

For: Alabama, Florida, Louisiana, Mississippi, and Texas State and County Offices

ECP Hurricane Practices, Removal of Oyster Authority, and FSA-849

Approved by: Acting Deputy Administrator, Farm Programs



1 Overview

A Background

The 2006 emergency supplemental appropriations, (2006 Act) provided emergency funding and new authorities for ECP. The 2006 Act made eligible oyster, poultry, and nursery producers and private nonindustrial forest landowners. This new authority required different practices and a new form to address poultry growers who had damage to their poultry houses.

On June 15, 2006, the President signed into law which, among other things, transferred funding and authority for the rehabilitation of oyster reefs from ECP to the Department of Commerce, National Oceanic and Atmospheric Administration.

B Purpose

This notice provides:

- the practice write-ups needed to address new ECP requirements for poultry and nursery producers and forest landowners (Exhibit 1)
- FSA-849 and instructions (Exhibit 2) for poultry growers who suffered damage to their poultry houses, from hurricanes during calendar year 2005 and who have or will receive insurance payments for their poultry houses.

C Contact

If there are questions about this notice, contact Clayton Furukawa, ECP Program Manager by either of the following:

- telephone at 202-690-0571
- e-mail to clayton.furukawa@wdc.usda.gov.

Disposal Date

January 1, 2007

Distribution

Above State Offices; State Offices relay to applicable County Offices

Notice ECP-41

2 Action

A State Office Action

State Offices shall ensure that applicable County Offices are:

- provided copies of the new ECP practices and are familiar with the provisions in the practices
- familiar with FSA-849 and the instructions for its use.

Note: Access FSA-849 from the FFAS Employee Forms web site at <http://165.221.16.90/dam/ffasforms/forms.html>.

Other Emergency Conservation Measures

EC7-DR Debris Cleanup – Nurseries and Other Structures

A Purpose

The purpose of this practice is to help producers recover from damages caused by hurricanes during the 2005 calendar year by cleaning up structures such as poultry houses, and in the case of nursery producers, removing debris, such as nursery structures, shade houses, and above ground irrigation facilities.

B Eligibility

Poultry and nursery producers who had damage from hurricanes during the 2005 calendar year to structures such as poultry houses or nursery structures are eligible for ECP assistance.

Assistance in nurseries is limited to removing debris such as shade-houses, above ground irrigation facilities, and nursery structures.

C Approved Measures

Costs associated with debris cleanup of poultry house structures are eligible for ECP assistance.

Notes: A poultry house structure, for purposes of this practice, is defined as a structure used to house poultry that are actually, normally, and routinely sold in commercial quantities for food, fiber, or eggs.

Commercial quantity means a quantity per week that would exceed \$100 in sales.

Costs associated with debris cleanup in nurseries for nursery structures, shade-houses, and above ground irrigation facilities are eligible for ECP assistance.

Costs to haul to landfill debris that cannot either be burned or buried will be eligible for ECP assistance. These costs include official landfill disposal fees.

Costs associated with removing hazardous waste material to an approved EPA landfill, including hauling and tipping or dumping fees, are not eligible.

Costs associated with structures such as homes or residences are **not** eligible for ECP assistance.

ECP cost-share assistance is limited to debris cleanup only. There is no assistance for restoration measures.

D Cost Share Policies

Cost-share assistance shall be based on 90 percent of the cost of debris cleanup, not to exceed an amount deemed appropriate by COC with approval from STC or its representative.

Other Emergency Conservation Measures (Continued)

EC7-DR Debris Cleanup – Nurseries and Other Structures (Continued)

E Signup Period

STC shall establish the initial signup period for this practice. The signup period shall be from 30 to 60 days. If additional time is warranted, STC may approve up to an additional 60 day signup period.

F Technical Responsibility

Technical responsibility for this practice is assigned to FSA. FSA shall use all available resources in ensuring that ECP practices are completed in a timely and efficient manner.

G Lifespan

There is no practice lifespan for this practice.

