that land enrolled in the CRP Grasslands Program will be eligible for NAP if all of the following are met:

- the acreage is devoted to a crop eligible for coverage for the intended use of either grazing, forage, or seed under NAP and the crop is not prohibited from being grazed, harvested as forage, and/or harvested as seed under the CRP Grasslands Program conservation plan
- the acreage is not a first year seeding biennial or perennial forage crop intended for grazing, forage, or seed
- all other NAP program requirements.

Page Control Chart		
TC	Text	Exhibit
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800 General Forage Provisions (Continued)

D Eligibility of Leased Private or Federal- and State-Owned Land (Continued)

COC will use the following questions and others, as warranted, to determine whether a lessee has a risk in production of the crop acreage or the lease conveys control of the crop acreage to the lessee. Only 1 of the following conditions **must** be met to find a lessee eligible as a producer.

- Does the lessee pay local property or similar taxes on the leased acreage or improvements made to the leased acreage?
 - If yes, the lessee is considered to have control of the crop acreage.
 - If no, see the next question.
- Can the lessee, according to the lease, recoup specific expenses for significant infrastructure or range improvements (that is, fences, water well, seed or fertilizer applications, drainage improvements, or brush and weed control)?
 - If no, the lessee is considered to have control of the crop acreage.
 - If yes, see the next question.
- Is the lessee allowed to sell the lease or the permit?
 - If yes, the lessee is considered to have control of the crop acreage.
 - If no, see the next question.
- Can the lease or the permit be inherited?
 - If yes, the lessee is considered to have control of the crop acreage.
 - If no, see the next question.
- Does the lessee compensate the lessor for use of the crop acreage?
 - If no, the lessee is **not** entitled to a crop share and does **not** have a risk in production of the crop acreage.

800 General Forage Provisions (Continued)

D Eligibility of Leased Private or Federal- and State-Owned Land (Continued)

- If yes, is the compensation payment refundable if grazing use of the crop acreage is lost?
 - If yes, the lessee **only** has a risk in the portion of the crop acreage used and paid for, if any.
 - If no, does the compensation payment entitle the lessee to a vested crop share interest in production of the commodity versus purchasing the commodity?
 - If no, the lessee does **not** have a crop share interest and risk in production of the crop acreage.
 - If yes, the lessee is considered to have a crop share interest and risk in production of the crop acreage.

E Acreage Eligibility

COC will, when questions of eligibility exist, consider evidence of:

- the producer's intent to graze or otherwise harvest forage acreage

Note: If a producer reports forage acreage as CRP or intended as fallow, that acreage is **not** eligible for NAP.

***--Exception:** Land enrolled in the CRP Grasslands Program will be eligible for NAP if all of the following are met:

- the acreage is devoted to a crop eligible for coverage for the intended use of either grazing, forage, or seed under NAP and the crop is not prohibited from being grazed, harvested as forage, and/or harvested as seed under the CRP Grasslands Program conservation plan
- the acreage is not first year seeding biennial or perennial forage crop intended for grazing, forage, or seed
- the acreage is not devoted to Practice CP42, Pollinator Habitat, which does not allow for grazing or haying
- all other NAP program requirements are met.--*
- available livestock, water, fencing, etc. for grazing
- available equipment, storage facilities, etc. necessary for mechanical harvest of forage acreage.