

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

**Tree Assistance Program
1-TAP (Revision 4)**

Amendment 5

Approved by: Deputy Administrator, Farm Program



Amendment Transmittal

A Reasons for Amendment

Subparagraph 1 B has been amended to add 2-NAP to the list of related handbooks.

Subparagraph 5:

- B has been amended to instruct SED's to follow procedure in 2-NAP when obtaining the services of LA's for TAP
- 5 E has been amended to update CED responsibilities when using LA's for TAP.

Subparagraphs 31 A and B have been amended to provide clarity on general eligibility requirements.

Subparagraph 61 A has been amended to instruct County Offices to follow procedure in subparagraph 61.5 A when filing manual CCC-899's for losses because of plant disease.

Subparagraph 61 B has been amended to instruct County Offices that CCC-899, Part F, must reflect changes when applicants replant different eligible trees, bushes, or vines, than those lost.

Paragraph 61.5 has been added to include instructions for the manual completion of CCC-899 and provide an example of CCC-899.

Subparagraph 62:

- A has been amended to provide clarity on reimbursement and qualifying losses eligibility.
- D has been amended to provide clarity on determining losses without physical evidence.

Subparagraphs 63 A through E have been amended to add procedure for LA requirements for TAP.

Amendment Transmittal (Continued)

A Reasons for Amendment (Continued)

Subparagraph 64:

- A has been amended to provide clarity on TAP payment eligibility
- B has been amended to provide an additional loss example.

Subparagraph 92 D has been amended to provide clarity on the examples of succession-in-interests.

Subparagraph 151 has been amended to clarify the definition of “stand”.

Subparagraph 152 C has been amended to add Aronia, Honeyberries, and Pawpaw to the list of crop codes and applicable eligible practice codes.

Subparagraph 153 C has been amended to provide instruction on revising CCC-899 when an applicant chooses to replant a different eligible crop than the crop initially lost.

Subparagraph 154 A has amended to clarify duplicate benefit guidance.

Exhibit 2 has been amended to:

- include Eligible Nursery Tree Grower
- update the definition of “stand” and remove individual stand
- clarify the definition of normal mortality
- update the definition of tree.

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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 PECD.

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 operations	25-AS.
signatures, power of attorney, name and address, controlled substance, deceased individuals, or closed estates	1-CM.
digital photography	8-CM.
Common Payment System	9-CM.
acreage reporting or compliance	2-CP.
HELC/WC provisions	6-CP.
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web-based subsidiary files	3-PL.
AGI/payment limitation	5-PL.
direct attribution	5-PL.
--loss adjuster management	2-NAP.--

2 Authority

A Statutory Authority

The 2014 Farm Bill authorizes the Secretary to implement TAP.

B Regulatory Authority

Regulations governing general provisions for supplemental agricultural disaster programs, such as TAP, are at 7 CFR Part 1416, Subpart B. Regulations for TAP are at 7 CFR Part 1416, Subpart E.

C Regulatory Reference

The following table provides the regulatory references that contain the general eligibility provisions for TAP.

General Eligibility Provision	Regulatory Reference
Applicability and general statement.	7 CFR Part 1416.1 and .400
Administration.	7 CFR Part 1416.2 and .401
Eligible producers on a farm.	7 CFR Part 1416.3
Equitable relief.	7 CFR Part 1416.5
Payment limitation.	7 CFR Part 1416.6
Misrepresentation.	7 CFR Part 1416.7
Appeals.	7 CFR Part 1416.8
Offsets, assignments, and debt settlement.	7 CFR Part 1416.9
Records and inspections.	7 CFR Part 1416.10
Refunds, joint and several liability.	7 CFR Part 1416.11
Minors.	7 CFR Part 1416.12
Deceased individuals or dissolved entities.	7 CFR Part 1416.13
Miscellaneous.	7 CFR Part 1416.14

5 Responsibilities

A STC Responsibilities

Within the authorities and limitations in this part and 7 CFR Part 1416, Subpart E, STC's shall:

- direct the administration of TAP
- establish maximum payment rates when they are lower than DAFFP-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.

5 Responsibilities (Continued)

B SED Responsibilities

Within the authorities and limitations in this part and 7 CFR Part 1416, Subpart E, SED's shall:

- ensure that County Offices follow TAP provisions
- handle appeals according to 1-APP and 7 CFR Parts 11 and 780
- ensure that 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 **all** County Offices publicize TAP provisions according to paragraph 4
- immediately notify the National Office of software problems, incomplete or incorrect procedures, and specific problems or findings
- *--follow 2-NAP to obtain the services of certified LA's.--*

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

C DD Responsibilities

Within the authorities and limitations in this part and 7 CFR Part 1416, Subpart E, DD's shall ensure that COC's and CED's carryout TAP provisions as follows:

- 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 that County Offices publicize TAP provisions.

