

For: State and County Offices

Emergency Procedures and Administrative Policies for Crops Damaged by and Losses Sustained from Recent National Oceanic and Atmospheric Administration-determined Tropical Storm, Typhoon, or Hurricane (Named Storms)

Approved by: Acting Deputy Administrator, Farm Programs

Bradley Karmen

1 Overview

A Background

Hurricane Harvey has caused significant and sometimes catastrophic damage and loss in many counties in Texas and Louisiana. At the time of this notice, Hurricane Irma has already impacted some areas and is expected to impact additional States soon.

FSA recognizes the need for authorizing emergency loss adjustment procedures that will streamline certain loss determinations on specific crops to accelerate the adjustment of losses and issuance of indemnity payments to livestock owners and crop producers in the impacted areas.

Many residents in the impacted areas have lost their primary residences to storm damage and/or have been evacuated from their homes and the local infrastructure for normal day-to-day activities, and will continue to be disrupted for some time as recovery begins. Due to the destruction of communication lines and the limited ability to travel in the impacted areas, many livestock owners and NAP covered producers are unable to communicate with FSA service centers to provide notifications of loss or notices of loss.

B Purpose

This notice announces authorization of the use of these emergency procedures to apply to all counties impacted by a National Oceanic and Atmospheric Administration-determined tropical storm, typhoon, or hurricane (all conditions hereafter referred to as “named storm”) as specified in paragraph 2.

Application of these emergency procedures is limited to those situations where the catastrophic nature of the losses, because of eligible causes of loss, is such that not authorizing these emergency loss procedures would result in unnecessary delays in processing applications.

This notice obsoletes Notice CM-792.

Disposal Date	Distribution
June 1, 2018	State Offices; State Offices relay to County Offices

Notice CM-793

2 Using Registers and Authorized Emergency Procedures and Administrative Policies

A Registers

Generally, with regard to any program deadlines that may fall under the farm program umbrella of programs, SED's are reminded to authorize the use of registers, wherever it is deemed appropriate according to 1-CM, to facilitate servicing producers and customers.

B Area of Authorized Emergency Procedures and Administrative Policies Under This Notice

The provisions of this notice apply only to counties impacted by a named storm as stated in paragraph 1 that have received a Primary Presidential Disaster Declaration and those counties contiguous to those declared counties.

C Programs with Procedures and/or Authorizations or Administrative Policies

FSA is authorizing the following emergency procedures on a case-by-case basis for all crops in a county identified in paragraph B to assist impacted livestock owners and contract growers, producers, owners, and NAP covered participants, and to increase the efficiency of making loss determinations. The following list of procedures may be modified at any time as deemed appropriate and as determined necessary.

Program	Emergency Procedures and/or Authorization or Administrative Policy
Marketing Assistance Loans (MAL) Law does not permit extending MAL maturity dates. However, the following are authorized on a case by case basis for a duration determined appropriate by STC.	Provide additional delivery time on a CCC-691 for MAL farm-stored commodities being delivered to CCC Provide additional time for producers to deliver MAL commodity to a buyer to repay MAL with sales proceeds Postpone for up to 90 calendar days, the issuance of MAL foreclosure letters applicable to losses or damage mentioned in this notice.
Farm-stored facility loan (FSFL)	Installment payments can be extended for up to 120 days past the original installation due date.

Notice CM-793

**2 Using Registers and Authorized Emergency Procedures and Administrative Policies
(Continued)**

**C Programs with Procedures and/or Authorizations or Administrative Policies
(Continued)**

Program	Emergency Procedures and/or Authorization or Administrative Policy
Conservation Reserve Program (CRP)	<ol style="list-style-type: none"> 1. STC may authorize emergency grazing if livestock are in imminent danger because of flooding for up to 60 days. Grazing for more than 60 days must be approved by DAFP. 2. Conservation Plan of Operations (CPO) planning deadline. An approved CPO is required before CRP-1 can be approved. In many cases, NRCS or TSP must complete a field visit before approving a conservation plan. If requested by STC, DAFP can authorize an extension to the CPO planning deadline.
Emergency Conservation Program (ECP)	Generally, ECP enrollment periods are conducted for 60 days. However, should an applicant miss that sign-up deadline, the COC can accept late requests for a duration determined appropriate by the STC.
Emergency Forest Restoration Program (EFRP)	Generally, EFRP enrollment periods are conducted for 60 days. However, should an applicant miss that sign-up deadline, COC can accept late requests for a duration determined appropriate by the STC.

