

For: Alabama, Florida, Louisiana, Mississippi, North Carolina, and Texas State and County Offices

**2005 Section 32 Hurricane Provisions for the
Hurricane Indemnity Program (HIP) and Tree Indemnity Program (TIP)**

Approved by: Deputy Administrator, Farm Programs



1 Overview

A Background

Hurricanes Dennis, Katrina, Rita, and Wilma significantly impacted the Gulf Coast region and Hurricane Ophelia impacted North Carolina in 2005. Because of the severity and widespread devastation, the Secretary has determined to use the authority under Section 32 of the Agriculture Adjustment Act of August 24, 1935, to implement 4 disaster programs to assist in re-establishing farmers' purchasing power in these areas. Regulations governing these disaster programs can be found at 7 CFR Part 760, Subparts B through F.

B Purpose

This notice authorizes the implementation of and provides policy and procedure for HIP and TIP.

These disaster assistance programs are applicable to eligible producers in certain counties of Alabama, Florida, Louisiana, Mississippi, North Carolina, and Texas who experienced certain losses because of Hurricanes Dennis, Katrina, Ophelia, Rita, or Wilma.

Notes: See Exhibit 2 for definitions applicable to HIP and TIP.

See 4-DAP (Rev. 1) for policy and procedure for:

- Feed Indemnity Program
- Livestock Indemnity Program.

Future directives will provide software procedure and sign-up dates.

Disposal Date	Distribution
June 1, 2007	AL, FL, LA, MS, NC, TX State Offices; State Offices relay to County Offices

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1 Overview (Continued)

C Sign-up

The signup periods will be announced by DAFP in a future notice.

Applications **must be** filed in the physical location county where the loss occurred.

Notes: Producers must be in SCIMS with a legacy link to the county accepting the application to apply and receive benefits under these disaster programs.

If a producer is not in SCIMS with a legacy link to the county accepting the application, add the legacy link to SCIMS, and create the legacy link according to 1-CM.

2 Provisions Applicable to Both HIP and TIP

A Eligible Counties

These special disaster programs are available to producers in counties within Alabama, Florida, Louisiana, Mississippi, North Carolina, and Texas that received a Presidential or Secretarial disaster declaration or designation as a primary county because of Hurricane Dennis, Katrina, Ophelia, Rita, or Wilma.

See Exhibit 1 for a list of approved Presidential-declared and Secretarial-designated primary counties.

Note: Losses must have been physically located within 1 of the approved Presidential-declared or Secretarial-designated primary counties to be eligible.

B Disaster Period

The disaster period is a 60-calendar-day time period in which losses occurred that are considered eligible for the programs. The beginning date is the incident period date on the Presidential Declaration.

Note: See Exhibit 1 for a list of eligible counties and disaster periods.

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2 Provisions Applicable to Both HIP and TIP (Continued)

C Eligible Causes of Loss

Eligible causes of loss are those directly related to the hurricanes listed in subparagraph 1 B, and will include the following:

- excessive moisture, precipitation, and/or rain
- flood
- excessive wind
- cyclone
- tornado
- hurricane or tropical depression
- storm surge
- salinity because of salt water intrusion.

D Payment Limitations and AGI Provisions

A factor will not be applied to payments. Therefore, payments may be issued after regulations are published in the Federal Register and software is released to County Offices.

An \$80,000 payment limitation applies to each “person” for benefits received under each program, 2005 HIP and TIP. Determine “persons” according to 1-PL.

If a “person” determination for the applicant has:

- already been made for other 2005 program purposes, use the same “person” determination for 2005 Hurricanes HIP and TIP purposes
- **not** been made for any other 2005 program purpose, COC shall:
 - obtain CCC-502 from the applicant
 - make a “person” determination and notify applicant according to 1-PL.

Note: Actively engaged and cash-rent tenant provisions do **not** apply.

The AGI provisions of 1-PL are applicable. Individuals and entities exceeding \$2.5 million AGI are not eligible for payment under 2005 Hurricanes HIP and TIP.

See 1-PL and 3-PL for AGI policy and software provisions.

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2 Provisions Applicable to Both HIP and TIP (Continued)

E Conservation Compliance Provisions

Producers must file AD-1026, as applicable. Payments may be issued to producers for whom NRCS has not made a highly erodible land conservation (HELC) and/or certified wetland conservation (WC) determination, if the County Office sends the producer a letter with the following parameters:

- payments are being made without a HELC and/or WC determination
- HELC and WC compliance requirements must be met
- a refund of payments will be required if conservation compliance requirements are not met, or certification on AD-1026, item 13, is not completed when the technical determinations become available.

Certification on AD-1026, item 13, must be completed within 15 calendar days after the producer is notified of the NRCS technical determination.

F Assignments and Offsets

For 2005 HIP and TIP, County Offices shall:

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

G Other Criteria

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

- controlled substance provisions
- fraud/FCIC.

