

§ 1480.11

7 CFR Ch. XIV (1-1-02 Edition)

section and are consistent with the terms of the authorizing legislation. In handling such claims, and others, the Deputy Administrator may consult with other branches of the Department to determine the extent of losses and the effect of prior governmental action on marketing decisions made by the growers.

§ 1480.11 Qualifying 2000-crop losses.

(a) To receive disaster benefits under this part, the county committee must determine that because of a disaster, the producer with respect to the 2000 crop year:

- (1) Was prevented from planting a crop;
- (2) Sustained a loss in excess of 35 percent of the expected production of a crop; or
- (3) Sustained a loss in excess of 35 percent of the value for value loss crops.

(b) Calculation of benefits under this part shall not include losses:

- (1) That are the result of poor management decisions or poor farming practices as determined by the county committee on a case-by-case basis;
- (2) That are the result of the failure of the producer to reseed or replant to the same crop in the county where it is customary to reseed or replant after a loss;
- (3) That are not as a result of a natural disaster, unless otherwise specified in §1480.10;
- (4) To crops not intended for harvest in crop year 2000;
- (5) To losses of by-products resulting from processing or harvesting a crop, such as cotton seed, peanut shells, wheat or oat straw;
- (6) To home gardens;
- (7) That are a result of water contained or released by any governmental, public, or private dam or reservoir project if an easement exists on the acreage affected for the containment or release of the water; or
- (8) If losses could be attributed to conditions occurring outside of the applicable crop year growing season.

(c) Calculation of benefits under this part for ornamental nursery stock shall not include losses:

- (1) Caused by a failure of power supply or brownouts;

(2) Caused by the inability to market nursery stock as a result of quarantine, boycott, or refusal of a buyer to accept production;

(3) Caused by fire;

(4) Affecting crops where weeds and other forms of undergrowth in the vicinity of the nursery stock that have not been controlled; or

(5) Caused by the collapse or failure of buildings or structures.

(d) Calculation of benefits under this part for honey where the honey production by colonies or bees was diminished, shall not include losses:

(1) Where the inability to extract was due to the unavailability of equipment; the collapse or failure of equipment or apparatus used in the honey operation;

(2) Resulting from improper storage of honey;

(3) To honey production because of bee feeding;

(4) Caused by the application of chemicals;

(5) Caused by theft, fire, or vandalism;

(6) Caused by the movement of bees by the producer or any other person;

(7) Due to disease or pest infestation of the colonies; or

(8) Loss calculations shall take into account other conditions and adjustments provided for in this part.

§ 1480.12 Rates and yields; calculating payments.

(a) Payment rates for 2000 year crop losses shall be:

(1) 65 percent of the maximum established RMA price for insured crops;

(2) 65 percent of the State average price for noninsurable crops; and

(3) 60 percent of the maximum established RMA price for uninsured crops.

(b) Except as provided elsewhere in this part, disaster benefits under this part for losses to crops shall be made in an amount determined by multiplying the loss of production in excess of 35 percent of the expected production by the applicable payment rate established according to paragraph (a) of this section.

(c) Separate payment rates and yields for the same crop may be established by the county committee as authorized by the Deputy Administrator, when there is supporting data from