

# FSA HANDBOOK

## Livestock Disaster Assistance Programs

To access the transmittal page click on the short reference.

For State and County Offices

SHORT REFERENCE

1-LDAP

UNITED STATES DEPARTMENT OF AGRICULTURE  
Farm Service Agency  
Washington, DC 20250



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**Livestock Disaster Assistance Programs  
1-LDAP**

**Amendment 3**

**Approved by:** Deputy Administrator, Farm Programs



**Amendment Transmittal**

**A Background**

Part 4 has been added to provide policy and procedure for LFP.

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**Part 1 Basic Information****1 Handbook Purpose and Coverage****A Handbook Purpose**

This handbook has been issued to provide procedure for livestock programs implemented by DAFP, through PECD.

**B Related Handbooks**

Handbooks related to programs provided in this handbook include the following:

- 1-APP for appeals
- 1-CM for signatures, power-of-attorney, and name and address files
- 6-CP for conservation compliance
- 7-CP for finality rule provisions
- 1-FI for direct deposits
- 3-FI for deleting incorrect program codes on automated CCC-257's
- 58-FI for claims and withholdings
- 61-FI for prompt payment information
- 63-FI for assignments and joint payments
- 64-FI for establishing and reporting claims in the Automated Claims System
- 67-FI for establishing and reporting debts in CRS
- 2-INFO for providing information to the public
- 1-PL for "person" and average AGI provisions for 2008
- 2-PL for updating subsidiary information in the System 36
- 3-PL for updating subsidiary information in the web-based system
- 4-PL for "direct attribution" and average AGI provisions for 2009 and subsequent years.

**C Sources of Authority**

This handbook provides procedure for multiple livestock programs. The programs are separated by part in this handbook. See the applicable part for the source of authority and regulations for a specific program.

**2-20 (Reserved)**



**Part 2 Livestock Indemnity Program (LIP)****Section 1 Basic LIP Provisions****21 General Information****A Purpose**

This part provides instructions for administering LIP.

LIP provides monetary assistance to eligible livestock owners and livestock contract growers, for eligible livestock deaths in excess of normal mortality that occurred in the calendar year for which benefits are being requested as a direct result of an eligible adverse weather event, including losses because of hurricanes, floods, blizzards, disease, wildfires, extreme heat, and extreme cold. Eligible livestock deaths must have occurred:

- on or after January 1, 2008, and before October 1, 2011
- in the calendar year for which benefits are being requested.

**Note:** Because feed can be purchased or otherwise obtained in the event of a drought, drought is not an eligible adverse weather event except when anthrax, as a related condition that occurs as a result of drought, results in the death of eligible livestock.

**B Source of Authority**

LIP will be administered using funds from the Agricultural Disaster Relief Trust Fund established under section 902 of the Trade Act of 1974, as amended by the 2008 Farm Bill under Titles XII and XV of the Food, Conservation, and Energy Act of 2008, Pub. L 110-246.

The regulations for LIP are provided in 7 CFR Part 760, Subparts B and E.

**C Public Information**

Follow instructions in 2-INFO for providing information about LIP.

**D Modifying Provisions**

Provisions in this handbook shall **not** be revised without prior approval from the National Office. Requests for revisions shall be addressed to the Livestock Assistance Program Manager, through DAFP.

**21 General Information (Continued)****E Forms**

**Forms, worksheets, applications and other documents other than those provided in this handbook or issued by the National Office shall not be required for implementing LIP.**

**Any** document that collects data from a participant, regardless of whether the participant's signature is required:

- is subject to the Privacy Act and information collection procedures
- requires clearance by the following offices:
  - National Office program area
  - MSD
  - OMB.

**F Related Handbooks**

See Part 1 for handbooks related to LIP.

**22 Responsibilities****A STC Responsibilities**

Within the authorities and limitations in this handbook and 7 CFR Part 760, Subparts B and E, STC's shall:

- direct the administration of LIP
- ensure that FSA State and County Offices follow LIP provisions
- thoroughly document all actions taken in the STC minutes
- handle appeals according to 1-APP

22 Responsibilities (Continued)

A STC Responsibilities (Continued)

- require reviews be conducted by DD according to subparagraph 75 D to ensure that County Offices comply with LIP provisions

**Note:** STC may establish additional reviews to ensure that LIP is administered according to these provisions.

- take any oversight actions necessary to ensure that IPIA provisions are met to prevent County Offices from issuing any improper payments according to subparagraph 43 F
- establish normal mortality rates for each livestock kind/type and weight range according to subparagraph 41 I
- establish eligibility criteria for livestock deaths because of extreme heat and extreme cold according to subparagraph 41 A.

**Important:** STC shall ensure that COC thoroughly documents each case to ensure that:

- in fact the cause of loss was because of extreme heat or extreme cold
- management decisions were not the cause of loss
- the extreme heat or extreme cold was such an abnormality that it could reasonably cause the deaths.

**B SED Responsibilities**

Within the authorities and limitations in this handbook and 7 CFR Part 760, Subparts B and E, SED's shall:

- ensure that County Offices follow LIP provisions
- handle appeals according to 1-APP
- ensure that DD conducts reviews according to subparagraph A

**Note:** SED may establish additional reviews to ensure that LIP is administered according to these provisions.

- ensure that **all** County Offices publicize LIP provisions according to subparagraph D
- immediately notify the National Office Livestock Assistance Program Manager of software problems, incomplete or incorrect procedures, specific problems, or findings
- take any oversight actions necessary according to subparagraph 43 F to ensure that IPIA provisions are met to prevent County Offices from issuing any improper payments.