County Offices shall record determinations for the applicable criteria in the 2005 eligibility file according to 3-PL.

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2 Provisions Applicable to Both HIP and TIP (Continued)

H Public Information

Follow instructions in 2-INFO for providing information related to 2005 HIP and TIP. Because eligible losses are based on the physical location of the damage or loss, and some producers may still be displaced, the program shall be publicized in **all** counties in the State.

I Modifying Provisions

Provisions in this notice shall **not** be revised without prior approval from the National Office.

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

J Forms

Forms, worksheets, applications, and other documents **not** provided or issued by the National Office shall **not** be used for 2005 HIP and TIP.

Any document that collects data from a producer, regardless of whether the producer's signature is required, is subject to the Privacy Act and Information Collection Procedures, including clearance of such documents by the following offices:

- National Office program area
- MSD, Forms and Graphics Section
- Office of Management and Budget.

Forms, worksheets, and documents developed by State or County Offices must be submitted to National Office for review and clearance.

Important: State- or County Office-developed forms, worksheets, or other documents shall **not** be used for 2005 HIP or TIP unless it is approved by the National Office before use.

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2 Provisions Applicable to Both HIP and TIP (Continued)

K Deceased Producers and Dissolved Entities

Authority to sign contracts, applications, and other documents on behalf of deceased producers may vary according to State law. If an eligible producer is now deceased or a dissolved entity, an authorized representative of the deceased producer or dissolved entity may sign FSA-573, provided that the authorized representative has authority to enter into a contract for the deceased producer or dissolved entity.

Important: Proof of authority to sign for the eligible deceased producer or dissolved entity must be on file in the County Office before the representative is allowed to sign FSA-573 for the producer. Proof of authority includes any of the following:

- court order
- letter from Secretary of State
- document approved by OGC Regional Attorney (RA).

FSA-325 is:

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

State Office shall consult with OGC RA on the following types of cases:

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

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2 Provisions Applicable to Both HIP and TIP (Continued)

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

2005 HIP and TIP payments for applications involving deceased individuals, closed estates, or dissolved entities shall be made according to the following table, provided all other eligibility requirements are met.

IF the applicant is...	AND FSA-573 is signed by an authorized representative of the...	THEN payments shall be issued...
an individual who died before FSA-573 was filed	deceased according to subparagraph L	to any of the following, as applicable, using the ID number of the applicant:
an estate that closed before FSA-573 was filed	estate according to subparagraph L	<ul style="list-style-type: none"> • the deceased individual • the individual's estate • name of the heirs, based on OGC determination, according to 1-CM, Part 26.
an entity that dissolved before FSA-573 was filed	dissolved entity according to subparagraph L	using the ID number of the applicant.
an individual who dies, is declared incompetent, or is missing after filing FSA-573		to eligible payees executing FSA-325 according to 1-CM, paragraph 779.

Note: FSA-325 is only used when a program application was filed by an individual who subsequently died, is declared incompetent, or is missing before payments are issued. Heirs cannot succeed to a loss or file their own application.

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3 HIP

A Overview

HIP provides assistance to eligible producers who received either a FCIC crop insurance indemnity payment or a crop loss payment under NAP for losses that are attributable to the hurricanes listed in Exhibit 1. HIP payments are equal to 30 percent of the crop insurance indemnity or 30 percent of the NAP payment.

B Eligibility Criteria

HIP eligibility requires that all of the following must be met:

- the commodity was located in an eligible county and suffered a loss caused by an eligible disaster during the disaster period shown in Exhibit 1
- producer must be able to certify that the production loss was wholly or partially because of an eligible cause of loss as listed in subparagraph 2 C and was the direct result of 1 or more of the eligible hurricanes
- producer must have been paid a 2005 or 2006 FCIC crop insurance indemnity payment or a 2005 or 2006 payment under NAP for eligible production losses.

C Applying for Benefits

To apply for HIP benefits, eligible producers shall file an automated FSA-573 in the physical location county where the loss occurred.

FSA-573's shall be filed by producer by county and will list all eligible insurance indemnities and NAP payments that meet the criteria in subparagraph 3 B for the producer.

Note: FSA-573's are not filed by FSN.

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3 HIP (Continued)

C Applying for Benefits (Continued)

Example: C. J. Wells has the following interests in eligible counties:

- 100 percent interest in Allen County for which an indemnity was received on Unit 00100, and a NAP payment was received on Unit 132
- 50 percent interest in W&W Farms General Partnership located in Evangeline County for which an insurance indemnity was received for Unit 00200
- 40 percent interest in Allen County for which a NAP payment was received for Unit 75
- 60 percent interest in Beauregard County for which an insurance indemnity was received for Unit 00100.

Three applications will be filed according to the following:

- 1 application for W&W Farms General Partnership's Unit 00200 in Evangeline County
- 1 application for Units 00100, 132, and 75 in Allen County
- 1 application for Unit 00100 in Beauregard County.

