

For: State and County Offices

Using CCC-860 as Request for NAP Basic Coverage Beginning With 2022 Crop Year

Approved by: Acting Deputy Administrator, Farm Programs



1 Overview

A Background

1-NAP (Rev. 2), paragraph 301, provides policy for accepting applications for basic coverage using CCC-471. The Pandemic Assistance Programs and Agricultural Disaster Assistance Program final rule published on January 11, 2023, amends the NAP definition of “application for coverage” to specify that DAFP may designate another form the producer has on file with FSA, before the coverage period, to be a NAP application for coverage. Using this authority, DAFP is designating CCC-860 to serve as an application for basic 50/55 NAP coverage beginning with the 2022 crop year.

Furthermore, 7 CFR 1437.2(e) allows DAFP to waive or modify deadlines (except deadlines specified in a law) and other requirements or program provisions not specified in law, in cases where lateness or failure to meet other requirements or program provisions do not adversely affect the integrity of NAP. Because of the timing of this announcement, DAFP is using this authority to make exceptions to policy as set forth in this notice to equitably implement this new process for the 2022 and 2023 crop years.

Notes: An individual who has filed CCC-860 certifying their status as a socially disadvantaged farmer or rancher (SDA), beginning farmer or rancher (BFR), or veteran farmer or rancher (VFR) for a prior program year is not required to submit a subsequent CCC-860 certifying their status for a later program year because an individual’s status as socially disadvantaged would not change in different years, and their certification as a beginning or veteran farmer or rancher includes the relevant date needed to determine for which program years the status applies.

An entity that has filed CCC-860 certifying its status as a socially disadvantaged, beginning, or veteran farmer or rancher for a prior program year is not required to submit a subsequent certification of its status for a later program year unless the entity’s status has changed because of changes in membership.

A limited resource farmer or rancher (LR) must submit CCC-860 for each applicable program year.

Disposal Date	Distribution
November 1, 2023	State Offices; State Offices relay to County Offices

Notice NAP-221

1 Overview (Continued)

B Purpose

This notice:

- provides:
 - automation instructions for eligible NAP crops
 - outreach information and instructions
 - sample notification letter for disapproval of an application for payment (Exhibit 2)
- informs State and County Offices that:

- Notice NAP-218 is obsolete
- CCC-860 was updated to include Part E for NAP coverage and posted on January 11, 2023

Note: Producers with CCC-860 certification filed before the update may not have received a copy of the NAP Basic Provisions. Without receipt and knowledge of the NAP Basic Provisions, exceptions identified in this notice are allowed.

- exceptions to existing NAP policy for losses are applicable **only** for crop years 2022 and 2023 for eligible NAP crops with application closing dates before publication of the final rule and CCC-860 update on January 11, 2023
- exceptions in this notice do **not** apply if coverage was obtained for the pay group using CCC-471
- CCC-860 certification of SDA, LR, VFR, or BFR status applicable for 2022 and subsequent years will serve as an underserved producer's request for basic NAP coverage
- unless specifically identified in this notice, all other policy in 1-NAP (Rev. 2) applies
- DAFP is delegating to COC's the discretionary authority to grant programmatic relief for the exceptions identified in this notice, where doing so is not averse to the operation or integrity of NAP
- in instances where there is any conflict with the provisions of Notice CM-841 and this notice, the less restrictive rule must be applied by COC's, and the source of the authority thoroughly documented

Notice NAP-221

1 Overview (Continued)

B Purpose (Continued)

- producers without acceptable production records may certify their production, but COC established County Disaster Yield (CDY) provisions will apply according to subparagraphs 2 H and 2 I
- updates to policy for crops with an application closing date after publication of the final rule and CCC-860 update for crop year 2023 and future years will be provided in an amendment to 1-NAP (Rev. 2)

2 Reviewing NAP Policy and Exceptions for Crop Years 2022 and 2023 for Crops with Application Closing Dates Before January 11, 2023

A Crops

For a NAP crop without an existing approval in the county, STC's may expand coverage for that crop if it had prior approval in another county in that State and the STC determines it is viable.

Any crop with an application closing date (ACD) before January 11, 2023, that was not already approved by STC for at least 1 county in the State, cannot be approved.

Note: This applies only to crops for which coverage was initiated using CCC-860 applicable for 2022, as documented in this notice.

B Application for Coverage

1-NAP (Rev. 2), subparagraph 301 A, states an application for coverage must be filed by the application closing date for the NAP eligible crop. The final rule states an application for NAP coverage must be on file with FSA before the deadline for application for the coverage period.

The final rule and policy in 1-NAP (Rev. 2), subparagraph 54 B ensure basic NAP coverage is available to any producer who filed a CCC-860 certification before the end of the coverage period for all NAP eligible crops, in all associated counties nationwide, unless the producer opts out of coverage.

Note: NAP eligible crops to be covered using a CCC-860 will be determined by the crop acreage reported on FSA-578 according to subparagraph 2 E.

Any CCC-860 on file will not be considered an application for basic NAP coverage if a producer previously obtained coverage for the pay group using CCC-471.

CCC-860 will only serve as an application for basic NAP coverage for any pay groups not listed on the CCC-471.