H Codes

Program Code – “ECPHGM”

Fund Code – Nursery – “32”

Fund Code – Poultry - “35”

Other Emergency Conservation Measures (Continued)**EC7-F Forestry****A Purpose**

The purpose of this practice is to provide private nonindustrial forest landowners cost-share assistance to rehabilitate and reforest commercial forest land that suffered damage from hurricane during the 2005 calendar year.

B Eligibility

An eligible producer is a private nonindustrial forest landowner who suffered a loss of, or damage to, at least 35 percent of forest acres on commercial forest land on a tract by tract basis.

Private nonindustrial forest landowner is defined as an individual, group, association, corporation, Indian Tribe, other legal entity, or person who receives concurrence from the landowner for practice implementation and who holds a lease on the land for a minimum of 10 years. Corporations whose stocks are publicly traded or owners principally engaged in the primary processing of raw wood are ineligible for ECP assistance under this practice.

Loss is defined as the difference between the pre-hurricane economic value of the trees and the post-hurricane economic value of the remaining trees, and is determined by a site visit by a natural resource professional, such as a State Forestry agency representative.

Commercial forest land is land with trees intended to be harvested for commercial purposes and that has a productivity potential greater than or equal to 20 cubic feet per year of merchantable timber.

C Approved Measures

Cost sharing is authorized for the following measures as required in the forest management plan:

- debris removal
- site preparation
- establishing a forestry plantation that will indicate the tree species best suited to the site

Note: Natural regeneration may be permitted if included in the forest management plan.

- temporary cover
- use of herbicides and insecticides necessary to establish the trees. Chemicals used in performing this practice must be Federally, State, and locally registered, and must be applied in accordance with authorized uses, directions on the label, and any other Federal or State policy or guidelines.

Other Emergency Conservation Measures (Continued)**EC7-F Forestry (Continued)****D Policies for Practices**

There must be a forest management plan, prepared by a State Forestry representative, which will provide all of the practice requirements to be completed on the land.

The State Forestry representative shall determine the percent of loss or damage (must be 35 percent or greater, per tract, to qualify for ECP assistance) and the applicable practices to be completed in the forest management plan. The forest management plan will address only land damaged by hurricanes during calendar year 2005.

The area treated must be protected from destructive fire or grazing.

E Cost Share Policies

The producer has 5 years from the date of the loss to:

- reforest the lost forest acres in accordance with a forest management plan, prepared through the State Forestry representative, that is appropriate for the forest type
- use best management practices in accordance with State Forestry representative's best management practices
- exercise stewardship on the forest land while maintaining the land in a forested state.

Cost sharing is authorized for up to 75 percent of the participant's actual cost or of the total allowable cost.

Cost share assistance is limited to \$150 per acre.

F Signup Period

STC shall establish the initial signup period for this practice. The signup period shall be from 30 to 60 days. If additional time is warranted, STC may approved up to an additional 60 day signup period.

G Technical Responsibility

Technical responsibility is assigned to the State Forester.

Other Emergency Conservation Measures (Continued)

EC7-F Forestry (Continued)

H Lifespan

The timber stand must be maintained for a minimum of 10 years after planting.

I Codes

Program Code – “ECPHGM”

Fund Code – “31”

Other Emergency Conservation Measures (Continued)**EC7-PH Poultry House Reconstruction****A Purpose**

The purpose of this practice is help poultry growers reconstruct or repair damages to their poultry houses.

B Eligibility

Only poultry growers who had damage to poultry houses from hurricanes during the 2005 calendar year are eligible. Assistance is limited to the uninsured or underinsured losses to poultry houses.

C Approved Measures

Costs associated with the reconstruction or repair of a poultry house, such as building costs, ventilation systems, heating and cooling systems, watering and feeding systems, and nesting systems.

All approved measures must comply with State and local ordinances, regulations, and building codes.

D Cost Share Policies

The total amount of assistance paid by FSA to a poultry grower under the ECP and any indemnities for losses to a poultry house (insurance payments) may not exceed 90 percent of the total costs associated with the reconstruction or repair of the poultry house.