D Signing and Certifying FSA-573 for 2005 HIP

A producer must file a 2005 HIP FSA-573 in the physical location county for eligible production losses to be eligible for a HIP payment.

Note: If data is not available for a producer to apply for HIP, signup for HIP will be delayed for:

- an insured crop, until the indemnity has been downloaded from RMA
- NAP crops, until after the NAP payment has been issued.

Note: Only those eligible Notices of Loss timely loaded according to Notice NAP-87 will be considered.

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3 HIP (Continued)

D Signing and Certifying FSA-573 for 2005 HIP (Continued)

When signing FSA-573, item 7A, the applicant is:

- certifying **all** of the following:
 - insurance indemnities and/or NAP payments listed on FSA-573 are true and correct
 - production losses for selected crops were because of, in whole or in part, eligible hurricanes or related conditions as listed in subparagraph 2 C
- authorizing FSA officials to:
 - review, verify, and authenticate all information on FSA-573
 - contact other agencies, organizations, or facilities to verify data.
- acknowledging that providing a false certification to FSA is cause for disapproval of the application, and is punishable by imprisonment, fines, and other penalties.

E Signature Requirements

All applicants' signatures must be received by the ending sign-up date. Neither STC nor COC has authority to approve late-filed FSA-573.

Follow 1-CM for signature requirements.

Important: 1-CM, Part 25, Section 3, provides that all members of general partnerships and joint ventures must sign for the general partnership or joint venture, as applicable, unless an individual is authorized to act on behalf of the general partnership or joint venture.

If the producer applying for 2005 HIP benefits on FSA-573, item 5A, is a general partnership or joint venture which has an individual authorized to act for it, according to 1-CM, the authorized individual may sign FSA-573, item 7A, on behalf of the general partnership or joint venture.

Note: General partnerships must have a permanent tax ID number to receive any FSA payment. FSA payments shall not be issued to the individual members of a general partnership when the general partnership does not have a permanent tax ID number.

FSA payments may be issued to:

- a joint venture with a permanent tax identification number
- the individual members of a joint venture, using the individual member's identification numbers, when the joint venture does not have a permanent tax identification number.

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3 HIP (Continued)

F Acknowledging Receipt of FSA-573 for 2005 HIP

FSA-573 is used for multiple programs and has separate parts for each of the applicable programs. Each part of FSA-573 requires:

- specific information be listed that is associated to the applicant
- applicant to certify to specific eligibility criteria, by program
- either an acknowledgement of receipt or separate approval or disapproval of each program.

Because the indemnity payment or NAP payment received has been previously approved for payment, approval of the HIP application is not required. However, an FSA representative must sign all completed and signed FSA-573's submitted for HIP to:

- acknowledge receipt of the application
- approve the signature as a valid signature.

Follow 1-CM, subparagraph 707 C, for FSA-573's submitted by County Office employees or their spouses.

If the County Office has knowledge that the loss for the indemnity received is not because of an eligible hurricane or related cause of loss according to subparagraph 2 C, the County Office shall not sign FSA-573, item 8A. The County Office shall immediately submit a referral to RMA according to 4-RM, subparagraph 22 A.

Action shall not be taken on these cases until the concerns identified by the County Office have been validated or addressed by the reinsurance company. If it is determined that the indemnity meets eligibility requirements, then FSA-573 must be signed by COC or CED.

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3 HIP (Continued)

G Source of Data for NAP Commodities

For NAP crops, eligible production losses are determined based on data from approved Notices of Loss (CCC-576, Part B) for the commodity. Eligible losses from CCC-576 will be pulled from System 36 files onto FSA-573. County Offices will not data load any NAP payment data for the HIP portion of FSA-573.

For a NAP production loss to be eligible, all the following must apply:

- CCC-576 must have been loaded into the System 36 according to Notice NAP-87 before a 1-time process that will read the Notice of Loss file to find eligible production losses
- the date entered on CCC-576, item 10A must be on or within the disaster period shown in Exhibit 1 for the commodity's physical location county
- entry on CCC-576, item 11 must contain 1 of the eligible causes of loss listed in subparagraph 2 C.

H Source of Data for Insured Commodities

For crop insurance indemnity payments, RMA will determine eligible indemnities based on eligible causes of loss and cause of loss dates, and pass only those records that meet the eligibility criteria to FSA. Data for an insured commodity must be present on the RMA file passed to FSA as the file will be the source for insured production losses on FSA-573. County Offices will not data load any indemnity data for the HIP portion of FSA-573.

Note: Producers must contact their insurance agent with any questions about why the commodity for which an indemnity was received does not meet the eligible criteria. A producer will not be able to apply for HIP benefits for any commodity until the RMA data is sent to FSA.

I Payment Calculations

HIP payments are equal to 30 percent of either of the following not to exceed a 95 percent CAP:

- crop insurance indemnity payments for eligible production losses, excluding replant payments and payments received under a tree loss policy
- payments received for NAP for eligible production losses.