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2 Reviewing NAP Policy and Exceptions for Crop Years 2022 and 2023 for Crops with Application Closing Dates Before January 11, 2023 (Continued)

B Application for Coverage (Continued)

Example: A producer timely obtained NAP coverage on blueberries and strawberries by filing CCC-471. They also certified cucumbers and celery in the Crop Acreage Reporting System (CARS) but did not purchase NAP coverage on these two NAP-eligible crops on CCC-471.

This producer's blueberries and strawberries are not eligible for the exceptions in this notice. However, if the producer has CCC-860 certification on file according to this notice, cucumbers and celery could have basic NAP coverage, and exceptions apply to these crops and their pay groups.

C Coverage Period

The eligible disaster event that affected the NAP eligible crop must have occurred during the coverage period.

Follow the table in 1-NAP (Rev. 2), subparagraph 54 B, for rules of establishing NAP coverage periods and determining when coverage will attach for eligible NAP crops. For the purpose of policy provided in 1-NAP (Rev. 2), subparagraph 54 B, CCC-860 and CCC-471 are considered interchangeable.

1-NAP (Rev. 2), subparagraph 301 E, allows CCC-471 to be filed after the application closing date but before the end of the coverage period (late-filed). COC can also accept CCC-860 filed after the application closing date as a late-filed application for coverage.

CCC-860 filed any time before the end of the coverage period can be considered an acceptable application for coverage for NAP eligible crops. However, the crop will have a shortened coverage period if CCC-860 was filed after the application closing date and after coverage began, according to 1-NAP (Rev. 2), subparagraph 54 B.

A producer who files CCC-860 after the application closing date is not required to:

- request programmatic relief
- provide a written explanation for late-filing the application for basic coverage per CCC-860.

When considering CCC-860 as an application for coverage, CCC-471 must be initiated in the NAP Application for Coverage software for eligible crops when the producer requests a NAP payment.

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2 Reviewing NAP Policy and Exceptions for Crop Years 2022 and 2023 for Crops with Application Closing Dates Before January 11, 2023 (Continued)

C Coverage Period (Continued)

Notes: CCC-471 should not be initiated in the NAP Application for Coverage software until a payment is requested.

Any CCC-471 that was initiated in the NAP Application for Coverage software without a request for payment must be cancelled with “Entered in Error” as the cancellation reason, to prevent yearly reporting of production and other NAP requirements for continuous coverage.

The following table identifies how to consider CCC-860 as an application for coverage, applicable to this notice.

IF CCC-860 was filed...	THEN the application for coverage is ...	Action
on or before the application closing date for the crop	timely filed. Coverage will begin and end according to the table in 1-NAP (Rev. 2), subparagraph 54 B.	If the producer requests payment: <ul style="list-style-type: none"> • process CCC-471 according to subparagraph 3 A (see example 1 in subparagraph 2 C).
after the application closing date, but before the end of the coverage period for the crop	late-filed, with a shortened coverage period. Coverage will begin and end according to the table in 1-NAP (Rev. 2), subparagraph 54 B.	If the producer requests payment: <ul style="list-style-type: none"> • process CCC-471 according to subparagraph 3 A • document in COC minutes the applicable coverage period for each affected crop based on date CCC-860 was filed (see example 2 in subparagraph 2 C).
after the end of the coverage period for the crop	late-filed, not able to extend coverage.	If the producer requests payment: <ul style="list-style-type: none"> • accept a manual application for payment • COC will review all eligibility criteria • COC will disapprove the application for payment on the basis that the applicant did not have coverage, as well as any other eligibility criteria that was not met • issue producer notification letter from Exhibit 2 that must include all eligibility criteria reviewed by COC that did not allow the approval of payment, including the late-filed CCC-860 (see example 3 in subparagraph 2 C).

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2 Reviewing NAP Policy and Exceptions for Crop Years 2022 and 2023 for Crops with Application Closing Dates Before January 11, 2023 (Continued)

C Coverage Period (Continued)

Example 1: Wayne requests a NAP payment for 2022 crop losses. His CCC-860 was filed August 25, 2021. Wayne planted peppers on July 27, 2022, and the application closing date was March 15, 2022. The coverage period began the date his peppers were planted on July 27, 2022, and ended at harvest on October 15, 2022. Since Wayne's CCC-860 was on file before the application closing date, his application for coverage is timely filed. The County Office can initiate and process an automated CCC-471 according to subparagraph 3 A and COC can review the loss and application for payment.

Example 2: Nell filed CCC-860 on July 11, 2022. She has requested a NAP payment and is a sweet corn producer. Nell planted her sweet corn on May 28, 2022, and the application closing date was March 15, 2022. The coverage period for sweet corn began on July 12, 2022, which was 1 calendar day after CCC-860 was filed and ended at harvest on September 30, 2022. Since Nell filed CCC-860 after the ACD and after planting her crop, the application for coverage is considered late-filed, but no COC action is needed for the application for coverage. The following will be recorded in COC minutes regarding Nell's coverage:

- coverage is acceptable
- the date her CCC-860 was filed (indicating an application for coverage filed after the ACD, but before harvest)
- when coverage for sweet corn will begin, indicating a shortened coverage period that could impact the crop loss and application for payment.

COC will review the loss and application for payment.