## 22 Responsibilities (Continued)

### C DD Responsibilities

Within the authorities and limitations in this handbook and 7 CFR Part 760, Subparts B and E, DD's shall:

- ensure that COC's and CED's follow LIP provisions
- conduct reviews according to subparagraph 75 D, and any additional reviews established by STC or SED according to subparagraph A and B
- provide SED with report of reviews conducted according to subparagraph 75 D
- take any oversight actions necessary to ensure that IPIA provisions are met to prevent County Offices from issuing any improper payments according to subparagraph 43 F
- closely monitor the number of third party certifications approved by COC according to subparagraph 73 G

**Important:** If the number of participants using third party certifications is excessive when compared to surrounding counties, DD shall take all necessary action to ensure that the claimed losses are reasonable and that the provision is not being abused.

- ensure that County Offices publicize program provisions according to subparagraph D.

### D COC Responsibilities

Within the authorities and limitations in this handbook and 7 CFR Part 760, Subparts B and E, COC's shall:

- fully comply with all LIP provisions
- ensure that CED fully complies with all LIP provisions
- review, approve and/or disapprove, and document in the COC minutes all third party certifications according to subparagraph 73 G

**Important:** COC shall **not** delegate authority to review third party certifications to CED or PT's.

## 22 Responsibilities (Continued)

## D COC Responsibilities (Continued)

- \*--ensure that CED provides DD with a monthly written report of all reviews of third--\* party certifications according to subparagraph 73 G
- act on completed FSA-914's for LIP according to paragraph 75
- handle appeals according to 1-APP
- thoroughly document all actions taken in the COC minutes

**Important:** All the following **must** be thoroughly documented for all LIP program determinations made by COC:

- all factors reviewed or considered
  - all documentation reviewed
  - references to applicable handbooks, notices, and regulations
  - all sources of information obtained for review or consideration.
- take any oversight actions necessary to ensure that IPIA provisions are met to prevent County Offices from issuing any improper payments according to subparagraph 43 F
  - ensure that producers receive complete and accurate program information

**Note:** Program information may be provided through the following:

- program leaflets, newsletters, and print media
  - meetings
  - radio, television, and video
  - County Office visits.
- ensure that LIP general provisions and other important items are publicized as soon as possible after information is received from the National Office, including but not limited to, the following:
    - notice of loss and application for payment deadlines
    - payment limitation and attribution
    - eligible livestock
    - basic participant eligibility criteria
    - general data required to complete application.

**Note:** The LIP Fact Sheet may be used to provide some of the information in this subparagraph. The fact sheet is available online at <http://disaster.fsa.usda.gov>.

## 22 Responsibilities (Continued)

### E CED Responsibilities

Within the authorities and limitations in this handbook and 7 CFR Part 760, Subparts B and E, CED's shall:

- fully comply with all LIP provisions
- ensure that County Office employees fully comply with all LIP provisions
- act on completed FSA-914's for LIP according to paragraph 75

**Note:** CED may delegate approval authority to program technicians for routine cases where proof of death is provided according to subparagraph 73 E. Document all delegations in COC minutes.

program technicians shall **not** be delegated authority to:

- disapprove any FSA-914
  - approve any FSA-914 where contemporaneous record or third party certification is used to prove loss.
- \*--provide DD with a monthly written report of all third party certifications according to subparagraph 73 B--\*
- ensure that all program and payment eligibility requirements have been met by producers before issuing any payment to ensure that IPIA provisions are met

**Note:** See subparagraph 43 F for additional information.

- handle appeals according to 1-APP
- ensure that producers receive complete and accurate program information
- immediately notify SED, through DD, of software problems and incomplete or incorrect procedures
- ensure that all participants receive a copy of Exhibit 7 when they file an application according to paragraph 76
- ensure that general provisions and other important items are publicized according to subparagraph D and copies are retained in the County Office.

**22 Responsibilities (Continued)****F Program Technician Responsibilities**

Within the authorities and limitations in this handbook and 7 CFR Part 760, Subparts B and E, the program technician shall:

- fully comply with all LIP provisions
- immediately notify CED of software problems and incomplete or incorrect procedures
- ensure that producers receive complete and accurate program information
- ensure that all participants receive a copy of Exhibit 7 when they file an application according to paragraph 76
- ensure that all program and payment eligibility requirements have been met by producers before issuing any payment to ensure that IPIA provisions are met.

**Note:** See subparagraph 43 F for additional information.

**23 Definitions for LIP****A Definitions**

The following definitions apply to LIP. The definitions provided in other parts of this handbook do **not** apply to LIP.

Adult beef bull means a male beef breed bovine animal that was at least 2 years old and used for breeding purposes before it died.

Adult beef cow means a female beef breed bovine animal that had delivered 1 or more offspring before dying. A first-time bred beef heifer shall also be considered an adult beef cow if it was pregnant at the time it died.

Adult buffalo/beefalo bull means a male animal of those breeds that was at least 2 years old and used for breeding purposes before it died.

Adult buffalo/beefalo cow means a female animal of those breeds that had delivered 1 or more offspring before dying. A first-time bred buffalo or beefalo heifer shall also be considered an adult buffalo/beefalo cow if it was pregnant at the time it died.

Adult dairy bull means a male dairy breed bovine animal at least 2 years old and used primarily for breeding dairy cows before it died.

Adult dairy cow means a female bovine dairy breed animal used for the purpose of providing milk for human consumption that had delivered 1 or more offspring before dying. A first-time bred dairy heifer shall also be considered an adult dairy cow if it was pregnant when it died.

Adverse weather means damaging weather events, including, but not limited to, hurricanes, floods, blizzards, disease, wildfires, extreme heat, and extreme cold.

Agricultural operation means a farming operation.

Application means the “Livestock Indemnity Program” form.

**23 Definitions for LIP (Continued)****A Definitions (Continued)**

Buck means male goat.

Commercial use means used in the operation of a business activity engaged in as a means of livelihood for profit by the eligible producer.

Contract means, with respect to contracts for the handling of livestock, a written agreement between a livestock owner and another individual or entity setting the specific terms, conditions, and obligations of the parties involved about the production of livestock or livestock products.

Deputy Administer or DAFP means the Deputy Administer for Farm Programs, Farm Service Agency, U.S. Department of Agriculture or the designee.