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3 HIP (Continued)

I Payment Calculations (Continued)

Payments are limited, by the cap, by the system, as outlined in the following table.

IF category is...	THEN the 95 percent payment cap is calculated by...	AND the CAP limitation will be the smaller of the calculated HIP payment or the result of subtracting both of the following from the 95 percent payment cap...
NAP commodities	FSA as 95 percent of expected value of the commodity in the absence of disaster using the producer's price and yield or inventory	<ul style="list-style-type: none">• value of production using the producer's price and yield or inventory as used to establish the NAP payment• NAP payment.
insured commodities	RMA as 95 percent of expected value of the commodity in the absence of disaster using information from the crop policy	<ul style="list-style-type: none">• value of production as counted by RMA to establish the indemnity• indemnity less crop insurance premium.

Note: County Offices will not be making manual payment calculations for HIP.

J Restrictions on Dual Payments

The State Governments have been provided funds to assist aquaculture producers. Producers receiving assistance from the State cannot receive a HIP payment for the same production loss. The producer cannot select an aquaculture production loss under HIP, if the producer is receiving assistance from the State for the same aquaculture loss.

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4 TIP

A General Applicability

TIP provides assistance to eligible producers who suffered fruit tree, bush, and vine losses that are attributable to the hurricanes listed in Exhibit 1. Compensation is based on the geographic location of the stand associated to the established tiers. TIP benefits are related to the cost of replanting, rehabilitation, clean-up, and debris removal. Timber, nursery inventory, and container grown fruit tree, bush, and vine losses are not covered.

Producers are not required to replant, rehabilitate, remove debris, or cleanup to receive TIP benefits.

B Eligible Producer

To qualify for TIP, an eligible fruit tree, bush, and/or vine producer is one who bears financial responsibility and whose stand has incurred damage of at least \$90 per acre for replanting, rehabilitation, cleanup, or debris removal, excluding crop production.

C Eligible Stand

Eligible stands must:

- be physically located in an eligible county
- have been impacted by an eligible cause of loss (subparagraph 2 C) during an eligible disaster period (Exhibit 1)
- have been field grown for commercial use
- be fruit bearing
- have suffered at least \$90 per acre of damage.

D Location Tiers

The severity of damage is delineated using 4 tiers. The tiers represent the bands of damage generally correlating to the maximum sustained winds of the applicable hurricane. Each tier was established at the national level and maps will be provided to each County Office. The delineations on the map shall be used to determine producer benefits and to assist producers during the sign-up period.

Note: A stand that is split by a tier delineation may receive benefits in either tier. The producer must certify to the applicable tier based on the cost of replanting, rehabilitation, removing debris, and cleanup.

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4 TIP (Continued)

D Location Tiers (Continued)

Acreage located in:

- Tier 1 is associated with the most destructive weather and the producers in this tier are eligible to receive \$750 per acre, if the expenses incurred to the stand for replanting, rehabilitation, cleanup, and debris removal are at least \$750
- Tier 2 is associated with the second most destructive weather and the producers in this tier are eligible to receive \$300 per acre, if the expenses incurred to the stand for replanting, rehabilitation, cleanup, and debris removal are at least \$300
- Tier 3 is associated with the third most destructive weather and the producers in this tier are eligible to receive \$200 per acre, if the expenses incurred to the stand for replanting, rehabilitation, cleanup, and debris removal are at least \$200
- Tier 4 is associated with the least amount of destructive weather and the producers in this tier are eligible to receive \$90 per acre, if the expenses incurred to the stand for replanting, rehabilitation, cleanup, and debris removal are at least \$90.

Exception: COC may approve the stand for losses to the next lower number tier from the designated tier, according to subparagraphs E and H.

E Payment Calculations

Payments are calculated as the total number of acres of eligible fruit trees, bushes, or vines times the payment rate for the specific tier times the producer's share. The payment rates listed in the table reflect expenses incurred to the stand for replanting, rehabilitation, cleanup, and debris removal of trees, bushes, and/or vines. The same acreage shall not be included in more than 1 tier for payment.

If the actual damage to the stand is:

- greater than the payment rate associated with the designated tier based on the location of the stand, the applicant may submit documentation to request the stand be placed in the next lower number tier which represents a greater level of loss and a higher payment rate
- less than the payment rate associated with the designated tier based on the location of the stand, the applicant shall apply for assistance in the applicable higher number tier which has a payment rate equal to or greater than the damage incurred per acre.

Note: See paragraph H for moving from one tier to another.

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4 TIP (Continued)

E Payment Calculations (Continued)

This table lists payment rates per acre for each tier. The producer shall certify to the applicable payment level.

Tier	Payment Rate Per Acre for Fruit Trees, Bushes, and Vines
I	\$750
II	\$300
III	\$200
IV	\$90

Example 1: The producer’s stand is geographically located in Tier I and the expenses incurred per acre to the stand were \$850. The stand was approved for Tier I with payment on 10 acres of trees. Producer’s share is 100 percent.