5 Responsibilities (Continued)

D COC Responsibilities

Within the authorities and limitations in this part and 7 CFR Part 1416, Subpart E, COC's shall:

- fully comply with all TAP provisions
- ensure that CED fully complies with all TAP provisions
- 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

5 Responsibilities (Continued)

D COC Responsibilities (Continued)

- ensure that TAP general provisions and other important items are publicized as soon as possible after information is received from the National Office, including, but not limited to, the following:
 - basic participant eligibility criteria
 - general data required to complete CCC-899.

E CED Responsibilities

Within the authorities and limitations in this part and 7 CFR Part 1416, Subpart E, CED's shall:

- follow all TAP provisions
- ensure that County Office employees fully comply with all TAP provisions
- *--ensure that training is provided to FSA certified LA's
- ensure that certified FSA LA visits are completed in a timely manner--*
- handle appeals according to 1-APP and 7 CFR Parts 11 and 780
- ensure that modifications to data provided by the applicant are **not** made unless the applicant initials and dates the modifications
- ensure that 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 that general provisions and other important items are publicized according to paragraph 4 and subparagraph D.

F PT Responsibilities

Within the authorities and limitations in this part and 7 CFR Part 1416, Subpart E, PT's shall:

- follow all TAP provisions
- immediately notify CED of software problems and incomplete or incorrect procedures
- ensure that 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 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 contract grower with a claim to ownership share in the crop, **must** have been located in an administrative county 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 cannot produce fruit and cannot be rehabilitated to produce fruit, 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 shall be 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 Approved Time Periods for Morality for Plant Disease

For 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 insect infestation and disease confirmation, and forward a copy to CCC representative to complete CCC-899, Part D when producer reports total mortality in subsequent years.

E Funding Authority

TAP is administered by FSA using funds from CCC.

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, applicants shall file an automated CCC-899 (paragraph 286) in their administrative County Office that maintains their farm records for the agricultural operation by crop type, stand, and producer share.

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

Applicants who suffered eligible tree, bush, and vine losses:

- **after** September 30, 2011, through the end of the 2014 calendar year must provide an application and supporting documentation to FSA by the later of January 31, 2015, or 90 calendar days after the disaster event or date when the loss is apparent to the producer
- on or after January 1, 2015, must provide an application and supporting documentation to FSA within 90 calendar days of each disaster event or date when the loss of trees, bushes, or vines is apparent to the producer.

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

Applicants must certify and provide adequate proof that the losses were the direct result of an eligible natural disaster.

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.

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.

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

A Filing CCC-899's (Continued)

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)

A Filing CCC-899's (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.

B Completing CCC-899's

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 shall then approve or disapprove the information entered in Part D, by signing Part E
 - 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 must reflect the new crop, 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 shall 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)

C Signing and Certifying CCC-899's

When signing CCC-899, item 17A the applicant is:

- applying for TAP benefits for the applicant listed on CCC-899, item 2A
- 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
 - all information on CCC-899 and all supporting documents provided are true and correct
 - all 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.

D Signature Requirements

Follow 1-CM for signature requirements.

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

G Example of CCC-899

Following is an example of CCC-899.

This form is available electronically.