Eligible livestock owner means one who assumes the production and market risks associated with the agricultural production of livestock and who had legal ownership of the eligible livestock for which benefits are being requested on the day the livestock died and under conditions in which no contract grower could have been eligible for benefits with respect to the livestock and is citizen of, or legal resident alien in, the United States. A partnership of citizens of the United States who owned the eligible livestock on the day the livestock died will be considered eligible livestock owners. A corporation, limited liability corporation, or other farm organizational structure organized under State law that owned the eligible livestock on the day the livestock died will be considered eligible livestock owners. Any Native American tribe (as defined in section 4(b) of the Indian Self-Determination and Education Assistance Act (Pub. L. 93-638, 88 Stat. 2003)); any Native American organization or entity chartered under the Indian Reorganization Act; any tribal organization chartered under the Indian Self-Determination and Education Assistance Act; and any economic enterprise under the Indian Financing Act of 1974 may be considered an eligible livestock owner so long as they meet the terms of the definition.

**23 Definitions for LIP (Continued)****A Definitions (Continued)**

Eligible livestock contract grower means a person, other than the livestock owner, who possessed an independent financial interest in the eligible livestock or products derived from such livestock, as defined and limited by the terms and conditions of a contractual written agreement with the livestock owner on the day the livestock died, and is a citizen of, or legal resident alien in, the United States. A partnership of citizens of the United States who possessed an independent financial interest, but not as owner, in the eligible livestock or products derived from such livestock on the day the livestock died will be considered an eligible livestock contract grower. A corporation, limited liability corporation, or other farm organizational structure organized under State law that possessed an independent financial interest, but not as owner, in the eligible livestock or products derived from such livestock on the day the livestock died will be considered an eligible livestock contract grower. Any Native American tribe (as defined in the Indian Self-Determination and Education Assistance Act, section 4(b) (Pub. L. 93-638, 88 Stat. 2003)); any Native American organization or entity chartered under the Indian Reorganization Act; any tribal organization chartered under the Indian Self-Determination and Education Assistance Act; and any economic enterprise under the Indian Financing Act of 1974 may be considered an eligible livestock contract grower so long as they meet the terms of the definition.

Equine animal means a domesticated horse, mule, or donkey.

Ewe means a female sheep.

Farming operation means a business enterprise engaged in producing agricultural products.

FSA means the Farm Service Agency.

Goat means a domesticated ruminant mammal of the genus *Capra*, including Angora goats. Goats will be further defined by sex (bucks and nannies) and age (kids).

Improper payment, as defined by OMB, is any payment that should **not** have been issued or was issued in an incorrect amount under statutory, contractual, administrative, or other legally applicable requirement.

23 Definitions for LIP (Continued)

A Definitions (Continued)

Ineligible livestock means any of the following:

- any animal produced or maintained for reasons other than commercial use as part of a farming operation, as determined by FSA, including, but not limited to, recreational purposes, such as pleasure, hunting, pets, roping, or for show
- all wild free roaming animals, as determined by FSA
- any animal not meeting the definition of eligible livestock, as determined by FSA
- any animal owned or cash-leased by an ineligible livestock owner or contract grower
- all animals that died under all of the following conditions:
  - more than 60 calendar days from the end of the eligible adverse weather event
  - because of something other than an eligible adverse weather event
  - in a calendar year other than the calendar year for which benefits are being requested
  - before January 1, 2008, or after October 1, 2011.

**23 Definitions for LIP (Continued)****A Definitions (Continued)**

Kid means a goat less than 1 year old.

Lamb means a sheep less than 1 year old.

Livestock owner means one having legal ownership of the livestock for which benefits are being requested on the day such livestock died and under conditions in which no contract grower could have been eligible for benefits with respect to the livestock.

Nanny means a female goat.

Non-adult beef cattle means a beef breed bovine animal that does not meet the definition of adult beef cow or bull. Non-adult beef cattle are further delineated by weight categories of either less than 400 pounds or 400 pounds or more at the time they died.

Non-adult buffalo or beefalo means an animal of those breeds that does not meet the definition of adult buffalo/beefalo cow or bull. Non-adult buffalo or beefalo are further delineated by weight categories of either less than 400 pounds or 400 pounds or more at the time of death.

Non-adult dairy cattle means a dairy breed bovine animal, of a breed used for the purpose of providing milk for human consumption, that do not meet the definition of adult dairy cow or bull. Non-adult dairy cattle are further delineated by weight categories of either less than 400 pounds or 400 pounds or 400 pound or more at the time they died.

Normal mortality means the numerical amount, computed by a percentage, as established by the FSA STC, of expected livestock deaths, by category, that normally occurs during a calendar year for a producer.

**23 Definitions for LIP (Continued)**

**A Definitions (Continued)**

Poultry means domesticated chickens, turkeys, ducks, and geese. Poultry are further delineated by sex, age, and purpose of production or production as determined by FSA.

Ram means a male sheep.

Secretary means the Secretary of Agriculture or a designee of the Secretary.

Sheep means a domesticated, ruminant mammal of the genus Ovis. Sheep are further defined by sex (ram and ewes) and age (lambs) for purposes of dividing into categories for loss calculations.

STC, State Office, COC, or County Office means the respective FSA committee or office.

Swine means a domesticated omnivorous pig, hog, and boar. Swine are further delineated by sex and weight as determined by FSA for loss calculations.

United States means all 50 states of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the District of Columbia.

**24-39 (Reserved)**

## Section 2 Policy and Procedure

## 40 Signup Period

## A 2008-2009 LIP Signup

Livestock owners or contract growers who suffered livestock losses during 2008 and 2009 can signup for LIP beginning July 13, 2009.

Livestock owners or contract growers who suffered livestock losses during calendar year 2008 shall provide a notice of loss and file an application for payment in their administrative County Office no later than September 13, 2009.