The payment calculation is $10 \text{ acres} \times \$750 \times 100\% = \$7,500$.

Example 2: A producer’s stand consists of 20 acres of blueberry bushes and is geographically located in Tier II. The expenses incurred per acre were \$150. The producer’s share is 100 percent. The producer shall certify to 20 acres of blueberry bushes in Tier IV because the expenses were less than \$200 but more than \$90.

The payment calculation is $20 \text{ acres} \times \$90 \text{ (adjusted to Tier IV)} \times 100\% = \$1,800$.

4 TIP (Continued)

F Limitations Because of ECP

ECP provides assistance for cleanup, debris removal, and fencing. Since the payment rates for TIP also include costs of cleanup and debris removal, producers who received an ECP payment cannot receive duplicate benefits for the same practices under both ECP and TIP.

Producers who received benefits under ECP, regardless of the dollar amount, may still be eligible for TIP, if the cost for replanting and rehabilitation under TIP are equal to or greater than Tier IV's payment rate of \$90 per acre. The geographic location of the stand in conjunction with the specific cost for replanting and rehabilitation shall be used to determine the applicable tier payment rate to be used.

Example 1: Producer A has a grove of citrus trees geographically located in Tier II and also received an ECP payment. Producer A is able to provide receipts showing expenses incurred or cost estimates for replanting and rehabilitation alone are equal to \$400 per acre. Even though this producer did receive an ECP payment the grove of citrus trees will remain in Tier II for payment purposes.

Example 2: Producer B has a stand of pecan trees geographically located in Tier I and also received an ECP payment. Producer B is able to provide receipts showing expenses incurred or cost estimates for replanting and rehabilitation alone are equal to or greater than \$100 per acre. Even though this producer received an ECP payment and the stand of pecans are geographically located in Tier I, the stand will be placed in Tier IV since the expenses specific to replanting and rehabilitation were equal to or greater than \$90 per acre.

Example 3: Producer C has a stand of blueberry bushes geographically located in Tier III and also received an ECP payment. Producer C is not able to break down expenses for replanting, rehabilitation, cleanup, or debris removal. Since the producer is unable to provide evidence of expenses or a cost estimate solely for replanting or rehabilitation, the producer is ineligible for TIP.

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4 TIP (Continued)

F Limitations Because of ECP (Continued)

Example 4: Producer D has a stand of grape vines geographically located in Tier II and also received an ECP payment. Producer D is able to provide receipts showing expenses incurred for replanting and rehabilitation alone are less than \$90 per acre. Since the expenses incurred for replanting or rehabilitation are not equal to or greater than \$90 per acre, Producer D is ineligible for TIP.

G Acreage Reports

An acreage report (FSA-578) is required for program participation in TIP. The late filing fee is waived for disaster program participants. The acreage report for TIP must be filed according to 2-CP before FSA-573 can be approved by FSA, but no later than the last day of the announced program signup period.

Attach a map or photocopy to the acreage report (FSA-578) and application (FSA-573), designating the geographic location and stand number of commercial fruit trees, bushes, and/or vines covered by the application.

Note: The stand number is a number assigned to the County Office to keep the stand uniquely identified.

H COC-Adjusted Loss Level

Tiers of destruction have been determined by DAFP. However, it is recognized that the hurricanes spawned tornadoes and other natural disaster occurrences outside those tiers. COC may accept documentation that substantiates the producer's claim for a higher level of loss than the stand's associated tier. However, COC is only authorized to allow a producer to move 1 lower tier level from the stand's geographical location. This documentation may include, but is not limited to, newspaper articles and other media reports, FEMA documents, National Guard records, crop insurance appraisals, photographs of specific disaster damage, verification through field visits, news articles, production records, sales records, or COC knowledge of the affected area.

All documentation used for approval to a higher payment tier shall be recorded in the COC minutes. A copy of the documentation shall be attached to the application (FSA-573).

Example 1: A stand is geographically located in an eligible county. However, the geographic location does not fall within any delineated tier. Based upon producer submitted documentation, the expenses incurred, because of an eligible natural disaster, exceeded \$90 per acre for cleanup, debris removal, rehabilitation, and replanting. The producer may certify on FSA-573 to the damage associated with Tier IV and based on the documentation, COC may approve the request.

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4 TIP (Continued)

H COC-Adjusted Loss Level (Continued)

Example 2: A stand is geographically located in Tier II, and is eligible for Tier II losses, but the producer has documentation indicating the costs for cleanup, debris removal, rehabilitation, and replanting exceed \$750 per acre, because of 1 of the 5 hurricanes. COC may approve FSA-573 for Tier I if the documentation is sufficient for COC.

Example 3: A stand is geographically located in Tier I, but the producer cannot certify that the costs for cleanup, debris removal, rehabilitation, and replanting exceed \$750 per acre. The producer certified that the costs are \$400. Therefore, the stand shall be placed in Tier II for payment purposes.