Notice CM-793

**2 Using Registers and Authorized Emergency Procedures and Administrative Policies
(Continued)**

**C Programs with Procedures and/or Authorizations or Administrative Policies
(Continued)**

Program	Emergency Procedures and/or Authorization or Administrative Policy
<p>Noninsured Crop Disaster Assistance Program (NAP)</p>	<ol style="list-style-type: none"> 1. The 72 hour notification requirement for hand-harvested and other applicable crops is waived. 2. FSA is granting an additional 15 calendar days from the date of loss or damage to the crop is first apparent for the CCC-576, Part B to be filed. Additional days may be allowed by the STC for instances where the administrative County Office remains closed beyond this timeframe. 3. STC may waive field inspections for impacted acreage where CCC-576, Part B is filed beyond the extended timeframe on a case by case basis when flooding can be verified through other means. 4. STC will have the authority to approve applications for coverage which are filed 31 to 60 days after the published application closing date. COC will review and make a recommendation to STC. STC will document and provide a report to the National Office on all applications for coverage approved under this STC authority. 5. Acreage certified on the FSA-578 may be used as determined acreage for NAP purposes when measurement by a Loss Adjuster (LA) is not feasible or the field inspection was waived by STC. For crops where the entire unit acreage is destroyed or damaged to the extent the acreage will never be harvested and appraisal by a LA is waived, consider the production to count for the unit to be zero and apply the unharvested payment factor. 6. For crop acreage where appraisal by a LA is waived by STC and a portion of the acreage is harvested and a portion is destroyed or damaged to the extent that the acreage will never be harvested, production evidence must be provided by the producer for the harvested acreage and the remainder will have zero production to count and the UH factor will apply only to the unharvested acreage.

Notice CM-793

2 Use of Registers and Authorized Emergency Procedures and Administrative Policies (Continued)

C Programs with Procedures and/or Authorizations or Administrative Policies (Continued)

Program	Emergency Procedures and/or Authorization or Administrative Policy
<p>Livestock and Feed Program Losses - Livestock Indemnity Program (LIP) and Emergency Assistance for Livestock, Honey Bees, and Farm-Raised Fish Program (ELAP)</p>	<p>1. Extending the deadline for filing a notice of loss an additional 30 days (total of 60 days to file a notice of loss). See the following guidance on ELAP.</p> <p>For ELAP, losses that are apparent by September 30, 2017, will be considered 2017 losses. Under this notice, the deadline for filing the notice of loss and application for payment for 2017 ELAP remains November 1, 2017. However, if the loss is apparent after September 30, 2017, the loss will be considered a 2018 ELAP loss (which will allow for a total of 60 days to file a notice of loss).</p> <p>2. Similar to when FSA implemented the 2014 Farm Bill, FSA provided special provisions for “acceptable proof of livestock death and inventory for livestock losses” that occurred before December 31, 2014. Those provisions are authorized for Harvey. The special provisions include the following:</p> <p>For livestock death losses, livestock owners and contract growers that could not meet verifiable proof of death and inventories may provide acceptable evidence of death to include any or a combination of the following:</p> <ul style="list-style-type: none"> • Contemporaneous producer records existing at the time of the event, such as but not limited to the following. <ul style="list-style-type: none"> • Personal diary listing births, deaths, unaccounted animals, and date of such event. • Personal diary of cowboy or herdsman showing animal care. • Calendar listing births, deaths, unaccounted animals, date livestock turned out on pasture. • Pictures with a date. • Brand inspection records. • Dairy herd improvement records. • Ear tag documentation or records. • Other similar reliable documents. • Third party certification may be required by COC to support the contemporaneous records.

Notice CM-793

2 Using Registers and Authorized Emergency Procedures and Administrative Policies (Continued)

C Programs with Procedures and/or Authorizations or Administrative Policies (Continued)

Program	Emergency Procedures and/or Authorization or Administrative Policy
Livestock and Feed Program Losses - Livestock Indemnity Program (LIP) and Emergency Assistance for Livestock, Honey Bees, and Farm-Raised Fish Program (ELAP) (Continued)	<p>Documents that may provide acceptable evidence of livestock inventory include, but are not limited to, any or a combination of the following:</p> <ul style="list-style-type: none"> • Vet records • Canceled check documentation • Balance sheets • Inventory records used for tax purposes • Bank statements • Farm credit balance sheets • Property tax records • Trucking and/or livestock hauling records • Brand inspection records • Sales and purchase receipts • Private insurance documents • Chattel inspections • IRS records such as schedule F and depreciation schedules • Docking records • Shearing records • Ear tag records. <p>COC may compare livestock numbers and carrying capacity to acreage reports filed during the calendar year of loss to determine reasonableness.</p> <p>COC must review all documentation provided by the livestock owner or contract grower and based upon review of the documentation provided and personal knowledge of the applicant's livestock operation, determine whether the number of death losses reported by the livestock owner or contract grower are reasonable and whether the application for payment should be approved.</p>
Tree Assistance Program (TAP)	<p>TAP reporting deadlines for the notice of loss will be extended by an additional 30 days thus providing owners with additional time to report loss. In addition the individual STC's are delegated authority to determine if site visits are needed.</p>

Notice CM-793

3 State and County Office Action

A State Action

State Offices will ensure that:

- STC establishes appropriate durations for procedures, where applicable and where discussed in paragraph 2
- County Offices are aware of the contents of this notice and any policies STC establishes to implement these policies (as maybe applicable).

B County Action

County Offices will review and follow the guidance provided in this notice and for durations set forth, as applicable, by STC, for the counties identified in subparagraph 2 B.