Livestock owners or contract growers who suffered livestock losses during January 1, 2009, through July 12, 2009, shall provide a notice of loss no later than September 13, 2009, and an application for payment must be filed no later than January 30, 2010.

Livestock owners or contract growers who suffered livestock losses during July 13, 2009, through December 31, 2009, shall file:

- a notice of loss no later than 30 calendar days of when the loss of livestock is apparent to the participant
- an application for payment no later than January 30, 2010.

**Note:** For notice of loss, complete FSA-914, Parts A and B.  
For application for payment, complete FSA-914, Parts C through H.

**Important:** There are **no** late-filed provisions for LIP. FSA shall not refuse to accept a producers request to file FSA-914. However, FSA-914's submitted by participants after the end of the applicable filing date shall be disapproved because they were not filed during the application period.

The application period for LIP is a matter of general applicability to all participants; therefore, disapproval of FSA-914's filed after the end of the applicable application period is not appealable.

**40 Sigup Period (Continued)****B 2010-2011 LIP Signup**

For 2010 and subsequent years losses, livestock owners and contract growers that suffer a loss of livestock shall file:

- a notice of loss the earlier of the following dates:
  - 30 calendar days of when the loss of livestock is apparent to the participant
  - 30 calendar days after the end of the calendar year in which the loss of livestock occurred
- an application for payment no later than 30 calendar days after the end of the calendar year in which the loss of livestock occurred.

**Important:** There are **no** late-filed provisions for LIP. FSA shall not refuse to accept a producer's request to file FSA-914. However, FSA-914 submitted by participants after the end of the applicable filing date shall be disapproved because they were not filed during the application period.

The application period for LIP is a matter of general applicability to all participants; therefore, disapproval of FSA-914's filed after the end of the applicable application period is not appealable.

## 41 Eligibility Criteria

### A Eligible Adverse Weather Event

To be considered eligible to receive benefits under LIP, livestock **must** have died in excess of normal mortality as a direct result of an eligible adverse weather event as follows:

- on or after January 1, 2008, and before October 1, 2011
- no later than 60 calendar days from the ending date of the applicable eligible adverse weather event
- in the calendar year for which benefits are being requested.

**Exception:** Drought is **not** an eligible adverse weather event **except** when associated with anthrax, a condition that occurs because of drought and results in the death of eligible livestock.

State Offices are responsible for establishing eligibility criteria for livestock deaths because of extreme heat and extreme cold. STC shall ensure that COC thoroughly documents each case to ensure that:

- in fact the cause of loss was because of extreme heat or extreme cold
- management decisions were not the cause of loss
- the extreme heat or extreme cold was such an abnormality that it could reasonably cause the deaths.

Livestock deaths because of insufficient or contaminated water or feed during a drought are considered to be the result of management decisions and are not eligible for LIP.

**Exception:** Drought is **not** an eligible adverse weather event **except** when associated with anthrax, a condition that occurs because of drought and results in the death of eligible livestock.

Participants that apply for livestock deaths that are caused by disease are required to provide documentation to support how disease was accelerated or exacerbated by an eligible adverse weather event before COC approves the LIP application.

**Notes:** Livestock losses that are not weather related are not eligible for LIP.

\*--Blackleg is a highly fatal disease of young cattle caused by, for example, the spore-forming, rod-shaped, gas-producing bacteria *Clostridium chauvoei*. Blackleg is almost entirely preventable by vaccination; therefore, blackleg is **not** an eligible cause of livestock death loss under LIP.--\*

## 41 Eligibility Criteria (Continued)

**B Eligible Livestock for Owners**

To be eligible livestock for owners under LIP, the livestock must meet all of the following:

- been owned by an eligible livestock owner on the day the livestock died
- been maintained for commercial use as part of a farming operation on the day the livestock died
- died as a direct result of an eligible adverse weather event:
  - on or after January 1, 2008, but before October 1, 2011, and
  - no later than 60 calendar days from the ending date of the applicable eligible adverse weather event, but before October 1, 2011, and
  - in the calendar year for which benefits are being requested
- before dying, not have been produced or maintained for reasons other than commercial use as part of a farming operation, such as but not limited to, recreational purposes, pleasure, hunting, roping, pets, or for show
- been 1 of the following, as defined in paragraph 23:
  - adult or non-adult beef cattle
  - adult or non-adult beefalo
  - adult or non-adult buffalo
  - adult or non-adult dairy cattle
  - elk
  - alpacas
  - deer
  - emus
  - equine animals
  - goats
  - llamas
  - poultry, including egg-producing poultry
  - reindeer
  - sheep
  - swine

**Important:** If an animal was pregnant at the time of death, only the pregnant animal that died is eligible for payment under LIP. The unborn animal is **not** considered eligible livestock under LIP.

**41 Eligibility Criteria (Continued)**

**B Eligible Livestock for Owners (Continued)**

See paragraph:

- 23 for definitions of eligible livestock, commercial use, and farming operation
- 42 for further delineation of eligible livestock by payment rate.

**C Eligibility for Newborn or Stillborn Animals**

Animals that were born at a normal full-term or near full-term shall qualify for LIP if both of the following apply:

- the death was the direct cause of the eligible adverse weather event
- the birth produced a fully developed carcass that normally would have survived under normal weather conditions.

**Note:** Animals that died before they reached full-term or near full-term and would not normally survive under normal conditions do not qualify for LIP benefits.

## 41 Eligibility Criteria (Continued)

**D Eligible Livestock for Contract Growers**

To be eligible livestock for contract growers under LIP, the livestock must meet all of the following:

- been in the possession of an eligible contract grower on the day the livestock died
- been maintained for commercial use as part of a farming operation on the day the livestock died

\*--**Note:** Food, Conservation, and Energy Act of 2008, Section 901(c) limits payments to eligible producers **on farms** that have incurred livestock death losses in excess of normal mortality.--\*

- died because of an eligible adverse weather event:
  - on or after January 1, 2008, but before October 1, 2011, and
  - no later than 60 calendar days from the ending date of the applicable eligible adverse weather event, but before October 1, 2011, and
  - in the calendar year benefits are being requested
- been 1 of the following, as defined in paragraph 23:
  - poultry, including egg-producing poultry
  - swine.

