

For: State and County Offices

**September 30, 2011, Impact on TAP Eligibility**

Approved by: Deputy Administrator, Farm Programs



**1 Overview**

**A Background**

TAP is authorized by the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill) to provide financial assistance to qualifying orchardists and nursery tree growers to replant or rehabilitate eligible trees, bushes, and vines that were lost by natural disasters occurring from January 1, 2008, through September 30, 2011.

**B Purpose**

This notice:

- clarifies how TAP authorization for losses stemming from a disaster on or before September 30, 2011, will be administered
- instructs offices to publicize the contents of this notice.

**2 TAP Eligibility**

**A TAP Qualifications**

To qualify for TAP, orchardists and nursery tree growers **must**:

- suffer a qualifying tree, bush, or vine loss in excess of 15 percent mortality (after adjustment for normal mortality) from an eligible natural disaster for the individual stand
- have owned the eligible trees, bushes, and vines when the natural disaster occurred; however, eligible growers are **not** required to own the land on which eligible trees, bushes, and vines are planted
- replace eligible trees, bushes, and vines within 12 months from the date the application is approved.

Disposal Date	Distribution
December 1, 2011	State Offices; State Offices relay to County Offices

## Notice TAP-46

### 2 TAP Eligibility (Continued)

#### B Qualifying Loss Requirements for 2011

Producers who suffer an eligible tree, bush, or vine loss because of a disaster event occurring on or before September 30, 2011, are eligible to file an application for TAP assistance. To be an eligible loss under the 2008 Farm Bill, the loss **must** be attributable to an eligible disaster event occurring through September 30, 2011.

**Note:** It will be an applicant's responsibility to provide satisfactory evidence of when loss is first apparent. COC will review and must be satisfied that the evidence supports determinations of eligible disaster and timely application.

To be eligible for assistance under TAP, participants **must** meet all other eligibility criteria provided in 1-TAP, Part 2.

#### C Examples

**Example 1:** On December 5, 2011, an applicant filed an application for payment that reported a loss of 250 apple trees because of excessive rain and wind damage that occurred on September 15, 2011. Loss was apparent on September 15, 2011. Applicant qualifies for payment because:

- the disaster event occurred on or before September 30, 2011
- loss was reported within 90 calendar days of when the loss was first apparent, that is September 15, 2011
- 15 percent tree mortality threshold plus normal mortality was met
- COC concurred that the disaster event occurred on or before September 30, 2011, a timely application reporting loss was made, and applicant's claimed loss was directly related to that disaster event.

**Example 2:** On May 15, 2012, an applicant files an application for payment and reports loss of 325 plum trees because of a hurricane that occurred September 10, 2011. High winds from the hurricane uprooted trees. Although the applicant stood the uprooted trees back up and staked them, on April 25, 2012, the applicant determined the trees did **not** regenerate growth or blossom and were dead. In this example, the applicant qualifies for payment because:

- the disaster event occurred on or before September 30, 2011
- the applicant filed an application reporting loss on May 15, 2012, that is within 90-calendar days of date when the tree loss first became apparent to the applicant, that was April 25, 2012

## Notice TAP-46

### 2 TAP Eligibility (Continued)

#### C Examples (Continued)

##### Example 2: (Continued)

- 15 percent tree mortality threshold plus normal mortality was met
- COC concurred that the disaster event occurred on or before September 30, 2011, a timely application reporting loss was made, and the claimed loss was directly related to an eligible qualifying disaster event.

The COC's determination of whether an applicant's tree, bush, or vine loss or damage occurred because of a disaster event on or before September 30, 2011, **must** be documented in COC minutes, include information on the alleged disaster event, and include any other pertinent information that may be relevant or available to support the claimed condition and resulting eligibility determination for the applicant.

### 3 Action

#### A State Offices Action

State Offices will:

- ensure that County Offices publicize and follow the procedure in this notice
- assist County Offices with questions about this notice.

#### B County Office Action

County Offices will:

- follow the provisions of this notice
- publicize the contents of this notice through all available means
- direct their questions about this notice to the State Office.