Cost-share assistance shall be no more than 50 percent of the cost of reconstructing or repairing the poultry house and shall be limited to a maximum of \$50,000 per poultry house.

Examples: A producer reconstructs a poultry house for a total of \$150,000. The insurance company paid the grower \$100,000 for the poultry house loss. ECP may pay 50 percent of the cost of reconstructing the poultry house (\$75,000) up to \$50,000. However, because of the limitation on 90 percent of the total cost of reconstruction or repair, the maximum ECP payment will be \$35,000 (\$150,000 times 90 percent equals \$135,000).

A producer rebuilds a poultry house for \$120,000. The producer received an insurance payment of \$10,000. 90 percent of the total cost is (\$120,000 x 90 percent) \$108,000. The maximum ECP payment is 50 percent of the total cost (\$120,000 x 50 percent = \$60,000) or \$50,000 whichever is lesser. The producers E7-PH payment is \$50,000.

Other Emergency Conservation Measures (Continued)**EC7-PH Poultry House Reconstruction (Continued)****D Cost Share Policies**

EC7-PH will **not** be used to increase the size of or improve the condition of the poultry house beyond what existed before the hurricane. The producer is responsible for costs associated with the increase in size or improvement in the operation.

Examples: Before the hurricane disaster, a poultry grower had a 20,000 sq. ft. house. The grower decides to expand the house to 30,000 sq. ft. The producer uses the same materials, type of structure and systems to reconstruct the poultry house. EC7-PH will only provide assistance for what it would have cost to reconstruct or repair a 20,000 sq. ft. house.

Before the hurricane disaster, a poultry grower had a 20,000 sq. ft. broiler house that had poultry netting for walls, standard water misting, and exhaust fan ventilation. The poultry grower rebuilds the broiler house with solid walls, cool cells, and tunnel ventilation. FSA would only provide cost share in the amount it would have taken to replace the poultry netting, standard water misting, and exhaust fan ventilation.

Applicants shall inform FSA of any insurance payments received or to be received for the poultry house. Failure to inform FSA of such payments may result in a denial of, or demand for refund of, ECP payments. Insurance payment received after EC7-PH payment must be declared and the EC7-PH payment adjusted accordingly.

E Signup Period

STC shall establish the signup period for this practice. The signup period shall be from 30 to 60 days. Any extension of signup shall be submitted to the ECP-Program Manager (ECP-PM) for approval and shall include a justification for the extension.

F Technical Responsibility

Technical responsibility for this practice is assigned to FSA. FSA shall use all available resources in ensuring that ECP practices are completed in a timely and efficient manner. FSA may consult with integrators, CSREES, or other suitable expert for technical assistance advice.

G Lifespan

There is no lifespan for this practice.

H Codes

Program Code – “ECPHGMP”

Fund Code – Not Applicable

FSA-849, Emergency Conservation Program Hurricane Gulf of Mexico, Poultry (ECPHGMP)

