

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency  
Washington, DC 20250

<b>Tree Assistance Program 1-TAP (Revision 4)</b>	<b>Amendment 21</b>
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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Parts 10 and 11 have been withdrawn.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Exhibit 3 has been withdrawn because automation procedure has been removed.

<b>Page Control Chart</b>		
<b>TC</b>	<b>Text</b>	<b>Exhibit</b>
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#### Subsection 1 (Withdrawn--Amend. 21)

286-288 (Withdrawn--Amend. 21)  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

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##### Subsection 5 (Withdrawn--Amend. 21)

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##### Subsection 7 (Withdrawn--Amend. 21)

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##### Subsection 8 (Withdrawn--Amend. 21)

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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- 3 (Withdrawn--Amend. 21)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.
requests for relief or finality rule	7-CP.
environmental quality and cultural resource protection (cultural resources and wildlife protection and consultation)	1-EQ
bankruptcy flags, claims, or withholdings	58-FI.
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.



**\*--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)

**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

## 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.



**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)**

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**337-345 (Reserved)**

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**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 Redelegations 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
<b>Note:</b> PT's shall <b>not</b> be delegated authority to disapprove any CCC-899's.	