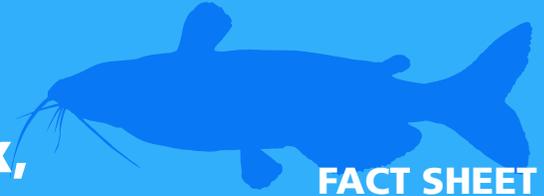


## Farm Service Agency

### ELAP - FARM-RAISED FISH ASSISTANCE

# Emergency Assistance for Livestock, Honeybees and Farm-Raised Fish Program



FACT SHEET

June 2018

## Overview

The 2014 Farm Bill authorized up to \$20 million in a fiscal year for the Emergency Assistance for Livestock, Honeybees and Farm-Raised Fish Program (ELAP). ELAP provides emergency assistance to eligible producers of livestock, honeybees and farm-raised fish. It covers losses due to an eligible adverse weather or loss condition, including blizzards and wildfires, as determined by the Secretary. ELAP covers losses that are not covered under other disaster assistance programs authorized by the 2014 Farm Bill, such as the Livestock Forage Disaster Program (LFP) and the Livestock Indemnity Program (LIP).

The Bipartisan Budget Act of 2018, enacted Feb. 9, 2018, amended certain provisions related to ELAP effective with the 2017 program year. Those amendments included:

- removing the \$20 million funding cap for the 2017 and subsequent program years;
- removing LIP from the combined ELAP, LFP and LIP maximum per person and legal entity payment limitation for the 2017 and subsequent program years (as discussed in this fact sheet).

ELAP is administered by the Farm Service Agency (FSA) of the U.S. Department of Agriculture (USDA).

## Eligible Producer

An eligible producer is a producer:

- Of any aquatic species that is propagated and reared in a controlled environment that is being maintained for commercial use as part of the producer's farming operation; and
- Who:
  - Owned or leased property with readily identifiable boundaries;
  - Had control of the waterbed, the ground under the specific type of water and not just control over a column of water; and
  - Provided purchased or produced feed to the farm-raised fish.

## Eligible Fish

The fish must have been:

- Bait or game fish that were propagated and reared in a controlled environment;
- Maintained for commercial use as part of a farming operation;
- Destroyed as a direct result of an eligible adverse weather or loss condition; and
- Physically located in the county where the eligible adverse weather or loss condition occurred on the beginning date of the eligible adverse weather or loss condition.



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### Eligible Feed

Feed must be intended for fish that are:

- An aquatic species that is propagated and reared in a controlled environment;
- Maintained and harvested for commercial use as part of a farming operation; and
- Physically located in the county where the eligible adverse weather or loss condition occurred on the beginning date of the eligible adverse weather or loss condition.

Alligators and turtles are **not** eligible for losses under ELAP.

### Eligible Losses

#### ELAP covers:

- Death losses, in excess of normal mortality, of eligible bait fish or game fish caused by an eligible adverse weather or loss condition incurred in the county where the eligible adverse weather or loss condition occurred; and
- Purchased or produced farm-raised fish feed losses for feed that was intended to be fed to eligible farm-raised fish and was damaged because of an eligible adverse weather or loss condition in the county where the eligible adverse weather or loss condition occurred.

### Eligible Conditions

The loss must be the direct result of an eligible adverse weather or loss condition, including but not limited to:

- Earthquakes;
- Excessive heat (death losses only);
- Excessive winds (feed losses only);
- Flooding;
- Hurricanes;
- Tidal surge;
- Tornadoes; and
- Volcanic eruption.

### Fish Loss Payments

Payments are based on the state's average fair market value for the type of bait or game fish lost as established by FSA. ELAP payments for bait and game fish death losses will be based on a minimum of 75 percent of the result of multiplying:

- The number of bait or game fish lost in excess of normal mortality rates due to an eligible adverse weather or loss condition, times;
- The state's average fair market value for the type of bait or game fish as established by FSA.

### Feed Loss Payments

Payments are based on a minimum of 60 percent of the actual cost of purchased or harvested feed intended for eligible fish and was damaged because of an eligible adverse weather or loss condition in the program year in which the loss occurred.

### Socially Disadvantaged, Limited Resource and Beginning Farmers and Ranchers

With respect to the national payment rates referenced above, an eligible farm-raised fish producer who certifies they are socially disadvantaged, limited resource or a beginning farmer or rancher will not have their payment rate for fish losses under ELAP reduced by more than 10 percent.



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### Payment Limitations

The Bipartisan Budget Act removed LIP from the combined \$125,000 payment limitation under ELAP, LFP and LIP. Therefore, for 2017 and subsequent program years, no person or legal entity, excluding a joint venture or general partnership, may receive, directly or indirectly, more than \$125,000 total in payments under ELAP and LFP. The average adjusted gross income (AGI) limitation relating to limits on payments for persons or legal entities, excluding joint ventures and general partnerships, with certain levels of average AGI will apply. Specifically, a person or legal entity with an average AGI, as defined in 7 CFR Part 1400, that exceeds \$900,000 will not be eligible to receive ELAP payments.

Direct attribution provisions also apply to ELAP. Under direct attribution, any payment to a legal entity will also be considered (for payment limitation purposes) to be a payment to persons or legal entities with an interest in the legal entity or in a sub-entity. To learn more, visit the Payment Eligibility and Payment Limitations fact sheet at [www.fsa.usda.gov/payment-limitations](http://www.fsa.usda.gov/payment-limitations).

### Applying for Assistance

Producers can apply to receive ELAP assistance at local FSA service centers. For 2017 and subsequent program year losses, the application period will end no later than Nov. 1 after the end of the program year in which the farm-raised fish loss occurred or 60 calendar days after publication of the 2014 Farm Bill regulations, as amended, in the Federal Register.

In addition to submitting an application for payment, producers who suffered farm-raised fish losses must submit a notice of loss to the local FSA office that maintains the farm records for their business. The following table provides the final dates to file a notice of loss and application for payment for farm-raised fish losses.

2017 and 2018 ELAP applications that were processed and acted on by FSA under Federal regulations that

Date of Farm-Raised Fish Loss	Final Date to File Notice of Loss	Final Date to Submit an Application for Payment
Program year 2017 and subsequent program years	By the later of 30 calendar days of when the loss of farm-raised fish is first apparent or 60 calendar days after publication of the 2014 Farm Bill regulations, as amended, in the Federal Register.	By the later of Nov. 1 after the program year in which the loss occurred or 60 calendar days after publication of the 2014 Farm Bill regulations, as amended in the Federal Register.

were effective prior to the Bipartisan Budget Act of 2018 will not be re-processed or acted on by FSA unless FSA’s decision was based on the notice of loss or application not being filed timely.

Payments may be made for eligible losses suffered by an eligible participant who is now deceased or is a member of a dissolved entity, if a representative, who currently has authority to act on behalf of the estate of the deceased participant, signs the application for payment. Proof of authority to sign for a deceased individual or dissolved entity must be provided. If a participant is now a dissolved general partnership or joint venture, all members of the general partnership or joint venture at the time of dissolution or their duly authorized representative(s) must sign the application for payment.

FSA will use data furnished by the applicant to determine eligibility for program benefits. Furnishing the data is voluntary; however, without all required data, program benefits will not be approved or provided.

### For More Information

This fact sheet is for informational purposes only; other restrictions may apply. For more information about ELAP, visit [www.fsa.usda.gov/ELAP](http://www.fsa.usda.gov/ELAP) or contact your local FSA office. To find your local FSA office, visit <http://offices.usda.gov>.