Example 4: A stand is geographically located in Tier IV, and is eligible for Tier IV losses, but the producer has documentation indicating the costs for cleanup, debris removal, replanting, and rehabilitation exceed \$300 per acre, because of conditions relating to 1 of the 5 hurricanes. COC may approve FSA-573 for Tier III if documentation is sufficient for COC.

Note: Even though the producer incurred expenses in excess of \$300 per acre, which is the payment rate for Tier II, the stand can be authorized to move up only 1 tier.

I Applying for Benefits

To apply for 2005 TIP benefits, eligible producers shall file an automated FSA-573 in the county where the claimed fruit tree, bush, and vine losses physically occurred during the applicable disaster period, as provided in Exhibit 1.

FSA-573's shall be filed by producer and county. Each eligible producer with a share in the stand must complete and sign a separate FSA-573 for their share of the benefits.

Important: FSA-573's are **not** filed by operation or FSN.

4 TIP (Continued)

J Applying for Benefits (Continued)

Example: John Brown incurred eligible fruit tree losses and has the following interests in eligible counties:

- 50-50 share with Bob Brown in the B and B General Partnership; the general partnership has a permanent tax ID number, and owns citrus groves in Jefferson County
- 100 percent owner of pecan trees in Jefferson County
- 25-75 share owner of an orange grove with Jane Brown in Jefferson County; John Brown and Jane Brown jointly own the orange grove on a 25-75 percent share
- 100 percent of a stand of citrus trees in Desoto County.

The following 4 applications would be submitted, assuming all producers file an application, and none of the producers have any other fruit tree interests:

- 1 application for B and B General Partnership for 100 percent share of the citrus trees in Jefferson County
- 1 application for John Brown that includes **both** the following:
 - 100 percent interest in the pecan stand in Jefferson County for 100 percent share
 - 25 percent interest in the orange grove operation in Jefferson County he shares with Jane Brown
- 1 application for Jane Brown for 75 percent share of the orange grove in Jefferson County she shares with John Brown
- 1 application for John Brown for 100 percent share of the citrus grove he owns in Desoto County.

4 TIP (Continued)

K Signing and Certifying FSA-573 for 2005 TIP

When signing FSA-573, item 30A, the applicant is:

- applying for 2005 TIP benefits for the producer listed on FSA-573, item 5
- certifying **all** of the following:
 - information provided on FSA-573 is true and correct
 - losses for commercial fruit trees, bushes, and vines were wholly because of eligible hurricanes
 - costs for replanting, rehabilitation, cleanup, and debris removal are in an amount equal to or greater than the payment per acre for the claimed tier
 - all supporting documentation provided are true and correct copies of the transaction reported
- authorizing FSA officials to:
 - enter upon, inspect, and verify all applicable acreage in which the applicant has an interest for the purpose of confirming the accuracy of the information provided
 - review, verify, and authenticate all information provided on FSA-573 and supporting documents
 - contact other agencies, organizations, or facilities to verify data provided by an applicant from these agencies, organizations, or facilities.
- acknowledging that:
 - failure to provide information requested by FSA is cause for disapproval of the application
 - providing a false certification to FSA is cause for disapproval of the application, and is punishable by imprisonment, fines, and other penalties.

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4 TIP (Continued)

L Signature Requirements

All applicants' signatures must be received by the ending signup date. Neither STC nor COC has authority to approve late-filed FSA-573.

Follow 1-CM for signature requirements.

Important: 1-CM, Part 25, Section 3, provides that all members of general partnerships and joint ventures must sign for the general partnership or joint venture, as applicable, unless an individual is authorized to act on behalf of the general partnership or joint venture.

If the producer applying for 2005 TIP benefits on FSA-573, item 5, is a general partnership or joint venture which has an individual authorized to act for it, according to 1-CM, the authorized individual may sign FSA-573, item 30, on behalf of the general partnership or joint venture.

Notes: General partnerships must have a permanent tax ID number to receive any FSA payment. FSA payments shall not be issued to the individual members of a general partnership when the general partnership does not have a permanent tax ID number.

FSA payments may be issued to:

- a joint venture with a permanent tax identification number
- the individual members of a joint venture, using the individual member's identification numbers, when the joint venture does not have a permanent tax identification number.

M Deleting FSA-573 for 2005 TIP

County Office shall not delete any signed FSA-573 for 2005 TIP unless the applicant withdraws the application before the application is selected for end of sign-up period.

If an applicant wishes to withdraw a signed application, they must write "WITHDRAWN" on the hardcopy FSA-573 and initial and date next to "WITHDRAWN."

N Acting on FSA-573 for 2005 TIP

COC must act on all requests to receive payments based on the next higher paying tier. COC or CED must act on all other completed FSA-573's submitted.

Note: CED may delegate approval authority to program technicians (PT's) for routine cases. PT's shall **not** be delegated authority to disapprove any FSA-573's.

