

Farm Service Agency – TAP

# Tree Assistance Program for Pecan Tree Losses in 2017 (Under the Consolidated Appropriations Act of 2018)

**FACT SHEET**  
August 2018

## Overview

The Consolidated Appropriations Act, 2018 (Pub. L. 115-141), passed by Congress on March 23, 2018, authorized \$15 million in funding through the Tree Assistance Program (TAP) to provide assistance to eligible orchardists and nursery tree growers of pecan trees for losses incurred January 1, 2017, through December 31, 2017. To be eligible, the pecan orchardist or nursery tree grower must have suffered a mortality loss on a stand that exceeds 7.5 percent, adjusted for normal mortality. TAP is administered by the Farm Service Agency (FSA) of the U.S. Department of Agriculture (USDA).

## Eligible Tree Types

Eligible pecan trees are those from which an annual crop is produced for commercial purposes.



## Eligible Losses

To be considered an eligible loss:

- Eligible pecan trees must have suffered more than a 7.5 percent mortality loss on a stand, adjusted for normal mortality, due to a natural disaster, that occurred January 1, 2017, through December 31, 2017.
- Mortality loss on a stand of eligible pecan trees is based on each eligible disaster event.
- The loss must not have been preventable through reasonable and available measures;
- The loss must be visible and obvious to the FSA representative; if the loss is no longer visible, FSA may accept other loss evidence and determine whether that other evidence substantiates that an eligible loss due to natural disaster occurred; and
- FSA may require information from a qualified expert to determine extent of loss in the case of plant disease or insect infestation.
- Growers or orchardists suffering greater mortality losses are eligible under other provisions of the 2014 Farm Bill.

## Eligible Producers

To qualify for TAP under the Consolidated Appropriations Act, eligible orchardists and nursery tree growers must:

- Have suffered qualifying pecan tree losses in excess of 7.5 percent mortality on the stand, adjusted for normal mortality, from an eligible natural disaster.
- Planted or be considered to have planted (by purchase prior to the loss of existing stock planted for commercial purposes) trees for commercial purposes, or have a production history, for commercial purposes, of planted or existing trees.

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- Continuously owned the stand from the time of the disaster until the time that the TAP application is submitted.
- Replace eligible trees within 12 months from the date the TAP application is approved.

### Acreage Limitations

The cumulative total quantity of acres planted to trees for which an eligible orchardist or nursery tree grower can receive TAP payments for a crop year’s loss cannot exceed 1,000 acres annually.

### Payment Limitation and Adjusted Gross Income (AGI)

Effective with the 2017 calendar year and for 2017 and subsequent year losses, there is no per person or legal entity payment limitation for TAP.

In applying the average adjusted gross income compliance provisions to TAP, a person or legal entity is ineligible for payment under TAP if the average AGI of the person or legal entity exceeds \$900,000. Direct attribution provisions apply to TAP for 2017. Under direct attribution, any payment to a legal entity will be considered (for AGI purposes) to be a payment to persons or legal entities with an interest in the legal entity or in a sub-entity.

### Payment Calculator

For pecan tree replacement, replanting and/or rehabilitation, the payment calculation is the lesser of the following:

- 65 percent of the actual cost of replanting, in excess of 15 percent mortality (adjusted for normal mortality), and, where applicable, 50 percent of the actual cost of rehabilitation, in excess of 15 percent damage or mortality (adjusted for normal tree damage and mortality); or

- The maximum eligible amount established for the practice by FSA using the following rates (per tree):

- Tree replacement.....\$ 8
- Rehabilitation, including pruning, site preparation and debris removal.....\$40
- Planting cost.....\$ 2

### Applications

The following table provides the final dates to submit a TAP application and supporting documentation:

Date of Loss	Final Date to Submit an Application and Supporting Documentation
January 1, 2017, and subsequent years	Later of 60 calendar days after (date of publication in FR) or within 90 calendar days of the: <ul style="list-style-type: none"> <li>• disaster event; or</li> <li>• date when the loss is apparent to the producer.</li> </ul>

### For More Information

This fact sheet is for informational purposes only; other restrictions may apply. For more information about FSA disaster programs, visit <http://disaster.fsa.usda.gov> or contact your local FSA office. To find your local FSA office, visit <http://offices.usda.gov>.