A Example of FSA-849

This form is available electronically. Form Approved - OMB No. 0560-0082

FSA-849 (06-21-06)		U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency	
EMERGENCY CONSERVATION PROGRAM HURRICANE GULF OF MEXICO, POULTRY (ECPHGMP)			
<p>NOTE: The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the following information is Pub. L. 109-148. The information will be used to determine the eligible ECP payment. Furnishing the requested information is voluntary; however, failure to furnish correct, complete information will result in the withholding or withdrawal of financial assistance. The information may be furnished to the Internal Revenue Service, the Department of Justice, or other State or Federal law enforcement agencies, or in response to orders of a court, magistrate, or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 641, 1001; 15 USC 3729, may be applicable to the information provided.</p> <p>According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0560-0082. The time required to complete this information collection is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.</p>			
PART A - PRODUCER'S INFORMATION			
1A. Producer's Name and Address (Including ZIP Code) James Michaels 2468 Whodowe Appreciate Rd. Anytown, MS 12345 Telephone Number (Including Area Code):		1B. Producer's Identification Number 123-45-6789	
		1C. Producer's FAX Number 202-690-0571	
2A. Poultry House Name or Number House Number 8 - Gray Property		2B. Insurance payment received or to be received \$ 50,000	
3A. Poultry House Name or Number Poultry House on Home Farm		3B. Insurance payment received or to be received \$ 75,000	
4A. Poultry House Name or Number		4B. Insurance payment received or to be received \$	
5A. Poultry House Name or Number		5B. Insurance payment received or to be received \$	
PART B - PRODUCER'S CERTIFICATION			
6. I am applying for a payment under the Emergency Conservation Program Hurricane Gulf of Mexico, Poultry (ECPHGMP) practice, to reconstruct or repair my poultry house(s) (listed in Items 2A and 2B above) that were damaged or destroyed by hurricanes during Calendar Year 2005.			
7. I understand that the ECPHGMP payment, together with any insurance payment received or to be received for the poultry house(s), cannot exceed 90 percent of the total cost to reconstruct or repair the poultry house(s).			
8. My poultry house insurance carrier is <u>Self-Insurance Company</u> My poultry house policy number is <u>98765-4321</u>			
9. It has been explained to me that I will be subject to a spot check to verify any insurance payments received for the poultry house(s). If selected by the Farm Service Agency (FSA) for a spot check, I shall provide any and all documentation relating to insurance payments for the poultry house. Should there be a discrepancy between what I have certified to and what insurance records show, I may be denied ECP payments for reconstruction or repair of the poultry house(s) and required to forfeit or refund to FSA any or all such payment if already received from FSA.			
10. I certify that I have read and understand this certification and that the amount entered on this certification is true.			
11A. Producer's Signature		11B. Date (MM-DD-YYYY)	
PART C - FSA USE ONLY			
12A. FSA Official's Signature		13A. FSA County Office Name and Address (Including Zip Code)	
12B. Title	12C. Date (MM-DD-YYYY)		
13B. TELEPHONE NUMBER (Including Area Code):			
<p><small>The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.</small></p>			

**FSA-849, Emergency Conservation Program Hurricane Gulf of Mexico, Poultry (ECPHGMP)
(Continued)**

B Instructions on Completing FSA-849

FSA-849:

- shall be completed for all producers requesting ECP assistance to reconstruct or repair poultry houses (ECPHGMP)
- will **not** be available electronically.

Producers must complete FSA-849 when visiting the local FSA County Office.

FSA-849 will be completed when a producer requests assistance under Practice EC7-PH and will be used to determine the eligible amount of ECP assistance when an insurance payment has been or will be made.

Item	Instruction
Part A - Producer's Information	
Note: If there are additional poultry houses, use another FSA-849 as an extension. A signature is only required on first FSA-849.	
1A	Enter the producer's name, address, and phone number.
1B	Enter the producer's Social Security or tax ID number.
1C	Enter the producers FAX number (if applicable).
2A	Enter the poultry house identification (name, number, or location).
2B	Enter the insurance amount received or to be received for poultry house listed in item 2A.
3A	If needed, enter the poultry house identification (name, number, or location).
3B	Enter the insurance amount received or to be received for poultry house listed in item 3A.
4A	If needed, enter the poultry house identification (name, number, or location).
4B	Enter the insurance amount received or to be received for poultry house listed in item 4A.
5A	If needed, enter the poultry house identification (name, number, or location).
5B	Enter the insurance amount received or to be received for poultry house listed in item 5A.
Part B - Producer's Certification	
Note: Part B shall be reviewed by the producer.	
8	The producer shall enter the name of insurance carrier and policy number.
11A and 11B	The producer shall sign and date.
Part C - FSA Use Only	
12A through 12C	The FSA official accepting FSA-849 from the producer shall enter title, sign, and date.
13A and 13B	The FSA official shall enter the FSA County Office name and address and telephone number.