

## Emergency Assistance for Livestock, Honeybees and Farm-Raised Fish Program (ELAP) – Honeybees

### Overview

The “Food, Conservation, and Energy Act of 2008” authorized up to \$50 million in a calendar year for the Emergency Assistance for Livestock, Honeybees and Farm-Raised Fish Program (ELAP) to provide emergency assistance to eligible producers of livestock, honeybees and farm-raised fish that have losses due to disease, adverse weather or other conditions, including losses due to blizzards and wildfires, as determined by the Secretary. ELAP covers losses occurring on or after Jan. 1, 2008 and before Oct. 1, 2011 that are not covered under other Supplemental Agricultural Disaster Assistance Payment programs established by the 2008 Farm Bill. The other programs are the Livestock Forage Disaster Program (LFP), Livestock Indemnity Program (LIP) and Supplemental Revenue Assistance Payments Program (SURE).

A national payment factor may be applied to ELAP payments if the funding availability of \$50 million is exceeded in a calendar year.

### Eligible Honeybees

Eligible honeybees include bees housed in a managed hive and used for honey production, pollination or honeybee breeding. Eligible honeybees do not include wild, feral honeybees, leaf cutter bees or other bee species that are not used for producing honey, pollinating or breeding honeybees.

### Eligible Honeybee Losses

ELAP covers the loss of honeybee colonies in excess of normal mortality, honeybee hives, and purchased or produced honeybee feed that was damaged and was intended as feed for eligible honeybees, including additional feed purchased above

normal quantities to sustain honeybees for a short time period until additional feed becomes available.

To be eligible for ELAP payments, honeybee colony, hive and feed losses must be:

- due to an eligible adverse weather or loss condition;
- incurred by an eligible honeybee producer in the county where the eligible adverse weather or loss condition occurred.

### Eligible Adverse Weather and Loss Conditions

In order to meet eligibility requirements for ELAP benefits for honeybee colony, hive and feed losses, the losses must be due to the direct result of an eligible adverse weather or loss condition, including but not limited to, colony collapse disorder (CCD), earthquake, floods, hurricane, tidal surges, tornado, excessive winds, volcanic eruption and wildfires.

### Eligible Producer

To be eligible for honeybee losses, the producer must meet the Risk Management Purchase Requirement (RMPR) and have an interest and risk in an eligible honeybee colony:

- being maintained for producing honey, pollinating, or breeding bees for commercial use as part of a farming operation on the beginning date of the eligible adverse weather or loss condition;
- that is physically located in the county where the eligible adverse weather or eligible loss condition occurred on the beginning date of the eligible adverse weather or loss condition;

- for which the producer had an eligible honeybee loss.

### Honeybee Colony Loss Payments

ELAP compensates eligible honeybee producers for eligible honeybee colony losses that occur in excess of normal mortality because of an eligible adverse weather or loss condition during the calendar year in which benefits are requested. FSA has established a normal mortality rate for honeybee colony losses of 17.5 percent. Payments for honeybee colony losses are based on the average fair market value of honeybee colonies in the calendar year in which the loss occurs, as established by FSA. For 2008 and 2009 honeybee colony losses, FSA has established an average fair market value of \$60 per honeybee colony.

2008 and 2009 ELAP payments for honeybee colony losses will be based on 60 percent of the result of multiplying:

- number of honeybee colonies lost in excess of normal mortality (17.5 percent) due to an eligible adverse weather or loss condition; times
- \$60, average fair market value per honeybee colony.

### Required Documentation for Colony Collapse Disorder (CCD)

To be eligible for honeybee colony losses due to CCD, the honeybee producer must provide proof of honeybee colony losses because of CCD, including but not limited to the following documentation:

- for 2008 and 2009 calendar year losses, a self-certification that the loss of honeybees was because of CCD and documented by the existence of at least 3 of the 5 symptoms of CCD, as

identified by FSA;

- for 2010 calendar year losses, third party certification that the loss of honeybees was because of the existence of at least 3 of the 5 symptoms of CCD, as identified by FSA;
- proof of beginning and ending inventory of honeybee colonies;
- proof of good management practices.

### Honeybee Hive Loss Payments

Payments for honeybee hive losses are based on the average fair market value of honeybee hives in the calendar year in which the loss occurs, as established by FSA. For 2008 and 2009 honeybee hive losses, FSA has established an average fair market value of \$200 per honeybee hive. The 2008 and 2009 ELAP payments for honeybee hive losses will be based on 60 percent of the result of multiplying:

- number of honeybee hives lost due to an eligible adverse weather or loss condition, times;
- \$200, average fair market value per honeybee hive.

### Honeybee Feed Loss Payments

Payments for honeybee feed losses are based on 60 percent of the actual cost of purchased or harvested feed that was intended as feed for honeybees and was damaged because of an eligible adverse weather or loss condition. This includes additional feed purchased above normal quantities to sustain the honeybees for a short time period until additional feed becomes available.