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4 TIP (Continued)

N Acting on FSA-573 for 2005 TIP (Continued)

FSA-573 is used for multiple programs, and has separate parts for each of the applicable programs. Each part of FSA-573 requires:

- specific information be provided by the applicant
- applicant to certify to specific eligibility criteria, by program
- separate approval or disapproval of each program.

FSA-573 for 2005 TIP shall be approved or disapproved as certified by the applicant. When more than 1 stand is claimed on FSA-573, the application shall be approved or disapproved based on all stands claimed. Certain stands cannot be approved and other stands disapproved on the same application.

Before approving FSA-573 for 2005 TIP, the approving official must ensure that **all** eligibility requirements are met, and be satisfied with **all** of the following:

- stand is eligible according to subparagraph C
- applicant incurred expenses equal to or greater than the applicable payment rate associated to the tier
- reasonableness of the acres claimed
- all signature requirements are met.

If all program eligibility requirements are **not** met, or it is determined that the information on FSA-573 for 2005 TIP, or any additional supporting documentation provided by applicant, is **not** accurate or reasonable, the following actions shall be taken:

- disapprove FSA-573
- notify applicant of disapproval
- provide applicant applicable appeal rights according to 1-APP
- thoroughly document reason for disapproval in COC minutes, if disapproved by COC.

Counties Declared or Designated Because of an Eligible Hurricane

Following tables show approved Presidential-declared or Secretarial-designated primary counties for HIP and TIP.

Hurricane Wilma			
Disaster Period of October 23 through December 22			
State	Eligible Counties		
Florida	Brevard	Hendry	Monroe
	Broward	Highlands	Okeechobee
	Charlotte	Indian River	Palm Beach
	Collier	Lee	St. Lucie
	Glades	Martin	Sarasota
	Hardee	Miami-Dade	

Hurricane Ophelia			
Disaster Period of September 11 through November 10			
State	Eligible Counties		
North Carolina	Brunswick	Hyde	Onslow
	Carteret	Jones	Pamlico
	Craven	New Hanover	Pender
	Dare		

Hurricane Dennis			
Disaster Period of July 10 through September 8			
State	Eligible Counties		
Alabama	Autauga	Crenshaw	Marengo
	Baldwin	Dallas	Mobile
	Butler	Escambia	Monroe
	Chambers	Geneva	Perry
	Choctaw	Greene	Pike
	Clarke	Hale	Randolph
	Clay	Henry	Sumter
	Cleburne	Houston	Tuscaloosa
	Coffee	Lowndes	Washington
	Conecuh	Macon	Wilcox
	Covington		
Florida	Bay	Holmes	Okaloosa
	Calhoun	Jackson	Santa Rosa
	Dixie	Jefferson	Taylor
	Escambia	Leon	Wakulla
	Franklin	Levy	Walton
	Gadsden	Liberty	Washington
	Gulf	Monroe	

Counties Declared or Designated Because of an Eligible Hurricane (Continued)

Hurricane Rita			
Disaster Period of September 23 through November 22			
State	Eligible Counties		
Louisiana	Acadia	Franklin	Red River
	Allen	Grant	Richland
	Ascension	Iberia	Sabine
	Avoyelles	Jackson	St. Landry
	Beauregard	Jefferson	St. Martin
	Bienville	Jefferson Davis	St. Mary
	Bossier	Lafayette	St. Tammany
	Caddo	La Salle	Tensas
	Calcasieu	Lincoln	Terrebonne
	Caldwell	Livingston	Union
	Cameron	Madison	Vermilion
	Catahoula	Morehouse	Vernon
	Claiborne	Natchitoches	Webster
	Concordia	Ouachita	West Baton Rouge
	De Soto	Plaquemines	West Carroll
	East Carroll	Rapides	Winn
	Evangeline		
	Mississippi	Adams	Issaquena
Alcorn		Itawamba	Perry
Amite		Jackson	Pike
Attala		Jasper	Prentiss
Benton		Jefferson	Quitman
Bolivar		Jefferson Davis	Rankin
Calhoun		Jones	Scott
Carroll		Kemper	Sharkey
Chickasaw		Lafayette	Simpson
Choctaw		Lamar	Smith
Claiborne		Lauderdale	Stone
Clarke		Lawrence	Sunflower
Clay		Leake	Tallahatchie
Coahoma		Lee	Tate
Copiah		Leflore	Tippah
Covington		Lincoln	Tishomingo
De Soto		Lowndes	Tunica
Forrest		Madison	Walthall
Franklin		Marion	Warren
George		Marshall	Washington
Greene		Monroe	Wayne
Grenada		Montgomery Neshoba	Webster
Hancock		Newton	Wilkinson
Harrison		Noxubee	Winston
Hinds		Oktibbeha	Yalobusha
Holmes		Panola	Yazoo
Humphreys			

Counties Declared or Designated Because of an Eligible Hurricane (Continued)

