

For: State and County Offices

Establishing TAP Normal Mortality Rates

Approved by: Deputy Administrator, Farm Programs



1 Overview

A Background

The Food, Conservation, and Energy Act of 2008 (2008 Act) (Pub. L. 110-246) enacted on June 18, 2008, and amended by Pub. L. 110-398 on October 13, 2008, authorized TAP.

TAP provides assistance to eligible orchardists and nursery tree growers to replant or rehabilitate trees (including nursery, ornamental, fruit, nut, or Christmas trees), bushes, and vines that were lost or damaged because of natural disaster.

Natural disaster includes plant disease, insect infestation, drought, fire, freeze, flood, earthquake, lightning, or other natural occurrence of such magnitude or severity so as to be considered disastrous, as determined by the Secretary.

TAP applies only to orchardists who commercially produce trees for production of an annual crop and nursery tree growers who suffer **tree deaths** in excess of 15 percent **after** adjustment for normal mortality.

Normal mortality is defined as the number of expected lost tree, bush, or vine types in the individual stand normally occurring during a calendar year for a producer, computed using a percentage established for the area by the FSA STC.

Eligible tree, bush, or vine losses **must** have occurred on or after January 1, 2008, and before October 1, 2011. TAP eligibility is based on a calendar year.

Disposal Date	Distribution
December 1, 2009	State Offices; State Offices relay to County Offices

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1 Overview (Continued)

B Purpose

This notice provides:

- guidance to STC's for establishing TAP normal mortality rates for each eligible type of tree, bush, or vine, such as orange tree, blueberry bush, and grape vine
- the deadline for establishing TAP normal mortality rates for each eligible type of tree, bush, or vine
- instructions for submitting names of State Office employees needing access to the TAP normal mortality rate load process.

2 Establishing TAP Normal Mortality Rates

A General TAP Provisions

TAP applies only to orchardists who produce fruit and nut bearing trees for the commercial production of an annual crop for human consumption, and nursery tree growers who produce nursery, ornamental, fruit, nut, or Christmas trees for commercial sale, and sustain **tree deaths** in excess of 15 percent **after** adjustment for normal mortality.

Timber is **not** eligible for TAP.

Approved eligible orchardists or nursery tree growers who planted trees for commercial production, but lost the trees as a result of a natural disaster may be reimbursed for the cost of replanting the trees and/or rehabilitating trees damaged because of a natural disaster, in excess of 15 percent damage or mortality (adjusted for normal tree damage or mortality) as follows:

- for replanting and the cost of seedlings or cuttings, for tree, bush, or vine replacement the lesser of 70 percent of either:
 - the actual cost of the practice
 - the amount calculated using rates established by DAFP for the practice
- for pruning, tree and debris removal, and other costs incurred for salvaging existing trees, or in the case of tree mortality, to prepare the land to replant trees the lesser of 50 percent of either:
 - the actual cost of the practice
 - the amount calculated using rates established by DAFP.

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2 Establishing TAP Normal Mortality Rates (Continued)

A General TAP Provisions (Continued)

Approved eligible orchardists or nursery tree growers who have a commercial production history and bear the responsibility for incurred costs of rehabilitating damaged trees on planted or existing trees in a stand or grove but lost the trees, as a result of a natural disaster, may be reimbursed for the cost of rehabilitating trees damaged, in excess of 15 percent damage or mortality (adjusted for normal tree damage or mortality) as follows.

For the cost of pruning, tree and debris removal, and other costs incurred for salvaging existing trees, or in the case of tree mortality, to prepare land to replant trees the lesser of 50 percent of either:

- the actual cost of the practice
- the amount calculated using rates established by DAFP for the approved practice.

B Establishing Normal Mortality Rates

STC's shall establish, on a State-by-State basis, normal mortality rates for each tree, bush, or vine, by obtaining recommendations from:

- applicable State tree organizations
- applicable State Cooperative Extension Service
- other knowledgeable and credible sources, such as University research and botany journals.

Normal mortality rates will generally **not** be established for different geographic locations within a State. However, if STC can document that existing conditions or circumstances with a specific geographic location within the State would result in substantially higher mortality rates than the rest of the State, STC may establish separate normal mortality rates for that specific geographic location within the State.

Example: The counties south of Interstate 4 are known to suffer freeze damage. Because of freeze damage, the normal mortality rates in these counties are significantly higher than for the counties in the rest of the State. STC determined that the counties that incur freeze damage shall have normal mortality rates established separately from the other counties in the State.

If sufficient documentation is **not** available from the sources listed in this subparagraph, within your State to establish normal mortality rates, STC's may obtain supporting documentation from contiguous STC's that have established TAP normal mortality rates from recommendations received from the sources in this subparagraph.

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2 Establishing TAP Normal Mortality Rates (Continued)

B Establishing Normal Mortality Rates (Continued)

STC's shall:

- document recommendations and determinations of normal mortality in STC minutes
- attach copies of supporting documentation used to determine normal mortality rates to applicable STC minutes.

If documentation is **not** available for establishing normal mortality rates from sources listed within your State or contiguous States, STC's may establish normal mortality rates using the normal mortality rates previously established for the State in 1-TAP, Exhibit 5.

C Deadline for Establishing Normal Mortality Rates

STC's shall ensure that normal mortality rates are:

- established for all trees, bushes, and vines no later than COB September 25, 2009
- loaded into the normal mortality rate table no later than October 2, 2009, according to a forthcoming notice.

3 State Office Administrative Access

A Overview

State Office administrative users will need access to load normal mortality rates for the forthcoming TAP.

The TAP application software is not yet available for use; however, it is necessary for the National Office to compile a list of State Office employees who will need State Office administrative access. Every State **must** provide at least 1 name. State Office administrative users will load TAP normal mortality rates.

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3 State Office Administrative Access (Continued)

B Requesting Access

State Office users shall request State Office administrative access according to the following:

- provide the National Office with all State employees who are to have access, and include the following:
 - State name
 - employee's legal first and last name
 - employee's USDA e-Authentication user ID
- FAX information to 202-720-0051, Attn: Neeru Gulati

Note: Include on the FAX that the request is for TAP State Office administrative access.

- contact PECD, Common Provisions Branch at 202-720-3464 with any questions or concerns about administrative access.

Note: Additional employees may be added at any time by requesting access according to this subparagraph.