



United States  
Department of  
Agriculture

FARM SERVICE AGENCY

Montana State  
Producer Handbook

**Fact Sheet**

**Emergency Assistance for Livestock,  
Honey Bees, and Farm-Raised Fish  
Program (ELAP) –**



November 2009

**According to the 2008 Farm Bill**

**Background**

The 2008 Farm Bill created several new disaster programs under the title "Supplemental Agricultural Disaster Assistance". One of the programs created is the Emergency Assistance for Livestock, Honey Bees, and Farm-Raised Fish (ELAP) program. This provides emergency relief to eligible producers of:

- Livestock,
- Honey bees; and
- Farm-raised fish

The program is designed to aid in the reduction of losses not covered under the Supplemental Revenue Assistance Program (SURE), Livestock Indemnity Program (LIP), Tree Assistance Program (TAP) and the Livestock Forage Program (LFP).

Eligible producers of livestock, honey bees, and farm-raised fish may receive assistance for losses that occur on or after January 1, 2008, and before October 1, 2011, during the calendar year in which the loss occurs.

**Eligible Livestock**

- Adult or non-adult beef cattle
- Adult or non-adult buffalo/beefalo
- Adult or non-adult dairy cattle
- Alpacas
- Elk
- Deer
- Emus
- Equine
- Goats
- Llamas
- Poultry
- Reindeer

- Sheep
- Swine

**Eligible Losses for Livestock**

Eligible losses for grazing losses, feed losses or additional costs include but are not limited to:

- Wildfires on non-federally managed lands
- Blizzards/winter storms;
- Flooding
- Tornados/excessive wind;
- Freeze damage
- Hail
- Insects
- Lightening

Eligible losses or additional costs incurred must:

- Have occurred on or after January 1, 2008, and before October 1, 2011, in the calendar year for which assistance is being requested.
- Have physically occurred or been incurred in the county where the eligible adverse weather or loss condition occurred.
- Be due to eligible adverse weather or loss conditions.
- Occurred in the county where livestock, honey bees or farm-raised fish are physically located on or after January 1, 2008, and before October 1, 2011.
- Be a grazing loss on grazing lands physically located in the county where the eligible adverse weather or loss condition occurred and the grazing land must have been intended to be grazed by the eligible livestock.

- Be feed purchased or produced for livestock, honey bees, or farm-raised fish that was lost or destroyed due to eligible adverse weather or loss conditions
- Be feed purchased to maintain livestock, honey bees or farm-raised fish for short periods of time until normal feed becomes available.
- Be a physical loss of livestock honey bees, honey bee hives, or farm-raised fish
- Be additional costs incurred for providing or transporting feed to livestock such as:
  1. Equipment rental fees for hay lifts and snow removal.
  2. Transporting livestock to higher ground during a flood.

Eligible participants for livestock feed losses must have owned, leased, purchased, entered into a contract to purchase or been a contract grower during the 60 days prior to the beginning date of the eligible adverse weather or loss condition (s). Eligible participant for livestock death losses must have owned the livestock on the day they died or if a contract grower, had possession of the livestock on the day they died.

**Eligible Losses for Honey Bees**

Eligible adverse weather and other loss conditions for honey bees include but are not limited to:

- Colony Collapse Disorder
- Tornado/excessive winds
- Floods
- Wildfires

- Earthquake
- Eligible participants for honey bee feed losses and physical losses must have an interest and risk in an eligible honey bee colony for the purpose of producing honey or pollination.

### ***Signup***

Eligible producers with losses during 2008 and 2009 can signup beginning September 14, 2009.

**NOTE:** There are no late filed provisions for ELAP. Applications received after the deadline will be disapproved.

### ***Calendar Year 2008 Signup***

Producers who suffered losses in calendar year 2008 must provide a notice of loss and application for payment in their administrative county office no later than December 10, 2009.

### ***Calendar Year 2009 Signup***

Producers who suffered eligible losses during January 1, 2009, through September 10, 2009, shall provide a notice of loss no later than December 10, 2009 and an application for payment no later than January 30, 2010.

