

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

Tree Assistance Program 1-TAP (Revision 4)	Amendment 7
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Approved by: Acting Deputy Administrator, Farm Programs



Amendment Transmittal

A Reasons for Amendment

Subparagraph 5 B has been amended to update SED responsibilities.

Subparagraph 63 A has been amended to:

- clarify that for 2015 and subsequent years, certified LA's **shall** be used to perform field visits for TAP
- notify County Offices that certified LA's may be used for any prior year TAP work being completed in 2015.

Subparagraph 154 A has been amended to clarify duplicate benefit guidance.

Page Control Chart		
TC	Text	Exhibit
	1-7 through 1-10 3-10.5, 3-10.6 6-7, 6-8	

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

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

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
- *--ensure that training is provided to FSA-certified LA's--*
- follow 2-NAP to obtain the services of certified LA's.

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

C DD Responsibilities

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 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)

63 Loss Adjustment Requirements

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

*--For 2015 and subsequent years, certified FSA LA's shall be used to perform field visits for TAP. Certified LA's may also be used for any prior year TAP work being completed in 2015. Follow procedure in 2-NAP to obtain the services of certified LA's.

Note: Using LA's for TAP frees up County Office staff for other work.--*

B Loss Adjustment Responsibilities for TAP

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

- use and be proficient with the applicable loss adjustment equipment
- be familiar with TAP eligibility requirements, this handbook, TAP regulation (7 CFR §1416.400 – Subpart E), and CCC-899 (TAP Application)
- review applicant's CCC-899 and all supporting documentation; that is, review and verify acreage report, before performing on-site visual inspections to verify loss
- 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, such as Department of Forestry, Universities, Extension Service, etc., for guidance in determining appropriate practices
- for plant disease mortality losses, consult with STC to verify the determined loss period established for a specific plant disease
- perform a second on-site visual inspection to verify practice completion.

C Field Visit to Verify Applicant's Claim

Before COC approval of CCC-899, Part E, a certified FSA LA 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.--*

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 * * *.
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.