CCC-899 (04-15-14)		U.S. DEPARTMENT OF AGRICULTURE Commodity Credit Corporation		1A. County FSA Name and Address (Include Zip Code) Collier County FSA 3434 Hancock Bridge Parkway Ft. Myers, FL 33903-7094	
TREE ASSISTANCE PROGRAM APPLICATION FOR TREES, BUSHES, AND VINES				1B. County FSA Office Telephone Number (Include Area Code) 222-333-4444	
1C. Program Year 2013					
<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					
2A. Applicant's Name Robert Sams			2B. Applicant's Address (Including Zip Code) 42 Orchard Drive Ft. Myers, FL 33903		
PART B - APPLICANT'S STAND INFORMATION					
3. A. I am an orchardist or nursery tree grower that planted trees for commercial purposes: <input type="checkbox"/>				4. Disaster Event Hurricane	
B. I did not plant the trees but have a production history for commercial purposes on the planted or existing trees: <input type="checkbox"/>					
5. Disaster Date 05-03-2013	6. Crop Name 0023 - Oranges	7. Stand Number 246	8. Applicant's Share 100 %	9. Total Acres in Stand 5	
10. Total Acres Damaged 3	11. Total Trees in Stand 500	12. Total Trees Lost 250	13. Total Trees Damaged 0	14. Total Replanted Trees 250	
15. Practice Code			16. Trees/Acres Requested		
01 - fruit & nut tree replacement per tree			250		
10 - planting cost per eligible tree			250		
14 - site preparation per acre			3 acres		
PART C - APPLICANT CERTIFICATION STATEMENT					
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:					
1. Agrees to provide FSA any documentation required to determine eligibility that verifies and supports all information provided, including the applicant's certification;					
2. Understands the application may be disapproved if the applicant fails to provide any information requested by FSA;					
3. 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;					
4. 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;					
5. Agrees to complete all replanting, rehabilitation, and other appropriate program-related activities within 12 months from the date of application approval.					
I certify that:					
1. The above information provided by me or my legal representative is true and correct.					
2. The losses occurred during the disaster date listed in Item 5.					
3. 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.					
4. 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.					
17A. Applicant's Signature (By) /s/ Robert Sams		17B. Title/Relationship of the Individual Signing in the Representative Capacity /s/ Marvin Represents		17C. Date (MM-DD-YYYY) 05-08-2013	
<p><small>The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the basis of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited basis will apply to all programs and/or employment activities.) Persons with disabilities, who wish to file a program complaint, write to the address below or if you require alternative means of communication for program information (e.g., Braille, large print, audiotape, etc.) please contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). Individuals who are deaf, hard of hearing, or have speech disabilities and wish to file either an EEO or program complaint, please contact USDA through the Federal Relay Service at (800) 877-8339 or (800) 845-6136 (in Spanish).</small></p> <p><small>If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter by mail to U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov. USDA is an equal opportunity provider and employer.</small></p>					

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

G Example of CCC-899 (Continued)

CCC-899 (04-15-14)				Page 2 of 2	
PART D - COC ACTION/DETERMINATION (FOR FSA USE ONLY)					
18. Disaster Event Hurricane	19. Disaster Date 05-03-2013	20. Crop Name 0023 - Oranges	21. Stand Number 246	22. Total Determined Trees in Stand 500	
23. Total Determined Trees Lost 250	24. Total Determined Trees Lost for Payment 205	25. Total Determined Trees Damaged 0	26. Total Determined Damaged Trees for Payment 0		
27. Total Determined Acres in Stand 5	28. Total Determined Damaged Acres in Stand 3	29. Total Determined Acres for Payment 2.5	30. Total Replanted Trees 250		
31. Practice Code			32. Trees/Acres		
01 - fruit & nut tree replacement per tree			205		
10 - planting cost per eligible tree			205		
14 - site preparation per acre			2.5 acres		
PART E - COC APPROVAL OR DISAPPROVAL OF TAP LOSS AND ACRES FOR PAYMENT					
33A. COC Signature		33B. Action: <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED		33C. Date (MM-DD-YYYY)	
34. Remarks					
PART F - CERTIFICATION AND APPLICATION FOR PAYMENT (To Be Completed by Applicant)					
35. Disaster Event Hurricane	36. Disaster Date 05-03-2013	37. Crop Name 0023 - Oranges	38. Stand Number 246		
39. Practice Code		40. Trees/Acres Completed		41. Actual Cost	
01 - fruit & nut tree replacement per tree		250		\$ 2,350	
10 - planting cost per eligible tree		250		\$ 680	
14 - site preparation per acre		3 acres		\$ 1,725	
42A. Applicant's Signature (By) /s/ Robert Sams		42B. Title/Relationship of the Individual Signing in the Representative Capacity /s/ Marvin Represents		42C. Date (MM-DD-YYYY) 04-29-2014	
PART G - COC APPROVAL OR DISAPPROVAL FOR TAP PAYMENT					
43A. COC or Designee's Signature /s/ Marvin Represents		43B. Action: <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED		43C. Date (MM-DD-YYYY) 05-02-2014	

--*

***--61.5 Manual CCC-899**

A Filing Manual CCC-899's for Plant Disease

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. The loss period because of 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. Since the 15 percent mortality threshold and normal mortality calculation shall be cumulative based on the loss and time period, producers shall file a manual CCC-899. Producers must, at least annually, report the number of trees lost, even though they may not file for assistance until a subsequent year.

