an insured crop that is designated by FCIC as "high risk land" may be insured under catastrophic risk protection if limited or additional coverage is obtained for all insurable acreage of the insured crop in the county that is not designated as "high risk land"; Provided that, the insured executes the High Risk Land Exclusion Option under the limited or additional coverage policy. The catastrophic risk protection policy must be obtained from the same insurance provider from which the limited or additional coverage is obtained.

(3) Catastrophic risk protection may, on a commodity-by-commodity basis, be elected on an individual yield and loss basis, or, where offered, may be elected on an area yield and loss basis.

(4) Any person who has a bona fide insurable interest in a crop as an owner-operator, landlord, tenant, or share-cropper, will be eligible for catastrophic risk protection coverage.

(5) The Catastrophic Risk Protection Endorsement contains coverage limitations and exclusions, including

but not limited to:

(i) Coverage is available by basic units only. A basic unit is all the acreage of the crop in the county in which the insured has a one-hundred percent (100%) crop share or all the acreage of the crop in the county owned by one person and operated by another person on a share basis (unless otherwise provided by the Catastrophic Risk Protection Endorsement);

(ii) No replant payments will be paid whether or not replanting of the crop is

required under the policy;

- (iii) No policy options or endorsements providing increased coverage over that provided under the catastrophic risk plan for that crop will be available unless such option or endorsement is specifically made applicable to catastrophic coverage by its terms;
- (iv) The insured may not exclude coverage for hail and fire or High Risk Land; and
- (v) Written Agreements are not available unless specifically allowed by the Catastrophic Risk Protection Endorsement.
  - (d) Limited and additional coverage.
- (1) An insured who is eligible to receive an indemnity under a limited or an additional coverage plan of insurance and who is also eligible to receive benefits for the same loss under any other USDA program may receive benefits under both programs unless specifically limited by the crop insurance policy. However, the total amount received for the loss will not exceed the amount of the actual loss

sustained by the insured. The amount of the actual loss will be the difference between the fair market value of the production before and after the loss, as determined by the approved insurance provider based upon the insureds production records.

(2) Limited and additional coverage must be elected on a crop basis and cover all insurable acreage of the crop in the county in which the insured has a share unless:

(i) The applicable crop insurance policy allows the insured to purchase separate policies of insurance covering individual crop types or varieties. In such instances, protection may be elected on a crop type (as designated in the crop insurance policy) or variety basis. These individual crop types or varieties will be considered separate crops for insurance purposes, including the payment of administrative fees. (For example, if two grape varieties grown in California are insured under a catastrophic risk protection policy and two varieties are insured under an additional coverage policy, an administrative fee will be charged for each of the two (2) varieties under the catastrophic risk protection policy and an administrative fee will be charged for each of the two (2) varieties under the additional coverage policy. The same rationale would allow the insured the option to not insure a crop type or variety. However, failure of the insured to insure a crop type or variety which is determined to be a crop of economic significance would make the insured ineligible for certain other USDA programs.)

(ii) The insured executes the High Risk Land Exclusion Option for a limited or additional coverage policy. In such cases the insured may elect to insure the "high risk land" under a catastrophic risk protection policy. If both policies are in force, that acreage of the crop covered under the limited or additional coverage policy and the acreage of the crop covered under the catastrophic risk protection policy will be considered as separate crops for insurance purposes, including the payment of administrative fees.

(3) Limited or additional coverage may, on a commodity-by-commodity basis, be elected on an individual yield and loss basis, or, where offered, on an

area vield and loss basis.

(4) Hail and fire coverage may be excluded from the covered causes of loss in a crop policy if additional coverage is elected.

(5) If a person purchases limited or additional coverage for a crop, the insured must purchase limited or additional coverage for all insurable acreage of that crop in the county unless otherwise provided in this part or in the crop insurance contract.

## § 400.655 Administrative fees and waivers.

(a) Catastrophic risk protection and limited coverage.

(1) If the insured elects to obtain catastrophic risk protection or limited coverage, the insured must pay an administrative fee each year of fifty dollars (\$50.00) per crop, per county, not to exceed two hundred dollars (\$200.00) per county, and six hundred dollars (\$600) for all counties in which the insured has coverage. The insured must pay this administrative fee at the time of application for the first year, and by the acreage reporting date for all subsequent years that crop insurance coverage is in effect. Payment of an administrative fee will not be required if the insured files a bona fide zero acreage report on or prior to the acreage reporting date for any year except the year of application. If the administrative fee is not paid at the time of application, or by the acreage reporting date, whichever is applicable, the crop insurance contract will not be in effect for the crop year for which the fee is due and will terminate, and the person will not be eligible for certain USDA programs as set out in § 400.656.

(2) The administrative fee may not be waived unless the insured qualifies as a

limited resource farmer.

(3) The administrative fee will be refunded if the insured has previously obtained catastrophic risk protection, or limited coverage, paid the administrative fee, and subsequently purchases additional coverage for that same crop in the same county on or before the sales closing date.

Administrative fees will be refunded only if the insured has not purchased catastrophic risk protection and limited coverage in excess of the maximum administrative fee to be paid in the applicable situation.

(4) The administrative fee will not be refunded for the year of application even if the insured files a zero acreage

report for that year.

(5) For limited coverage, the administrative fee is in addition to the premium amount.

(b) Additional Coverage.

(1) If additional coverage is elected, the insured must pay, in addition to the premium, an administrative fee of ten dollars (\$10) per crop, per county, each year in which crop insurance coverage remains in effect. The administrative fee is payable at the time insurance attaches. If the administrative fee is not paid by the termination date set out in the crop insurance contract, the crop