See paragraph:

- 23 for definitions of eligible livestock, commercial use, and farming operation
- 42 for further delineation of eligible livestock by payment rate.

**Note:** The contract grower **shall** provide a copy of the grower contract to the administrative FSA County Office to prove that the participant had possession of the livestock on the day the livestock died.

## 41 Eligibility Criteria (Continued)

**E Ineligible Livestock**

Animals **not** eligible for LIP include, but are not limited to, the following:

- livestock produced or maintained for reasons other than commercial use as part of a farming operation, including, but not limited to, recreational purposes, such as:
  - consumption by owner
  - hunting
  - pets
  - pleasure
  - roping
  - show

**Example 1:** Sam Smith owns 5 horses, 2 beef steers, and 3 goats. Mr. Smith maintains the horses for pleasure riding and fox hunting, and maintains the goats as pets for his children. He maintains the beef steers to be consumed by his family. Accordingly, Mr. Smith does not maintain any of the livestock for commercial use as part of a farming operation. All of the animals died because of a blizzard, an eligible adverse weather event.

Because none of Mr. Smith's livestock is maintained for commercial use as part of a farming operation, the animals are **not** eligible livestock for LIP purposes.

**Example 2:** Joe Johnson owns 5 horses which he uses to pull hansom cabs in the tourist district of the local city. The hansom cabs are Mr. Johnson's business activity he engages in as a means of livelihood for profit.

However, because the horses are not maintained as part of a farming operation, they are not eligible livestock for LIP purposes.

**Example 3:** Jane Black owns and raises a deer herd. Mrs. Black sells the does to a local food market to be processed into meat products. She sells the bucks to hunting preserves nationwide.

Mrs. Black is in the business of selling deer, including the bucks that are sold to hunting preserves, as a means of livelihood for profit; therefore, the deer are maintained for commercial use. However, they also must be maintained as part of a farming operation.

The County Office must determine whether Mrs. Black's deer business, including the bucks, is a farming operation. Mrs. Black must provide evidence to satisfy COC or CED that the deer are part of a farming operation. One indicator of being a farming operation would be whether Mrs. Black files taxes as a farming operation. The County Office cannot request Mrs. Black to provide a copy of her tax records; however, COC or CED may ask Mrs. Black how she files her taxes for the operation.

## 41 Eligibility Criteria (Continued)

## E Ineligible Livestock (Continued)

**\*--Example 4:** Juan Ortega, President of ABC Bank, owns 50 percent interest in a pen of 100 head of nonadult beef cattle weighing more than 900 pounds located in Caprock Feeders Feedlot. The livestock are being fattened in the feedlot for commercial use; however, Mr. Ortega does not have interest in a farming operation.

Because none of Mr. Ortega's cattle are maintained as part of a farming operation, the animals are **not** eligible livestock for LIP purposes.

**Example 5:** Cactus Feeders Feedlot owns 100 percent interest in multiple pens of nonadult beef cattle weighing more than 900 pounds located in Cactus Feeders Feedlot. Cactus Feeders Feedlot is fattening the cattle in the feedlot for commercial use; however, Cactus Feeders Feedlot does not have an interest in a farming operation.

Because none of Cactus Feeders Feedlot cattle are maintained as part of a farming operation, the animals are **not** eligible livestock for LIP purposes.

- catfish
- crawfish--\*
- ostriches
- pheasants
- quail
- stillborn livestock, except as provided in subparagraph C
- unborn livestock

**Example:** A pregnant adult beef cow died before the birth of the calf. Only the pregnant cow may be considered eligible for payment. The unborn calf is **not** eligible livestock.

- yaks
- any wild free roaming livestock, including equine and deer
- any animals not included in subparagraph A

**41 Eligibility Criteria (Continued)****F Eligible Livestock Owners**

An eligible livestock owner for LIP is one who assumes the production and market risks associated with the agricultural production of livestock and meets all of the following:

- had legal ownership of the eligible livestock for which benefits are being requested on the day the livestock died, and under conditions in which no contract grower could have been eligible for benefits with respect to the animal
- is an individual or entity that is a:
  - citizen of the United States
  - resident alien

**Note:** Resident alien means “lawful alien”.

  - partnership of citizens of the United States
  - corporation, limited liability corporation, or other farm organizational structure organized under State law
  - any Native American tribe as defined in the Indian Self-Determination and Education Assistance Act
  - any Native American organization or entity chartered under the Indian Reorganization Act
  - any economic enterprise under the Indian Financing Act of 1974.

An individual or entity that did **not** have legal ownership of the livestock on the day the livestock died is **not** an eligible livestock owner for LIP benefits.

## 41 Eligibility Criteria (Continued)

**G Eligible Livestock Contract Growers**

An eligible livestock contract grower for LIP is one, other than the livestock owner, who meets **all** of the following:

- possessed an independent financial interest in eligible livestock according to subparagraph D, or products derived from such livestock, as defined by a written agreement with the owner of eligible livestock, setting specific terms, conditions, and obligations of the parties involved about the production of livestock on the day the livestock died
- suffered a loss of income as a direct result of the death of specific eligible livestock subject to the terms, conditions, and obligations of the written contract with the owner of the specific livestock

**Note:** The contract grower **shall** provide a copy of the grower contract to the FSA administrative County Office.

- is an individual or entity that is a:
  - citizen of the United States
  - resident alien
 

**Note:** Resident alien means “lawful alien”.
  - partnership of citizens of the United States
  - corporation, limited liability corporation, or other farm organizational structure organized under State law
  - any Native American tribe as defined in the Indian Self-Determination and Education Assistance Act
  - any Native American organization or entity chartered under the Indian Reorganization Act
  - any economic enterprise under the Indian Financing Act of 1974.