Hurricane Rita (Continued)			
Disaster Period of September 23 through November 22			
State	Eligible Counties		
Texas	Angelina	Houston	Polk
	Brazoria	Jasper	Rusk
	Chambers	Jefferson	Sabine
	Cherokee	Liberty	San Augustine
	Fort Bend	Marion	San Jacinto
	Galveston	Montgomery	Shelby
	Gregg	Nacogdoches	Trinity
	Hardin	Newton	Tyler
	Harris	Orange	Walker
	Harrison	Panola	

Hurricane Katrina			
Disaster Period of August 24 through October 23			
State	Eligible Counties		
Florida	Bay	Franklin	Okaloosa
	Broward	Gulf	Santa Rosa
	Collier	Miami-Dade	Walton
	Escambia	Monroe	

Hurricane Katrina			
Disaster Period of August 29 through October 28			
State	Eligible Counties		
Alabama	Baldwin	Jefferson	Perry
	Bibb	Lamar	Pickens
	Choctaw	Lauderdale	Sumter
	Clarke	Marengo	Tuscaloosa
	Colbert	Marion	Washington
	Cullman	Mobile	Wilcox
	Greene	Monroe	Winston
	Hale		

Counties Declared or Designated Because of an Eligible Hurricane (Continued)

Hurricane Katrina (Continued)				
Disaster Period of August 29 through October 28				
State	Eligible Counties			
Louisiana	Acadia	Iberia	St. Bernard	
	Allen	Iberville	St. Charles	
	Ascension	Jackson	St. Helena	
	Assumption	Jefferson	St. James	
	Avoyelles	Jefferson Davis	St. John the Baptist	
	Beauregard	Lafayette	St. Landry	
	Bienville	Lafourche	St. Martin	
	Bossier	La Salle	St. Mary	
	Caddo	Lincoln	St. Tammany	
	Calcasieu	Livingston	Tangipahoa	
	Caldwell	Madison	Tensas	
	Cameron	Morehouse	Terrebonne	
	Catahoula	Natchitoches	Union	
	Claiborne	Orleans	Vermilion	
	Concordia	Ouachita	Vernon	
	De Soto	Plaquemines	Washington	
	East Baton Rouge	Pointe Coupee	Webster	
	East Carroll	Rapides	West Baton Rouge	
	East Feliciana	Red River	West Carroll	
	Evangeline	Richland	West Feliciana	
	Franklin	Sabine	Winn	
	Grant			
	Mississippi	Adams	Itawamba	Perry
		Alcorn	Jackson	Pike
		Amite	Jasper	Pontotoc
		Attala	Jefferson	Prentiss
		Benton	Jefferson Davis	Quitman
		Bolivar	Jones	Rankin
Calhoun		Kemper	Scott	
Carroll		Lafayette	Sharkey	
Chickasaw		Lamar	Simpson	
Choctaw		Lauderdale	Smith	
Claiborne		Lawrence	Stone	
Clarke		Leake	Sunflower	
Clay		Lee	Tallahatchie	
Coahoma		Leflore	Tate	
Copiah		Lincoln	Tippah	
Covington		Lowndes	Tishomingo	
De Soto		Madison	Tunica	
Forrest		Marion	Union	
Franklin		Marshall	Walthall	
George		Monroe	Warren	
Greene		Montgomery	Washington	
Grenada		Neshoba	Wayne	
Hancock		Newton	Webster	
Harrison		Noxubee	Wilkinson	
Hinds		Oktibbeha	Winston	
Holmes		Panola	Yalobusha	
Humphreys		Pearl River	Yazoo	
Issaquena				

Definition of Terms Used in This Notice

The following definitions are applicable to HIP and TIP. See 4-DAP (Rev. 1) for definitions applicable to FIP and LIP.

Application

Application means the “2005 Hurricane Disaster Programs Application” form (FSA-573).

Application Period

Application period means the date established by the Deputy Administrator, Farm Programs for producers to apply for program benefits.

Bush

Bush means a thick densely branched woody shrub planted in the ground for the production of an annual fruit crop for commercial market for human consumption.

Commercial Use

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

Crop Insurance

Crop insurance means an insurance policy reinsured by FCIC under the provisions of the Federal Crop Insurance Act, as amended.

Farming Operation

Farming operation means a business enterprise engaged in the production of agricultural products.

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 field grown for the production of an annual crop, including nuts, for commercial market for human consumption.

Definition of Terms Used in This Notice (Continued)**Owner**

Owner means one who had legal ownership of the trees, bushes, vines, or livestock for which benefits are being requested under 7 CFR Part 760 subparts B through F, on the day such plant or livestock perished or suffered losses due to an eligible hurricane.

Stand

Stand means a contiguous acreage of the same crop of field-grown trees, bushes, or vines used for commercial production of an annual fruit crop for human consumption and excludes container-grown crops.

Tier

Tier means the bands of damage generally correlating to the maximum sustained winds of the applicable hurricanes.

Vine

Vine means a field grown plant 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.