

**§§ 1437.203–1437.300**

**7 CFR Ch. XIV (1–1–08 Edition)**

for prevented planting will be determined by:

- (1) Adding the total planted and prevented-planted acres;
- (2) Multiplying the sum of paragraph (a)(1) of this section by .35;
- (3) Subtracting the product of paragraph (a)(2) of this section from the total prevented planted acres;
- (4) Multiplying the producer's share by the approved yield by the positive result of paragraph (a)(3) of this section;
- (5) Multiplying the producer's share by the assigned production;
- (6) Subtracting the product of paragraph (a)(5) of this section from the product of paragraph (a)(4) of this section; and
- (7) Multiplying the result of paragraph (a)(6) of this section by the final payment price calculated under §1437.11.

(b) Yields for purposes of paragraph (a) of this section shall be calculated in the same manner as for low-yield claims.

[67 FR 12448, Mar. 19, 2002, as amended at 71 FR 13746, Mar. 17, 2006]

**§§ 1437.203–1437.300 [Reserved]**

**Subpart D—Determining Coverage Using Value**

**§ 1437.301 Value loss.**

(a) Special provisions are required to assess losses and calculate assistance for a few crops and commodities which do not lend themselves to yield loss situations. Assistance for these commodities is calculated based on the loss of value at the time of disaster. The agency shall determine which crops shall be treated as value-loss crops, but unless otherwise announced, such crops shall be limited to those identified in §§1437.303 through 1437.309 as value loss crops. Lost productions of value loss crops shall be compensable only under this subpart.

(b) The crop year for all value loss crops is October 1 through September 30.

(c) Producers must file an application for coverage in accordance with §1437.6, and must:

- (1) Provide a report of the crop, commodity, and facility to CCC for the

acreage or facility, in a form prescribed by CCC, no later than the beginning of the crop year.

(2) Maintain a verifiable inventory of the eligible crop throughout the crop year; and

(3) Provide an accurate accounting of the inventory, as required by CCC.

**§ 1437.302 Determining payments.**

Subject to all restrictions and the availability of funds, value loss payments for qualifying losses will be determined by:

(a) Multiplying the field market value of the crop before the disaster by 50 percent;

(b) Subtracting the sum of the field market value after the disaster and value of ineligible causes of loss from the result from paragraph (a)(1) of this section;

(c) Multiplying the result from paragraph (a)(2) of this section by the producer's share;

(d) Multiplying the result from paragraph (a)(3) of this section by 55 percent plus whatever factor deemed appropriate to reflect savings from non-harvesting of the damaged crop or other factors as appropriate;

(e) Multiplying the salvage value by the producer's share;

(f) Subtracting the result from paragraph (a)(5) of this section from the result from paragraph (a)(4) of this section.

**§ 1437.303 Aquaculture, including ornamental fish.**

(a) Aquaculture is a value loss crop and is compensable only in accord with restrictions set in this section. Eligible aquacultural species shall only include:

(1) Any species of aquatic organisms grown as food for human consumption as determined by CCC.

(2) Fish raised as feed for other fish that are consumed by humans; and

(3) Ornamental fish propagated and reared in an aquatic medium.

(b) The aquacultural facility must be:

(1) A commercial enterprise on private property;

(2) Owned or leased by the producer, with readily identifiable boundaries; and

(3) Managed and maintained using good aquacultural growing practices.