An individual or entity that did **not** have legal ownership of the livestock on the day the livestock died is **not** an eligible livestock owner for LIP benefits.

## 41 Eligibility Criteria (Continued)

**H Deceased Individuals and Dissolved Entities**

Authority to sign contracts, applications, and other documents on behalf of an eligible participant who is now a deceased individual or is a dissolved entity may vary according to State law. If an eligible livestock owner or livestock contract grower is now a deceased individual or a dissolved entity, then an authorized representative of the deceased individual or dissolved entity may sign FSA-914 provided the authorized representative has authority to enter into a contract for the deceased individual or dissolved entity.

**Important:** Proof of authority to sign for the eligible deceased individual or dissolved entity must be on file in the County Office before the representative is allowed to sign FSA-914 for the participant. Proof of authority includes any of the following:

- court order
- document approved by the OGC Regional Attorney
- letter from Secretary of State.

FSA-325 is:

- only used when it is requested that a payment earned by a deceased, missing, or incompetent program participant be issued in a name other than that of the deceased, missing, or declared incompetent program participant
- not applicable for determining who may file a program application for a deceased, incompetent, or missing individual.

State Office shall consult with the OGC Regional Attorney on the following types of cases:

- documentation submitted does **not** clearly establish authority to enter into a contract or application on behalf of the deceased individual, closed estate, or dissolved entity
- application from and request for issuing payments to heirs of a deceased individual without documentation provided that establishes authority to enter into a contract or application on behalf of the deceased individual.

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 representatives **must** sign the FSA-914.

**Note:** Only one FSA-914 will be submitted for payment for the general partnership or joint venture; however, all members **must** sign FSA-914.

See paragraph 43 for making payments to deceased individuals, closed estates, and dissolved entities.

## 41 Eligibility Criteria (Continued)

**I Establishing Normal Mortality Rates**

LIP compensates eligible livestock producers for eligible livestock death losses that occur in excess of normal mortality because of eligible adverse weather events during the calendar year.

Eligible livestock for payment for a specific kind/type and weight range of livestock will be determined by multiplying the normal mortality rate for the specific kind/type and weight range of livestock by the number of livestock of that specific kind/type and weight range in inventory at the time of the eligible adverse weather event and subtracting the result from the number of eligible livestock lost because of the eligible adverse weather event.

**Example:** Producer A owned 100 head of adult beef cattle on the beginning date of adverse weather event.

- normal mortality is 2 percent
- 5 head were lost
- $100 \text{ head} \times 2 \text{ percent} = 2$  (loss threshold)
- $5 \text{ head lost} - 2$  (loss threshold) = 3 head adult beef cattle eligible for payment.

STC's shall establish, on a State-by-State basis, normal mortality rates for each livestock ~~kind/type and weight range listed in subparagraph 42 F, by obtaining recommendations~~ from applicable:

- State livestock organizations
- State Cooperative Extension Service
- other knowledgeable and credible sources.

Normal mortality rates will generally **not** be established for different geographic locations within a State. However, if STC can document that existing conditions or circumstances within a specific geographic location within the State would result in substantially higher mortality rates than the rest of the State, STC may establish separate normal mortality rates for that specific geographic location within the State.

**Example:** The counties in which Interstate 10 crosses through and that are south of Interstate 10 are known to be marsh country. Because of predators, the normal mortality rates for livestock in these counties are significantly higher than for the counties in the rest of the State. STC determined that the marsh country counties shall have normal mortality rates established separately from the counties in the remainder of the State.

If sufficient documentation is **not** available within your State from the sources listed in this subparagraph to establish normal mortality rates, STC's shall obtain documentation from contiguous STC's that have established livestock normal mortality rates from recommendations received from the sources listed in this subparagraph for the livestock ~~listed in subparagraph 42 F.~~

41 Eligibility Criteria (Continued)

I Establishing Normal Mortality Rates (Continued)

STC's shall:

- document recommendations and determinations of normal mortality rates in STC minutes
- attach copies of documentation used to determine normal mortality rates to applicable STC minutes.

If documentation is **not** available for establishing normal mortality rates from sources listed within your State or contiguous States, STC's shall establish normal mortality rates using the national normal mortality rates in Exhibit 8.

STC's shall:

- document in STC minutes that normal mortality rates were established using national normal mortality rates in Exhibit 8 and the reasons why national normal mortality rates were used
- attach copies of Exhibit 8 to applicable STC minutes.

STC's shall ensure that normal mortality rates are:

- \*--established for all livestock kinds/types and weight ranges listed in subparagraph 42 F--\* no later than COB, **July 13, 2009**
- loaded into the normal mortality rate table no later than **July 20, 2009**.

## 42 Payment Rates, Limitations, and Reductions

### A Funding

Because LIP is fully funded, a national factor is not applicable. Payments may be issued only after regulations are published in the Federal Register.

### B 2008 Payment Limitation

For 2008, no “person”, as defined and determined under the provisions in 7 CFR Part 1400, as in effect for 2008, may receive more than \$100,000 total under LIP, Emergency Assistance for Livestock, Honey Bees and Farm-Raised Fish Program, Livestock Forage Disaster Program, and Supplemental Revenue Assistance Payment Program combined.

Determine “persons” according to 1-PL for 2008.

If a “person” determination for the participant for 2008 has:

- already been made for 2008 for which FSA-914 is submitted, use the same “person” determination for LIP purposes
- **not** been made for 2008 for which FSA-914 is submitted, COC shall:
  - obtain CCC-502 from the participant
  - make a “person” determination and notify participant according to 1-PL.

**Notes:** Actively engaged and cash-rent tenant provisions do **not** apply.

The amount of any payment for which a participant may be eligible under LIP, ELAP, LFP, and SURE may be reduced by any amount received by the participant for the same or any similar loss from a different source.