Example 3: Phil filed CCC-860 on October 19, 2022. He produces watermelons with an ACD of March 1, 2022, and has requested a NAP payment. Phil planted the crop on March 14, 2022, and harvested on August 1, 2022. Because Phil filed his CCC-860 after the application closing date and after harvest (the end of the coverage period), coverage cannot attach to his crop. The County Office will not initiate CCC-471 or CCC-576 in the system; however, because Phil chooses to request a NAP payment, he will submit a manual application for payment. COC will disapprove and notify Phil in writing (sample notification letter in Exhibit 2) that his application for payment cannot be paid because he did not have coverage on his watermelons. COC will also review and document all other eligibility criteria related to his request for NAP payment.

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2 **Reviewing NAP Policy and Exceptions for Crop Years 2022 and 2023 for Crops with Application Closing Dates Before January 11, 2023 (Continued)**

D Approved Yield

According to 1-NAP (Rev. 2), Part 7, County Offices must calculate approved yields for each covered yield-based crop.

For producers with coverage initiated by filing CCC-860, a yield must be calculated, for all reported yield-based crops within the pay group, after an application for payment has been requested. Producers will be required to provide acceptable documentation of production for prior years to be used in establishing an approved yield. These records will be subject to review for acceptability according to 1-NAP (Rev. 2), paragraph 601, and must be thoroughly documented in the COC minutes.

Note: Any production assigned using CDY provisions according to this notice is **not** considered to have acceptable production records for establishing approved yields in subsequent years.

E Commodity Report

According to 1-NAP (Rev. 2), Part 6, a unit acreage certification on FSA-578 must be completed and include all acres devoted to the NAP eligible crop for which the producer has a shared interest.

The provisions of 2-CP for late-filed acreage reports will not apply. Late-filed fees will be waived, and acreage reports will be accepted and certified in CARS after physical existence of the crop or crop residue is gone, if the producer does both of the following:

- reports acreage for NAP eligibility purposes only, for 2022 and 2023 crop years for crops with application closing dates before January 11, 2023
- provides acceptable evidence, to the COC's satisfaction, to prove existence of the crop.

This documentation may include but is not limited to:

- seed receipts showing the amount, variety, and date purchased
- receipts for cleaning, treating, etc., for seed planted on the farm
- documentation obtained and certified by another governmental agency indicating the acreage, location, and crop year
- a written contract or documentation of an oral contract to produce a specific crop

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3 **Reviewing NAP Policy and Exceptions for Crop Years 2022 and 2023 for Crops with Application Closing Dates Before January 11, 2023 (Continued)**

E Commodity Report (Continued)

- aerial imagery if a positive determination can be made of the crop's identity and boundaries
- evidence that was accepted and approved by another USDA agency.

All late-filed acreage reports must be thoroughly documented in the COC minutes to include details of the basis for acceptance of the late-filed acreage report and the documentation which was reviewed and determined acceptable.

Notes: County Offices will make the following notation below the producer signature line on FSA-578: "2-CP late-filed acreage reporting provisions do not apply per Notice NAP-220".

If COC determines the producer does not meet the exceptions of this paragraph, the County Office will remove the certification of the NAP acreage in CARS, after COC disapproval of the NAP application for payment.

CCC-471 should not be initiated in the NAP Application for Coverage software until an application for payment has been requested.

Any acreage reported and certified in CARS could potentially impact other FSA programs that rely on this data.

F Summary of Coverage

The policy identifying the purpose of and providing a Summary of Coverage (SOC) to producers is identified in 1-NAP (Rev. 2), paragraph 305. No exceptions are applicable to this policy for producers whose coverage is initiated using CCC-860.

G Notice of Loss

1-NAP (Rev. 2), Part 8, requires that a producer report crop losses or damage to FSA on CCC-576 Part B within specified timeframes. Because of the timing of the policy change effective for crop year 2022, the following exceptions will apply for notices of loss for crop losses that are late-filed by producers who initiated coverage using CCC-860 according to subparagraph 2 B:

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2 Reviewing NAP Policy and Exceptions for Crop Years 2022 and 2023 for Crops with Application Closing Dates Before January 11, 2023 (Continued)

G Notice of Loss (Continued)

- the 72-hour notification requirement for hand-harvested and other applicable crops is waived
- a field inspection by COC representative or LA is **not** required to verify information on CCC-576 for losses that occurred in calendar year 2022, for producers whose coverage was initiated according to this notice.

The notice of loss must provide sufficient information for COC to determine that the claimed damage to the specific crop acreage or commodity was the result of an eligible cause of loss, as opposed to other circumstances. Policy for determining eligible and ineligible causes of loss must be followed and can be found in 1-NAP (Rev. 2), paragraph 51.

COC will review and thoroughly document in the meeting minutes each crop acreage or commodity on CCC-576 Part B and determine if the claimed disaster condition and period appears reasonable and meets the definition of an eligible cause of loss. This review will include determining:

- whether the claimed event occurred during the coverage period
- severity of the loss is reasonable for the disaster event and dates
- if any portion of the claimed loss is because of any ineligible causes of loss, and
- if so, how much production will be assigned according to 1-NAP (Rev. 2), paragraphs 575 and 607.