County Offices must maintain all manual CCC-899's in a pending file until a producer requests to file one cumulative CCC-899 capturing all loss because of disease.

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

*--61.5 Manual CCC-899 (Continued)

B Completing Manual CCC-899

Complete manual CCC-899 according to this table.

Item	Instructions
1A	Enter County Office name and address (including Zip Code).
1B	Enter County Office telephone number (including area code).
1C	Enter applicable program year.
Part A – Applicant Information To be completed by the County Office	
2A	Enter the applicant’s name.
2B	Enter the applicant’s address (including Zip Code).
Part B – Applicant’s Stand Information To be completed by applicant.	
3	Check: <ul style="list-style-type: none"> • “A” if you are an orchardist or nursery tree grower who planted the trees for commercial purposes • “B” if you did not plant the trees but have a production history for commercial purposes on the planted or existing trees.
4	Enter the disaster event.
5	Enter the date of the disaster event.
6	Enter the crop name.
7	Enter the stand number.
8	Enter the applicant’s share.
9	Enter the total number of acres in stand.
10	Enter the total number of acres damaged in stand.
11	Enter the total number of trees in stand.
12	Enter the total number of trees lost (reached mortality, i.e., died) in stand.
13	Enter the total number of trees damaged in stand.
14	Enter the total number of trees replanted.
15	Enter the applicable practice code(s).
16	Enter the number of trees and/or acres requested for each practice code in item 15.
Part C – Applicant Certification Statement To be completed by applicant.	
17A	Applicant must sign after reading certification statement.

--*

*--61.5 Manual CCC-899 (Continued)

B Completing Manual CCC-899 (Continued)

Item	Instructions
17B	Enter the title and/or relationship of the individual signing in the representative capacity. Note: If applicant is not signing in the representative capacity, this field should be left blank. If “self” is written to indicate the applicant is signing on behalf of themselves, this is acceptable; however, not necessary.
17C	Enter the date signed.
Part D – COC Action/Determination (For FSA Use Only) To be completed by COC or designated representative at the time of field visit.	
18	Enter the disaster event.
19	Enter date of disaster event.
20	Enter the crop name.
21	Enter the stand number.
22	Enter the total determined number of trees in stand.
23	Enter the total determined number of trees lost (reached mortality, i.e., died) in stand.
24	Enter the total determined number of trees lost (reached mortality, i.e., died) for payment.
25	Enter the total determined number of trees damaged.
26	Enter the total determined damaged trees for payment.
27	Enter the total determined acres in the stand.
28	Enter the total determined damaged acres in the stand.
29	Enter the total determined acres for payment.
30	Enter the total number of replanted trees.
31	Enter the applicable practice code(s).
32	Enter the total number of trees/acres for each practice code listed in item 32.
Part E – COC Approval or Disapproval of TAP Loss and Acres for Payment	
33A	COC or designated representative must sign.
33B	COC or designated representative must approve or disapprove the TAP loss and acres for payment by checking either “Approved” or “Disapproved”.
33C	Enter date of COC or designated representative’s signature.
34	Enter remarks.
Part F – Certification and Application for Payment To be completed by applicant once applicable practices have been completed.	
35	Enter the disaster event.
36	Enter the date of the disaster event.

--*

*--61.5 Manual CCC-899 (Continued)

B Completing Manual CCC-899 (Continued)

Item	Instructions
37	Enter the crop name.
38	Enter the stand number.
39	Enter the applicable practice code(s).
40	Enter the trees/acres completed for each applicable practice code.
41	Enter the actual cost of each practice.
42A	Applicant must sign.
42B	Enter the title and/or relationship of the individual signing in the representative capacity. Note: If applicant is not signing in the representative capacity, this field Should be left blank. If “self” is written to indicate the applicant is signing on behalf of themselves, it is acceptable; however, not necessary.
42C	Enter the date signed.
Part G – COC Approval or Disapproval for TAP Payment	
43A	COC or designated representative must sign.
43B	Check the box to “Approve” or “Disapprove” CCC-899 for payment.
43C	Enter the date signed.

--*

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 TAP for Producers Who Planted Trees

Eligible orchardists or nursery tree growers who planted trees for commercial production, but lost the 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 or damage (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.