**42 Payment Rates, Limitations, and Reductions (Continued)****C 2009 and Subsequent Years Payment Limitation**

For 2009 and subsequent years, no person or legal entity, (excluding a joint venture or general partnership), as determined by the rules in 7 CFR Part 1400, may receive, directly or indirectly, more than \$100,000 per program year total under ELAP, LFP, LIP, and SURE combined. For this purpose, both indirect and direct benefits are counted by attribution. In the case of a legal entity, the same payment is attributed to the direct payee in the full amount and those that have an indirect interest to the amount of the interest.

A determination of “persons” as defined by rules in effect for 2008 and prior years is not required for 2009 and subsequent years. However, a CCC-901 will be required for legal entities to determine individual members of legal entities for direct attribution purposes.

**Note:** Direct attribution provisions in 4-PL apply for 2009 and subsequent years.

**D 2008 AGI Provisions**

In applying the limitation on average AGI for 2008, an individual or entity is ineligible for payment under LIP if the individual’s or entity’s average AGI exceeds \$2.5 million for 2007, 2006, and 2005 under the provisions in 7 CFR Part 1400 in effect for 2008.

**Note:** The AGI provisions of 1-PL are applicable for 2008 LIP.

**E 2009 and Subsequent Years AGI Provisions**

For 2009 through 2011, the average AGI limitation provisions in 7 CFR Part 1400 relating to persons or legal entities, excluding joint ventures and general partnerships, with an average adjusted gross nonfarm income as defined in 7 CFR 1400.3 that exceeds \$500,000 will not be eligible for benefits under LIP.

**Note:** The AGI provisions of 4-PL are applicable for 2009 and subsequent years.

## 42 Payment Rates, Limitations, and Reductions (Continued)

**\*--F Payment Rates for Eligible Livestock for Livestock Owners**

LIP provides separate payment rates for eligible livestock owners and eligible contract growers. See subparagraph G for payment rates for eligible livestock contract growers.--\*

Payment rates for livestock owners are based on 75 percent of a fair market value, as determined by FSA, for the specific livestock category. The following table provides LIP per head payment rates, by livestock category, for eligible livestock owners.

Kind	Type	Weight Range	2008 Payment Per Head	2009 Payment Per Head
Alpacas			\$262.50	\$262.50
Beef	Non-Adult	Less than 400 pounds	\$343.83	\$319.44
		*--400 to 799 pounds	\$487.04	\$463.41
		800 pounds or more	\$749.76	\$722.13--*
	Adult	Cow	\$681.62	\$694.98
		Bull	\$886.11	\$903.48
Dairy	Non Adult	Less than 400 pounds	\$345.00	\$366.09
		*--400 to 799 pounds	\$690.00	\$732.19
		800 pounds or more	\$749.76	\$722.13--*
	Adult	Cow	\$1,380.00	\$1,464.38
		Bull	\$1,380.00	\$1,464.38
Buffalo/ Beefalo	Non Adult	Less than 400 pounds	\$326.64	\$303.47
		*--400 to 799 pounds	\$462.68	\$440.24
		800 pounds or more	\$712.27	\$686.03--*
	Adult	Cow	\$600.00	\$611.76
		Bull	\$1,125.00	\$1,147.05
Swine	Boars/Sows	Over 450 pounds	\$124.20	\$114.98
	Sows/Boars/Barrows/Gilts	151 to 450 pounds	\$74.62	\$75.44
	Lightweight Barrows/Gilts	50 to 150 pounds	\$56.18	\$52.59
	Feeder Pigs	Under 50 pounds	\$37.75	\$29.74
Sheep	Rams		*--\$107.24	\$107.24
	Ewes		\$82.49	\$82.49
	Lambs		\$102.02	\$104.58--*
Goats	Bucks		\$73.66	\$65.28
	*--Nannies--*		\$73.66	\$65.28
	Slaughter Goats/Kids		\$47.36	\$48.56
Chickens	Layers/Roasters		\$10.45	\$13.66
	Broilers/Pullets		\$1.81	\$1.92
	Chicks		\$0.19	\$0.20
Turkeys	Toms/Fryers/Roasters		\$10.24	\$12.30
	Poults		\$0.99	\$1.08
Ducks	Ducks		\$2.73	\$3.33
	Ducklings		\$0.44	\$0.53
Geese	Goose		\$11.88	\$21.05
	Gosling		\$2.50	\$4.42
Deer			\$412.50	\$412.50
Elk			\$572.59	\$572.59
Emus			\$150.00	\$150.00
Equine			\$637.50	\$637.50
Llamas			\$210.00	\$210.00
Reindeer			\$412.50	\$412.50

42 Payment Rates, Limitations, and Reductions (Continued)

**\*--G Payment Rates for Eligible Livestock for Livestock Contract Growers**

LIP provides separate payment rates for eligible livestock owners and eligible contract growers. See subparagraph F for payment rates for eligible livestock owners.--\*

Payment rates for livestock contract growers are based on 75 percent of the average income loss sustained, as determined by FSA, by the contract grower with respect to the dead livestock. The following table provides per head payment rates, by livestock category, for eligible livestock contract growers.

<b>Kind</b>	<b>Type</b>	<b>Weight Range</b>	<b>2008 Payment Per Head</b>	<b>2009 Payment Per Head</b>
Chickens	Layers/Roasters		\$0.63	\$0.82
	Broilers/Pullets		\$0.20	\$0.21
Turkeys	Toms/Fryers/Roasters		\$1.13	\$1.35
Ducks	Ducks		\$0.30	\$0.37
Geese	Goose		\$1.31	\$2.32
Swine	Boars/Sows	Over 450 pounds	\$51.04	\$47.25
	Sows/Boars/Barrows/Gilts	151 to 450 pounds	\$11.21	\$11.33
	Lightweight Barrows/Gilts	50 to 150 pounds	\$8.44	\$7.90
	Feeder Pigs	Under 50 pounds	\$4.29	\$3.38

**42 Payment Rates, Limitations, and Reductions (Continued)**

**\*--H Payment Reductions for Livestock Owners--\***

Pub. L. 110-246 provides that payments for LIP shall be reduced by any amount received by the participant for the same or any similar loss from a different source.