Example 1: Delilah filed CCC-860 on July 11, 2022. She requested payment for sweet corn planted on May 28, 2022, and the ACD was March 15, 2022. The application for coverage (CCC-860) was late-filed. The coverage period for her sweet corn began on July 12, 2022 (1 calendar day after filing CCC-860) and ended at harvest on September 30, 2022. A notice of loss (CCC-576) was filed for an excessive moisture event occurring June 13-June 30, 2022. The event occurred outside of the coverage period, COC will review and approve the CCC-576 (if satisfactory evidence supports). COC will assign production, if application for payment is approved, for the crop's loss associated to the ineligible part of the disaster event. COC must be able to quantify the methodology used to assign the production in the COC minutes.

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2 Reviewing NAP Policy and Exceptions for Crop Years 2022 and 2023 for Crops with Application Closing Dates Before January 11, 2023 (Continued)

G Notice of Loss (Continued)

Example 2: Delilah filed CCC-860 and planted sweet corn as previously described in Example 1. However, this time a tornado occurred on July 7, 2022, and destroyed her crop. Because the event occurred outside the coverage period, COC would deny the notice of loss NOL, disapprove her application for payment, and notify Delilah of the determination in writing (example letter in Exhibit 2). Even though the event occurred outside the coverage period, COC should still review and document all eligibility criteria related to her request for NAP payment.

If COC does not have sufficient information to make a determination using the information on CCC-576 Part B, or other available documentation, COC may request, and the producer must provide, documentation to support the claimed event and how the covered crop was affected by the event.

Notes: COC having insufficient knowledge of existing weather events and the effect on crops within the county should be rare.

If the producer is not able to provide enough documentation to support that the event occurred and affected the crop, COC will disapprove the notice of loss.

COC **must** provide notification to the producer of any action taken on the notice of loss according to 1-NAP (Rev. 2), paragraph 575 and Exhibit 53.

H Application for Payment

NAP policy requires that a producer file an application for payment within 60 calendar days of the last day of coverage for the crop year for any NAP covered crop on the unit (7 CFR 1437.11(g); 1-NAP (Rev. 2), paragraph 675). COC has the authority to grant an extension of up to 120 calendar days, not to exceed a total of 180 calendar days.

Because of the timing of this new policy, COC may accept a late-filed application for payment until the later of:

- 180 calendar days after the end of the coverage period, without a written request from the producer
- July 15, 2023.

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2 Reviewing NAP Policy and Exceptions for Crop Years 2022 and 2023 for Crops with Application Closing Dates Before January 11, 2023 (Continued)

H Application for Payment (Continued)

Any late-filed application for payment submitted beyond the exceptions listed in this paragraph should be disapproved by COC according to 1-NAP (Rev. 2), paragraph 675.

Once an application for payment is requested, County Offices will initiate CCC-471 in the NAP Application for Coverage software.

Before acting on an application for payment, COC will determine if production records provided by the producer are acceptable if:

- NAP production data is available, it will be used to support the application for payment
- the producer is not able to provide acceptable production records, they may certify to their production for all crops within a pay group.

Note: COC established CDY provisions will apply.

COC may compare a producer's records of production with neighboring producers of the same crop who have provided acceptable records for reasonableness.

IF...	THEN...
similar levels of production were experienced from other producers of the crop in the county	the producer's certification, supported by records, may be considered reliable and therefore, acceptable.
production for the same crop received from other producers in the county differ significantly from the applicant's certification	COC will notify the producer their certification cannot be considered acceptable and the established CDY times eligible acres for the crop will be assigned.

CDY is only applicable to yield-based crops and is not applicable to value-loss crops.

COC will assign production equal to the higher of:

- the producer's certified production
- the established CDY multiplied by the NAP eligible acres.

Notice NAP-221

2 Reviewing NAP Policy and Exceptions for Crop Years 2022 and 2023 for Crops with Application Closing Dates Before January 11, 2023 (Continued)

I County Disaster Yield (CDY)

For the purpose of this notice, CDY is defined as the average yield per acre for a county for the year based on eligible disaster events and is intended to reflect the amount of production a participant would have been expected to produce based on the eligible disaster condition(s) in the county.

If a producer is not able to provide acceptable production records, COC will establish a CDY by crop, crop type, intended use, and planting period. The CDY applies to where the land is physically located. The COC-established CDY is **not** required to be submitted to STC for approval or entered into the NCT.

COC will consider all disaster conditions that impacted crops in the county. The CDY will reflect the amount of production that should have been produced considering all disaster conditions in the county. The CDY should be consistent with the average amount of production per acre of a substantial number of producers experiencing similar disasters.

Note: The CDY for the crop in the county should be based on the losses incurred directly as a result of the eligible disaster event on a representative amount of acreage of that crop.

The CDY will not be “0” unless both of the following apply:

- no acreage of the crop was harvested in the county
- all field appraisals reflect “0” production unless field appraisals were waived by Notice CM-841.

The CDY established by COC for a crop in a county is considered a matter of general applicability and, therefore, not appealable.

COC documentation used as the basis for determining the CDY may include:

- weather data
- county extension information
- university data
- NASS data
- loss estimates from applicable industries
- LA appraisals
- damage assessment reports
- RMA data
- other verifiable County Office records.