62 Reimbursement and Qualifying Losses (Continued)

C Eligibility for TAP for Producers Who Did Not Plant Trees

Eligible orchardists or nursery tree growers that have a production history for commercial purposes on planted or existing trees, but lost the trees because of an eligible natural disaster, may be eligible for TAP on lost and damaged trees, if **both** of the following occur:

- tree mortality exceeds 15 percent (adjusted for normal mortality)
- tree damage exceeds 15 percent (adjusted for normal tree damage).

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

--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.

* * *

62 Reimbursement and Qualifying Losses (Continued)

D Determining Losses Without Physical Evidence

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.

COC shall document third party certifications in COC minutes to indicate source data used. STC representative shall concur with COC recommendation or work with COC to establish acceptable evidence.

Notes: Whether provided by applicant or someone else, the TAP applicant is liable for any errors in reporting physical evidence.

County Office employees shall conduct a field visit and determine all tree losses and acres on CCC-899, Part D, when physical evidence is available. * * *

62 Reimbursement and Qualifying Losses (Continued)**E 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 production of annual crops
- tomatoes, pumpkins, watermelons, and pineapple.

F Ineligible Losses

Losses ineligible for TAP shall include the following:

- trees replanted, but 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 eligible trees covered by a current CRP, ECP, or WRP contract (paragraph 154)
- 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 nursery because of the lack of water from the failure of the irrigation equipment is **not** eligible because natural disaster did not directly impact the nursery.

--63 Loss Adjustment Requirements*A Authorized Use of Certified FSA Loss Adjusters (LA) for TAP**

For 2015 and subsequent years, certified FSA LA's may be used to perform field visits for TAP. Follow procedure in 2-NAP to obtain the services of certified LA's.

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, (1-TAP (Rev. 4), TAP regulation (7 CFR §1416.400 – Subpart E), and CCC-899 (TAP Application)
- review applicant's CCC-899, and all supporting documentation, i.e., review and verify acreage report, before performing on-site visual inspections to verify loss
- timely perform on-site visual inspections to verify **actual** qualifying losses and the number of tree and acres involved
- complete manual CCC-899 for losses caused by plant disease
- consult qualified experts, i.e., 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 shall perform a field visit and manually document the following on CCC-899, Part D:

- eligible disaster event
- date of disaster event
- name of lost and/or damaged crop
- stand number--*

--63 Loss Adjustment Requirements (Continued)*C Field Visit to Verify Applicant's Claim (Continued)**

- total determined number of trees in the stand
- 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 (Part 10, Section 1, Subsections 2 and 3).

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 (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/acres 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 payment eligibility for trees/acres damaged, as follows.

70 trees damaged in stand x 18% damage, adjusted for 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 acres for payment as follows.

3.0 acres lost
<u>-.5 acre</u> (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)

$$90 \text{ trees} \times 100\% \text{ (share)} \times \$8 \text{ per tree} = \$ 720$$

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

$$90 \text{ trees} \times 100\% \text{ (share)} \times \$2 = 180$$

Practice Code 11 – (Pruning Cost Per Tree) = \$7

$$57 \text{ trees} \times 100\% \text{ (share)} \times \$7 = 399$$

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

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

\$3,404

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 pruning:	\$1,200 x 100% (share) x 65% (payment level) =	780
Receipts for site preparation:	\$1,200 x 100% (share) x 50% (payment level) =	<u>600</u>
		\$2,725

- 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: \$180 (DAFP maximum payment rate)
 - practice code 11: \$399 (DAFP maximum payment rate)
 - practice code 14: \$600 (actual cost).

In this example, Steven’s estimated TAP payment amount is **\$2,329**.

65 Approval and Disapproval Letters

A Issuing Approval or Disapproval Letters

County Offices shall issue approval or disapproval letters to all applicants.

B Example of Approval Letter

This is an example of an approval 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>Your request for TAP assistance is approved.</p> <p>The following shall serve as a guide in completing and reporting the practices:</p> <ul style="list-style-type: none">• 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. <p>Before TAP payments can be issued, an FSA employee will need to perform a site visit on your farm to verify practice completion.</p> <p>County Executive Director</p>
--

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 Payment Limitation

Successors and predecessors each have to meet common eligibility provisions and a successor cannot be paid more than what would have been paid to an approved predecessor if there had been no succession. However, except as specified in subparagraph D, the successor's actual TAP payments cannot exceed the applicable limitation for an eligible individual or entity.

***--Example:** An individual who has already reached the TAP payment limitation on their--* own CCC-899 is ineligible for further TAP payments as a successor.

