



# DISASTER ASSISTANCE

## ELAP - Farm Raised Fish Assistance

### Overview

The Agriculture Improvement Act of 2018 (the 2018 Farm Bill) authorize the Emergency Assistance for Livestock, Honeybees and Farm-Raised Fish Program (ELAP). ELAP provides emergency assistance to eligible owners 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, such as the Livestock Forage Disaster Program (LFP) and the Livestock Indemnity Program (LIP).

The 2018 Farm Bill, enacted Dec. 20, 2018, amended certain provisions related to ELAP effective with the 2019 program year. Those amendments included:

- Providing reimbursement of 90 percent of the cost of losses for socially disadvantaged, limited resource, or beginning or veteran farmer or rancher;
- removing ELAP from the combined ELAP and LFP maximum per person and legal entity payment limitation for the 2019 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 person or legal entity who, in addition to meeting other payment eligibility requirements, is an owner, operator, landlord, tenant, or sharecropper, who shares in the risk of producing an eligible:

- 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 raised for sport by recreational anglers that were propagated and reared in a controlled environment;
- Any species of aquatic organisms grown as food for human consumption and reared in a controlled environment;
- Fish raised as food for fish that are consumed by humans and reared in a controlled environment;
- Ornamental fish propagated and reared in an aquatic medium 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.



### 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 farm-raised 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;
- Excessive winds;
- Flooding;
- Freezing;
- 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 farm-raised fish lost as established by FSA. ELAP payments for eligible farm-raised fish death losses will be based on a minimum of 75 percent of the result of multiplying:

- The number of eligible farm-raised 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 farm-raised 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 or Veteran 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 or veteran farmer or rancher will receive 90 percent of the payment rate for fish losses under ELAP.

### Payment Limitations

The 2018 Farm Bill removed ELAP from the combined \$125,000 payment limitation under ELAP and LFP. Therefore, for 2019 and subsequent program years, payment limitation does not apply to ELAP.

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 AGI will apply.

Specifically, a person or legal entity with an AGI, as defined in 7 CFR Part 1400 that exceeds \$900,000 will not be eligible to receive ELAP payments.

Direct attribution provisions apply to ELAP. Under direct attribution, any payment to a legal entity will also be considered (for payment limitation and eligibility 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 [fsa.usda.gov/payment-limitations](https://fsa.usda.gov/payment-limitations).

### Applying for Assistance

Producers can apply to receive ELAP assistance at local FSA service centers. The program year deadline is 30 calendar days after the end of the calendar year. For 2022 program year losses, the application period will end no later than January 30, 2023.

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.

DATE OF FARM-RAISED FISH LOSS	FINAL DATE TO FILE NOTICE OF LOSS	FINAL DATE TO SUBMIT AN APPLICATION FOR PAYMENT
Program year 2022	Jan. 30, 2023	Jan. 30, 2023
Program year 2023 and subsequent	By the later of 30 calendar days of when the loss of farm-raised fish is first apparent	Jan. 30 following the program year.

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 eligibility requirements or restrictions may apply. To find more information about FSA disaster assistance programs, visit [farmers.gov](https://farmers.gov) or contact your local FSA office. To find your local FSA office, visit [farmers.gov/service-center-locator](https://farmers.gov/service-center-locator).