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2 Reviewing NAP Policy and Exceptions for Crop Years 2022 and 2023 for Crops with Application Closing Dates Before January 11, 2023 (Continued)

I County Disaster Yield (CDY) (Continued)

The two types of assigned production are:

- **added** assigned production that is **in addition** to acceptable production provided
- **override** assigned production that **replaces** production provided.

CDY provisions for assigning production will override and replace any production that is not determined to be acceptable by COC.

Note: COC may assign production using both CDY provisions and assigning production for other requirements in 1-NAP (Rev.2).

COC will determine when assigned production using CDY provisions will be used. COC assignment of production using CDY provisions will **only** be allowed for producers that:

- do not have acceptable production records, or
- have unharvested production that was not appraised (also not acceptable).

Note: Follow 1-NAP (Rev. 2) for all other assignments of production.

If the producer does not have acceptable production records, COC will:

- assign production based on the higher of:
 - the CDY multiplied by the eligible NAP acres
 - producer's certification
- document all the following in COC minutes:
 - the basis for assigning production
 - the quantity of production assigned
 - how the amount of assigned production was calculated or determined
- notify the producer.

Note: If the producer's certification of production is higher than the assigned production calculated using CDY, notification is not required.

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2 Reviewing NAP Policy and Exceptions for Crop Years 2022 and 2023 for Crops with Application Closing Dates Before January 11, 2023 (Continued)

I County Disaster Yield (CDY) (Continued)

Example 1: Crop: IRR Papaya, Red, Fresh
CDY for County A: 12,000 lbs./acre
Eligible NAP Acres: 10
Certified Production: 100,000 lbs.

Ms. Papaya experienced a loss of production because of a hurricane and certified she had produced 100,000 lbs. of papayas for the crop year. COC assigned 120,000 lbs. of production based on the county's CDY of 12,000 lbs./acre on her 10 acres of papayas since she did not have verifiable or reliable records and the CDY was greater than her production certified.

Example 2: Crop: IRR Rice, LGR, Grain
CDY for County A: 5,267 lbs./acre
Eligible NAP Acres: 100
Certified Production: 575,000 lbs.

Mr. Rice experienced a loss of production because of a hurricane and certified he had produced 575,000 lbs. of rice for the crop year. COC assigned 575,000 lbs. of production based on the producer's certification on the unit's 100 acres of rice using the greater of the certified production or production based on the CDY yield for County A.

If the producer has unharvested acreage that was not appraised, COC will:

- assign production using the CDY
- record assigned production in the NAP Application for Payment software according to subparagraph 3 D
- document all the following in COC minutes:
 - basis for the assignment
 - quantity of production assigned
 - how the amount of assigned production was calculated or determined
- notify the producer of assignment determinations.

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2 Reviewing NAP Policy and Exceptions for Crop Years 2022 and 2023 for Crops with Application Closing Dates Before January 11, 2023 (Continued)

I County Disaster Yield (CDY) (Continued)

Example 1: Crop: NI Sorghum, GRS, Grain
CDY for County A: 24 bushels/acre
Eligible NAP Acres: 100
Certified Production: 0 bushels

Mr. Milo experienced a total loss of production on his uninsured sorghum field because of a wildfire. The COC assigned 2400 bushels of production based on County A's sorghum CDY of 24 bushels per acre on Mr. Milo's 100 acres. The production based on the CDY is higher than the producer's certified production of 0.

J Value Loss Crops

For value loss crops, producers must provide acceptable evidence that shows the inventory immediately before and after the disaster. COC must verify that the disaster occurred on the dates submitted. County Offices will follow 1-NAP in assisting producers in documenting the value of the inventory immediately before and after the disaster.

Methods of establishing inventory or dollar value immediately before and after the disaster include, but are not limited to, the following:

- LA appraisal
- accurate inventory records from the producer
- producer's beginning inventory extrapolated from COC-established mortality rates based on size, age, and days of growth.

3 Automation

A Application for Coverage

Existing procedure for recording coverage and generating an automated CCC-471 may be found in 3-NAP, Part 3, Section 3. For producers who initiate coverage using CCC-860 for 2022 or 2023 coverage according to subparagraphs 2 B and 2 C, **and** have requested a NAP payment, County Offices must:

- print and provide the producer a copy of CCC-471 NAP Basic Provisions
- assist producers in understanding that by accepting a NAP payment, they are acknowledging all the basic provisions included in CCC-471 NAP Basic Provisions

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3 Automation (Continued)

A Application for Coverage (Continued)

- generate a receipt for service (RFS) noting the filing of an acreage report and/or report of loss, and delivery of the NAP Basic Provisions
- initiate an automated CCC-471 in the NAP Application for Coverage software for the eligible crop(s)
- ensure the producer's current CCC-860 certifications have been recorded correctly in the NAP Application for Coverage software, whether pulled from subsidiary data or overridden by the user, based on CCC-860 from the producer's file
- record a producer signature date in the NAP Application for Coverage software using the signature date from CCC-860
- print an automated CCC-471, write "See CCC-860 on file for producer signature" in box 19 in place of the producer's signature, and file it in the producer's NAP folder
- as necessary, request a State Office override for crops flagged as ineligible because of any application closing dates that have already passed.