### Risk Management Purchase Requirement (RMPR)

To be eligible for ELAP, honeybee producers who have a risk in honey production for the purpose of producing honey for commercial use as part of a farming operation, must for every commodity on every farm in which the producer has an interest

for the relevant program year:

- in the case of an “insurable commodity,” obtain catastrophic coverage or better under a policy or plan of insurance administered under the Federal Crop Insurance Act (FCIA), except this obligation will not include crop insurance pilot programs so designated by the Risk Management Agency (RMA) or forage crops intended for grazing;
- in the case of a “noninsurable commodity” obtain the Noninsured Crop Disaster Assistance Program (NAP) coverage by filing the required paperwork and paying the administrative fee by the applicable State application closing date, except that this requirement will not include forage on grazing land.

Producers are required to obtain a policy or plan of insurance equal to at least the catastrophic (CAT) level of coverage or have NAP coverage for each crop planted or intended to be planted for harvest on the whole farm, excluding grazing. Eligible farmers and ranchers who meet the definition of “Socially Disadvantaged,” “Limited Resource,” or “Beginning Farmer or Rancher” do not have to meet this requirement.

### Honeybee Exception

For 2008 and 2009, NAP coverage was not available for loss of honeybee colonies or hives. Therefore, a honeybee producer does not have to meet the risk management purchase requirement to be eligible for 2008 and 2009 honeybee losses, if the producer:

- does not have any other crop planted or intended to be planted for harvest on the whole farm, excluding grazing;
- has a risk in a honeybee pollination or breeding operation; and

- does not produce honey for commercial use.

Honeybee producers meeting this criteria do not have to pay a buy-in fee equal to the applicable NAP service fee or catastrophic risk protection plan fee to become eligible for ELAP payments.

### 2008 Exception

Due to the lateness of the Farm Bill, producers were allowed to “buy-in” to the ELAP program for 2008 by paying fees equivalent to the NAP service fee or catastrophic risk protection plan coverage fee by Sept. 16, 2008. For 2008, if a producer who is otherwise ineligible because of the purchase requirement and did not meet the buy-in deadline of Sept. 16, 2008, still may be eligible for ELAP if the producer paid the applicable fee no later than May 18, 2009, provided that the producer agreed to buy crop insurance or NAP for the next year for all of their crops, except for forage on grazing land.

### 2009 Exception

For 2009, the risk management protection requirement was waived for insurable crops where sales closing dates for crop insurance coverage occurred before Aug. 14, 2008, if the buy-in fee was paid by Jan. 12, 2009.

### Payment Eligibility and Limitations

The amount of any ELAP payment a honeybee producer is eligible to receive may be reduced by an amount received by the producer for the same or similar loss from any other disaster assistance program.

### 2008 Program Year

No person, as defined and determined under the provisions in 7 CFR part 1400 in effect for 2008, may receive more than \$100,000 total in payments under ELAP, Livestock Forage Disaster Pro-

gram (LFP), Livestock Indemnity Program (LIP), and Supplemental Revenue Assistance Payments Program (SURE), combined. Also, in applying the limitation on average adjusted gross income (AGI) for 2008, an individual or entity is ineligible for payment under ELAP if the individual's or entity's average AGI for 2005, 2006 and 2007 exceeds \$2.5 million under the provisions in 7 CFR part 1400 in effect for 2008 unless 75 percent or more of their income was from farming, ranching or forestry.

*2009 and Subsequent Program Years*

For 2009 and subsequent program years, no person or legal entity, excluding a joint venture or general partnership, may receive directly or indirectly, more than \$100,000 total in payments under ELAP, LFP, LIP, and SURE combined. For 2009-11, the average 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, for 2009-11, a person or legal entity with an average adjusted gross nonfarm income, as defined in 7 CFR Part 1400 that exceeds \$500,000 will not be eligible to receive ELAP payments. Direct attribution provisions also apply to ELAP for 2009 and subsequent years. Under direct attribution, any payment to a legal entity also will 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.

**Applying for ELAP**

To apply for ELAP benefits, producers who suffered honeybee losses should submit a notice of loss to the local FSA service center that maintains the farm records for their business. To be eligible for 2008 and 2009 calendar year losses, the notice of loss must be provided to FSA by no later than May 5, 2010. To be

eligible for losses that occurred in 2010 and subsequent year losses, the producer must provide a notice of loss to FSA the earlier of:

- 30 calendar days of when the loss is apparent to the producer or
- 30 calendar days after the end of the calendar year in which the loss occurred.

**Sign-up**

In addition to submitting a notice of loss, producers must file an application for payment at local FSA service centers. ELAP sign-up began Sept. 14, 2009, for eligible honeybee losses suffered during 2008 and 2009 due to eligible adverse weather or loss conditions. For 2008 losses, sign-up ended Dec. 10, 2009, and for 2009 losses, sign-up ended Feb. 1, 2010; however, late-filed applications for 2008 and 2009 losses will be accepted through May 5, 2010. For 2010 and subsequent year losses, sign-up will end no later than 30 calendar days after the end of the calendar year in which the honeybee loss occurred.

**Important Dates**

The following table provides the final dates to file a notice of loss and application for payment for 2008, 2009 and 2010 honeybee losses.

Date of Honey- bee Loss	Final Date to File Notice of Loss	Final Date to Submit an Appli- cation for Payment
Calendar Year 2008	May 5, 2010	May 5, 2010
Calendar Year 2009	May 5, 2010	May 5, 2010
Calendar Year 2010	30 days after loss is apparent	Jan. 30, 2011

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