Producers who suffered losses September 11, 2009, through December 31, 2009, shall file a notice of loss within 30 days of when the loss is apparent to the participant, but no later than January 30, 2010. An application for payment shall be filed no later than January 30, 2010.

### ***Signup for 2010 and Subsequent Years***

For 2010 and subsequent year losses producers shall file a notice of loss the earlier of:

- 30 calendar days of when the loss occurred or was apparent
- 30 calendar days after the end of calendar year in which the loss occurred. Application for payment shall be filed no later than 30 calendar days after

the end of the calendar year in which the losses occurred.

### ***Applying for ELAP***

There are two parts to the application process:

- A notice of loss
- Application for payment

The following forms are used when applying for ELAP:

- FSA-918 (Emergency Loss Assistance for Livestock Application)
- FSA-930 (Emergency Loss Assistance for Farm-Raised Fish/Honey Bees Application)
- FSA-935 (Statement of compliance for ELAP and Waiver of Finality of Payment Provisions)
- FSA-936 (Statement of Compliance for ELAP and Waiver of Finality of Payment Provisions)

The FSA-918 and FSA-930 include both a notice of loss and application for payment section which can be filed at the same time.

**NOTE:** An application for payment cannot be filed without a notice of loss.

### ***Requirements***

Producers with eligible losses must do all of the following to receive benefits from ELAP:

- Timely file an acreage report on grazing land acres, honey bee colonies and farm-raised fish pond acres.
- Obtain a plan of insurance equal to Catastrophic (CAT) level coverage or Non-insured Crop Disaster Assistance Program (NAP) coverage on all crops planted on the entire farm.
- Timely file applicable notices of loss.

**NOTE:** Producers who meet the requirements of socially disadvantaged, limited resource, or beginning farmer or rancher do not have to meet risk management purchase requirements.

### ***Verifiable Documentation***

Participants must provide verifiable documentation of purchased feed or additional cost incurred.

Documentation will be original feed receipts that include:

- Date of feed purchase
- Name, address, telephone number of vendor
- Cost of feed
- Type and quantity of feed purchased
- Signature of feed vendor

Participants must provide documentation of harvested feed lost or destroyed due to adverse weather or loss conditions.

Documentation may include but are not limited to:

- Weight tickets
- Truck sales tickets
- Contemporaneous diaries
- Custom harvest documents

### ***Payment Calculation for Grazing Losses***

Eligible producers who suffered grazing losses, except for wildfire, will be compensated at 60 percent of the smaller of:

- Total value of feed cost for all covered livestock, or
- Total value of grazing lost based on normal carrying capacity

**NOTE:** Producer can only be compensated for a maximum of 90 days.

### ***Payment Calculation for Grazing Loss Due to Wildfire***

Grazing losses due to wildfire, on non-federally managed land will be compensated at a rate of 50 percent of the daily value of grazing based on normal carrying capacity, for the days grazing was lost, not to exceed 180 days.

### ***Payment and Limitation***

ELAP will pay up to \$100,000 annually including any benefits received from SURE, LFP, & LIP.

## ***Adjusted Gross Income (AGI)***

- 2008 – \$2.5 Million (An individual or entity is ineligible if the average AGI exceeds \$2.5 million for 2005, 2006 and 2007.)
- 2009 and future years - \$500,000 Non-Farm AGI- (Persons or legal entities that have an average adjusted gross nonfarm income that exceeds \$500,000, are not eligible for LIP.

## ***Definitions***

### **Farm:**

In the 2008 Farm Bill; in general, the term "**farm**" means the sum of all crop acreage in all counties that is planted or intended to be planted for harvest by the eligible producer. In the case of aquaculture, the term "**farm**" means all fish being produced in all counties that are intended to be harvested for sale by the eligible producer. In the case of honey, the term "**farm**" means all bees and beehives in all counties that are intended to be harvested for a honey crop by the eligible producer.

**Honey Bees:** are bees used in the production of honey or pollination. Honey bees do not include wild, feral honey bees, leaf cutter bees or any other bee species not used for honey production or pollination.

### ***For Additional Information***

Additional information may be obtained at local FSA offices or through the Montana FSA Web site at [www.fsa.usda.gov/mt/](http://www.fsa.usda.gov/mt/)

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