B Notice of Loss

Existing procedure for recording a loss and generating an automated CCC-576, page 1, may be found in 3-NAP, Part 3, Section 5. There are no exceptions or special instructions for producers who initiate coverage using CCC-860.

C Yield

Existing procedure for establishing an approved yield and generating an automated CCC-452 may be found in 3-NAP, Part 3, Section 6. There are no exceptions or special instructions for producers who initiate coverage using CCC-860.

D Application for Payment

Existing procedure for recording a request for payment and generating an automated CCC-576, page 2, may be found in 3-NAP, Part 3, Section 11.

In accordance with subparagraph 2 I, record assigned production in the NAP Application for Payment software under Part D – Appraisal or Report of Production.

Notice NAP-221

3 Automation (Continued)

D Application for Payment (Continued)

To record assigned production using CDY provisions for producers with no acceptable production records:

- record assigned production under “Assigned or Adjusted Production”
- check the “Assigned” box next to the Harvested loss acres for each applicable final use.

To record assigned production using CDY provisions, for producers with unharvested acreage that was not appraised:

- record assigned production under “Assigned or Adjusted Production”
- check the “Assigned” box next to the Unharvested loss acres.

PART D - APPRAISAL OR REPORT OF PRODUCTION				
Year:	State:	County:		
Producer:				
Unit:	Pay Crop/Type:	Planting Period:		
Crop:				
Share:	Coverage:			
Acreage				
Stage	Acreage Report Acres	Ineligible Acres	Eligible Acres	
Planted:				
Prevented:				
Marketing				
Approved Yield		CMP/HMP	DMP	
Fresh (FH):		Fresh:	Direct:	
Processed (PR):		Processed:	Indirect:	
Stages				
Stage	Acres	Production	Production Not to Count	COC Adjusted or Assigned Production
Fresh Harvested:	1		LDC	<input type="checkbox"/> Adjusted <input type="checkbox"/> Assigned
Processed Harvested:	1		LDC	<input type="checkbox"/> Adjusted <input type="checkbox"/> Assigned
Unharvested:	2		LDC	<input type="checkbox"/> Adjusted <input type="checkbox"/> Assigned
Producer Secondary Use/Salvage Value:				
County Established Secondary Use/Salvage Value:				
Added Land Yield Adjustment:				100% ▼
Did the producer keep production records separate for acreage with different final uses?				<input type="checkbox"/> Yes <input type="checkbox"/> No
Did the producer commingle this production from acreage with other intended uses?				<input type="checkbox"/> Yes <input type="checkbox"/> No
Save Crop				Back
				NAP Main Menu

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3 Automation (Continued)

D Application for Payment (Continued)

For producers who initiate coverage using CCC-860 according to subparagraph 2 B and 2 C, and when a late-filed Application for Payment is accepted according to subparagraph 2 H, the County Office may use one of the following COC determination options, as found on the Application for Payment Summary Screen, to enable a COC determination of “Approved” to be recorded, if warranted:

- **Filing Deadline COC Extension has been authorized:** allows for an application to be approved when the producer signature date is past the filing deadline but not greater than 180 calendar days after the end of the coverage period.
- **Filing Deadline DAFP Waiver has been authorized:** allows for an application to be approved when the producer signature date is past the filing deadline and greater than 180 calendar days after the end of the coverage period.

Note: The filing deadline options are not required and should not be utilized when recording a COC determination of “Disapproved”.

Application for Payment Summary

• Application cannot be COC approved when Producer Signature Date is past the application filing deadline date.

Year: State: County:

Producer:

Unit: Pay Crop/Type: Planting Period:

Producer Signature

Signature Type: Paper Signature Date: 12/15/2022

Application Filing Deadline Date: 11/29/2022

LA or FSA Representative Signature

Signature Date: 12/15/2022

COC Determination

Approved Disapproved Date: 12/18/2022

Original Approved Date: 12/18/2022

Filing Deadline COC Extension has been authorized? Yes No

Filing Deadline DAFP Waiver has been authorized? Yes No

Cancellation

Do you want to cancel this Application for Payment?

Yes Reason: _____

Save & Submit Save & Print Save & Refresh Cancel

Notice NAP-221

4 Outreach and Public Affairs

A Producer Notification

Producers who may have CCC-860 certification recorded in the subsidiary application for crop year 2022 were notified of their potential coverage and encouraged to visit their local County Office to obtain the NAP Basic Provisions, file an acreage report, and complete a notice of loss, if applicable. See Exhibit 1 for an example of the postcard mailed by the National Office.

State Office NAP specialists may access the list of producers who were included in the mailing at [NAP SharePoint Home](#). The spreadsheet can be found by clicking on “NAP CCC-860 Outreach Mailing Recipients (2023)” under the NAP Announcements section.

The spreadsheet is encrypted, and the password was distributed via e-mail to all State Office NAP specialists, as identified in the State Office Master Contact List at that time. The spreadsheet may be filtered by State and distributed as needed to County Offices.

B Conducting Program Outreach

NAP outreach efforts require the process of expanding awareness and delivery of FSA programs and services to the widest possible customer base. Targeted program outreach activities should be presented to nonparticipating but potentially eligible persons.