C 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. In this case, the eligible heirs will be paid based on the decedent's payment limitation and eligibility **without** regard to the heir's own limitation or eligibility.

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)

D 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. County Office will have to manually control payment limitation for N & H Nursery and any successors.

93-120 (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 shall 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 shall **not** exceed the maximum rates established by DAFP.

Practice Code	Practice	Maximum Rates
01	Fruit and nut tree replacement per tree (orchards).	\$8
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.	\$2

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 .	\$2
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--*

Note: See subparagraph C for practice code applicability.

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.

152 TAP Payment and Mortality Rates (Continued)

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.

C Practice Code Applicability

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

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
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
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
0173	Bananas	BANAN	01, 02, 10, 11, 14
0175	Coconuts	COCON	01, 02, 10, 11, 14
0176	Coffee	COFFE	01, 02, 10, 11, 14
0181	Papaya	PAPAY	01, 02, 10, 11, 14, 17, 18
0186	Plantain	PLANT	01, 02, 10, 11, 14
0250	Nectarines	NECTR	01, 02, 10, 11, 14
0254	Plums	PLUMS	01, 02, 10, 11, 14

152 TAP Payment and Mortality Rates (Continued)

C Practice Code Applicability (Continued)

Crop Code	Crop	Crop Abbreviation	Eligible Practice Codes
0326	Apricots	APRCT	01, 02, 10, 11, 14
0375	Chestnuts	CHENT	01, 02, 10, 11, 14
0376	Hazel Nuts	HAZNT	01, 02, 10, 11, 14
0381	Pawpaw Trees	PAWPA	01, 02, 10, 11, 14
0463	Kiwifruit	KIWIF	03, 04, 10, 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
0906	Pummelo	PUMLO	01, 02, 10, 11, 14
0997	Atemoya	ATMYA	01, 02, 10, 11, 14
0998	Sapote	SAPBK	01, 02, 10, 11, 14
1010	Nursery – Container	NRSRY	07, 08, 10
1010	Nursery – Field	NRSRY	07, 08, 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
--1297	Honeyberries	HONEYB	10, 12, 13, 14--
1302	Tangors	TANGS	01, 02, 10, 11, 14
6000	Caneberries	CANBR	03, 04, 10, 14
7037	Jack Fruit	JCKFR	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. STC's are authorized to grant practice extensions up to 1 year from the date CCC-899 is approved for payment by COC or designee.

Notes: If the producer still cannot complete the practice within the 1-year STC extension, the State Office shall 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.

*--If applicant chooses to replant different eligible trees, bushes, or vines than those initially lost, CCC-889, Part F must reflect the new 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, 2012. COC determines applicant is eligible for practice codes 01, 02, 10, 11, and 14.

On August 1, 2013, applicant visits the County Office to report practice completion. Applicant reports their decision to replant blueberry bushes, instead of oranges. Applicant submits actual cost documentation for the replanting of 600 blueberry bushes on stand 344 which consists of 3 acres. Practice codes for blueberry bushes are 10, 12, 13, and 14.--*

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 shall **not** exceed the established maximum payment rates to re-establish the eligible trees, bushes, or vines that were actually lost, as determined by COC.

153 TAP Practice Completion and Expiration (Continued)

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

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

Notes: Payments for eligible owners who replant in a different field shall **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, such as because of a shortage of contractors or vendors, 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 Duplicate Benefits

Eligible applicants may not receive TAP benefits and benefits under any other disaster program for the same loss.

The following table provides guidance if an eligible owner:

- is eligible for a TAP payment
- qualifies for benefits for the same loss 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 (7 CFR Part 1437)	can receive payment under both NAP and TAP.
indemnity payments under crop insurance policies, including pilots, for orchard trees	can receive both for 2011, 2012, or 2013. Starting in 2014, multiple benefit exclusions apply.
emergency loans	can receive both.
ECP benefits, the Biomass Crop Assistance Program, CRP, EQIP, WRP, or any other program where duplication of benefits are received	cannot receive compensation for the same or similar type of practices for the same or similar loss.

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. The applicant is **not** eligible for payment on any of the practices associated with the acreage, because all 3 practices **must** be completed.

155-180 (Reserved)

Parts 7-9 (Reserved)

181-270 (Reserved)

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.

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.

Farm

Farm means, for determining TAP eligibility, **all** crop acreage in **all** counties that a producer planted or intended to be planted for harvest for normal commercial sale.

Definitions of Terms Used in This Handbook (Continued)

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 a 12-month calendar year.

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.