Examples of outreach and educational activities to these producers include, but are not limited to, presenting NAP information at:

- meetings
- conferences
- workshops
- expos
- field days.

Beginning in crop year 2023, County Office NAP outreach activities should be conducted with potential producers, including underserved producers, and stakeholder organizations who work with farmers and ranchers who would benefit from the program.

Examples may include:

- farmers and ranchers, including underserved producers
- land grant colleges and universities
- USDA grant and cooperative agreement recipients
- nonprofit community-based organizations
- agricultural associations and organizations
- other USDA and federal agencies
- COC and STC members
- Tribal, State, and local government entities.

4 Outreach and Public Affairs (Continued)

B Conducting Program Outreach (Continued)

County Office outreach coordinators should work closely with the State outreach coordinator for assistance with planning strategic targeted program outreach activities.

Program materials available for counties to use are available on the FSA Outreach Office intranet page under Program Toolkits at <https://inside.fsa.usda.gov/operations/office-of-outreach/program-toolkits/index>.

C Tracking Program Outreach Efforts

All offices are required to record outreach activities on this program in the Outreach Tracking Information System (OTIS) timely upon completion, as required by 22-AO.

SED's, DD's, and COC's should ensure that program provisions are explained during all outreach activities conducted in efforts to increase program participation from producers, including underserved farmers and ranchers.

C Tracking Program Outreach Efforts (Continued)

Employees will conduct outreach efforts according to 22-AO.

D Public Information and Program Communications

Program information, including sign-up and eligibility policy, is publicized in a variety of ways as resources allow. These communication tools include, but are not limited to:

- news releases
- print media
- electronic media, including GovDelivery newsletters, bulletins, and SMS texting
- Federal Register
- direct mailings (may be limited by FSA resource availability)
- radio and television announcements
- posting program information in the USDA Service Center.

County Offices should work closely with the State communications coordinator for assistance with publicizing the program with targeted media outlets and promoting through GovDelivery and other broadcast outlets to create program awareness.

E Agency Responsibilities

SED's, DD's, and COC's will ensure that program provisions are publicized and that offices maintain a record of the program publicity efforts, including postings in Service Centers.

Notice NAP-221

5 Action

A State Office Action

State Offices will:

- carefully review the contents of this notice
- ensure that County Offices are informed of and adhere to the contents of this notice
- contact the Safety Net Division, Disaster Assistance Section with questions.

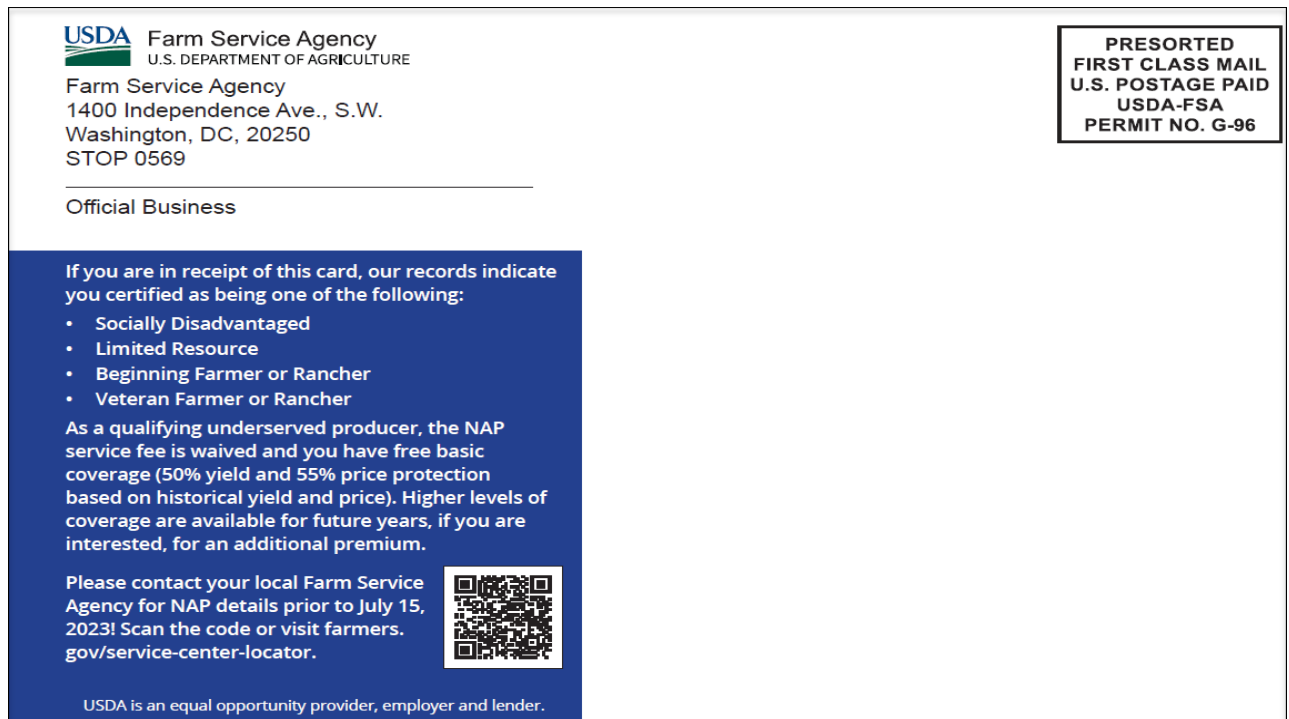
B County Office Action

County Offices will:

- adhere to the guidance provided in this notice for initiating NAP basic coverage for producers who file CCC-860 **only**, for crop years 2022 and 2023, for eligible NAP crops, with application closing dates before publication of the final rule on January 11, 2023
- thoroughly document all COC reviews and policy sources for determinations.


NAP Postcard Mailed to Producers

The following is an example of the postcard mailed to producers.



Letter in Response – Disapproved Application for Payment

The following is an example of the Letter in Response – Disapproved Application for Payment to use when an application for coverage was filed after the end of a coverage period or when a coverage period would end within 1 calendar day of the actual date of CCC-471 filing.

	United States Department of Agriculture	Farm Production and Conservation	Farm Service Agency	State/county name or organizational unit Mail stop code and/or room number P.O. Box or Street Address City, State, ZIP Code
<p><i>Insert date here</i></p> <p><i>Start typing addressee name & address here</i></p> <p>Dear <i>[enter name of producer filing CCC-576, Part I]</i>:</p> <p>This letter is in response to your application for payment (your CCC-576, Part I) under the Noninsured Crop Disaster Assistance Program (NAP) for your <i>[enter crop name(s) identified on CCC-576]</i> loss from <i>[enter cause(s) of loss as identified on CCC-576]</i>.</p> <p>FSA processed that application and determined you are not due a payment. You submitted the application for NAP coverage (CCC-860) on <i>[enter date CCC-860 was filed]</i>. The application closing date(s) for the crop(s) have passed. In fact, the coverage period has also passed. Because there is no remaining time in the coverage period for coverage to attach to <i>[insert applicable crop(s)]</i>, FSA cannot extend coverage to you under the application for coverage. <i>[include all other reasons why the CCC-576, Part I was disapproved. This will include all eligibility criteria reviewed that did not allow payment, in addition to the CCC-860 being received after the end of the coverage period for the crop.]</i> Accordingly, a payment will not be issued.</p> <p>Although your application for payment was not approved, your CCC-860 certification of SDA, LR, VFR, or BFR status could allow for basic NAP coverage eligibility for <i>[enter subsequent crop year]</i> crop year for all eligible NAP crops, in all associated counties nationwide, unless you choose to opt out of coverage.</p> <p>If you believe that the county committee has not properly considered the individual facts of your application, you have the following options:</p> <p><u>Reconsideration</u></p> <p>You may request that the county committee reconsider this determination by filing a written request no later than 30 calendar days after you receive this notice in accordance with FSA appeal procedures found at 7 CFR Part 780. If you request reconsideration, you have the right to an informal hearing which you or your representative may attend either personally or by telephone. If you choose to seek reconsideration, you may later appeal the determination to the National Appeals Division. To request reconsideration, write to me at the following address and explain why you believe this determination is erroneous. The address of the county committee is:</p> <p><i>(Insert applicable address.)</i></p>				

Letter in Response – Disapproved Application for Payment (Continued)Mediation-

Mediation is available as part of FSA's informal appeal process. Mediation may enable us to narrow the issues and resolve the matter by mutual agreement. You may have to pay all or part of the cost of mediation. If you request mediation, the running of the time frame in which you may file an appeal stops. When mediation closes, the clock restarts and you will have the balance of the days remaining in that period to file an appeal. To request mediation, you must submit your written request no later than 30 calendar days after you receive this notice. To request mediation, write to the State FSA State Executive Director at the following address:

(Insert applicable address.)

Appeal to STC

You may appeal the County Committee's determination to the State Committee by filing a written request no later than 30 calendar days after you receive this notice in accordance with the FSA appeal procedures found at 7 CFR Part 780. If you appeal to the State Committee, you have the right to an informal hearing which you or your representative may attend either personally or by telephone. If you choose to appeal to the State Committee, you may later appeal the determination of the State Committee to NAD. If you appeal an initial decision of a County Committee to the State Committee, you waive your right to reconsideration by the County Committee of that decision. To appeal, write to the State Committee at the following address and explain why you believe this determination is wrong.

(Insert applicable STC address.)

Appeal to the Department of Agriculture National Appeal Division (NAD)

You may appeal this determination to NAD by filing a written request no later than 30 calendar days after you receive this notice in accordance with the NAD Appeal procedures found at 7 CFR Part 11. If you appeal to NAD, you have the right to a hearing which you or your representative may attend. Once a hearing with NAD begins, you waive any rights you might have to reconsideration, appeal to FSA, and mediation. To appeal, you must write to NAD at the following address, or on the NAD website at www.nad.usda.gov, explain why you believe this determination is erroneous, and provide a copy to FSA. You must personally sign your written appeal to NAD and include a copy of this letter.

(Insert applicable NAD address.)

If you do not timely exercise one of the preceding options, this shall be the final administrative determination with respect to this matter in accordance with the regulations at 7 CFR Part 780 and 7 CFR Part 11.

Sincerely,

County Executive Director