Therefore, LIP payment amounts for eligible livestock owners shall be reduced by the amount the participant received for the specific livestock under any other source for the same or similar loss.

**42 Payment Rates, Limitations, and Reductions (Continued)****\*--H Payment Reduction for Contract Growers--\***

Pub. L. 110-246 provides that payments for LIP shall be reduced by any amount received by the participant for the same loss or any similar loss.

Some contract growers received monetary compensation from their contractor for the loss of income suffered from the death of livestock under contract.

Some eligible livestock contract growers under LIP may have received payments for dead poultry or swine from their contractor for the loss of income from the dead poultry or swine.

LIP payments will be reduced by the amount the contract grower received from their contractor for the loss of income from the adverse weather event.

**Example 1:** Bill Smith is an eligible contract grower of roaster chickens for the All American Chicken Company for the 2008 calendar year. Mr. Smith suffered an eligible loss (death) of 5,000 chickens under contract as a direct result of a hurricane. The All American Chicken Company gave Mr. Smith \$300 for the loss of income he suffered because of the loss of the chickens. Mr. Smith's 2008 LIP calculated payment amount for the 5,000 chickens is \$500, before any reduction. However, the 2008 LIP payment for the chickens will be reduced to \$200 because of the \$300 received from the contractor for the loss of income from the loss of the chickens because of the adverse weather event.

**Example 2:** Jane Brown is an eligible contract grower of roaster chickens for the All American Chicken Company for the 2008 calendar year. She was also the owner of 100 adult beef cows. Mrs. Brown suffered an eligible loss (death) of 5,000 chickens under contract and 5 adult beef cows as a direct result of an eligible adverse weather event in 2008. The All American Chicken Company gave Mrs. Brown \$2,000 for the loss of income she suffered because of the loss of the chickens. Mrs. Brown's calculated payment amount for the 5,000 chickens is \$600, before any reduction, and \$650 for the 5 adult beef cows. The 2008 LIP payment for the chickens will be reduced to zero because of the \$2,000 received from the contractor. However, the 2008 LIP payment of \$650 for the eligible beef cows is not reduced.

**43 General Payment Information**

**A Assignments and Offsets**

For LIP, County Offices shall:

- accept assignments according to 63-FI
- apply offsets according to 58-FI.

**B Issuing Payments to Deceased Individuals, Closed Estates, and Dissolved Entities**

LIP payments for FSA-914’s involving deceased individuals, closed estates, or dissolved entities shall be made according to the following, provided all other eligibility requirements are met.

<b>IF the participant is...</b>	<b>AND FSA-914 is signed by an authorized representative of the...</b>	<b>THEN payments shall be issued...</b>
an individual who died before FSA-914 was filed	deceased according to subparagraph 41 H	to any of the following, as applicable, using the ID number of the participant: <ul style="list-style-type: none"> <li>• the deceased individual</li> <li>• the individual’s estate</li> <li>• the heirs, based on OGC determination, according to 1-CM, Part 26.</li> </ul>
an estate that closed before FSA-914 was filed	estate according to subparagraph 41 H	
an entity that dissolved before FSA-914 was filed	dissolved entity according to subparagraph 41 H	using the ID number of the participant.
an individual who dies, is declared incompetent, or is missing after filing FSA-914		to eligible payees executing FSA-325 according to 1-CM, paragraph 779.

**Note:** FSA-325 is only used when it is requested that a payment earned by a deceased, missing, or incompetent program participant be issued in a name other than that of the deceased, missing, or declared incompetent program participant.

**43 General Payment Information (Continued)**

**C 2008 Payment Eligibility Requirements**

A participant must meet all the following for 2008 calendar year losses before a payment shall be issued:

- CCC-502 on file and “person” determination according to 1-PL
- AD-1026 on file according to 6-CP
- not be in violation of fraud provisions, including FCIC fraud provisions, according to 1-CM and 3-PL
- compliance with:
  - average AGI provisions according to 1-PL
  - controlled substance provisions according to 1-CM.

**Note:** See subparagraph:

- 42 B for more information about CCC-502
- E for more information about AD-1026.

County Offices shall record determinations for the applicable criteria in the web-based eligibility system according to 3-PL.

43 General Payment Information (Continued)

**D 2009 and Subsequent Years Payment Eligibility Requirements**

A participant must meet all the following for 2009 and subsequent calendar year losses before a payment shall be issued:

- CCC-901 on file for legal entities according to 4-PL
- AD-1026 on file according to 6-CP
- not be in violation of fraud provisions, including FCIC fraud provisions, according to 1-CM and 3-PL (Rev. 1)
- compliance with:
  - average AGI provisions according to 4-PL
  - controlled substance provisions according to 1-CM.

**Note:** See subparagraph:

- 42 C for more information about CCC-901
- E for more information about AD-1026.

County Offices shall record determinations for the applicable criteria in the web-based eligibility system according to 3-PL (Rev. 1).

**43 General Payment Information (Continued)****E Conservation Compliance Provisions**

AD-1026 applicable to the year for which LIP benefits are requested must be on file for the participant and affiliates, if applicable, according to 6-CP.

If AD-1026 applicable for the year for which LIP benefits are requested is:

- already on file for the participant, and affiliates, if applicable, it is not necessary to obtain a new AD-1026 for LIP
- not on file for the participant, and affiliates, if applicable, County Office shall obtain a completed AD-1026 applicable to the year for which LIP benefits are requested.

If a new AD-1026 is required to be filed, payments may be issued to eligible participants upon signing AD-1026, item 12. It is not necessary to withhold payments pending NRCS highly erodible land or wetland determinations. The continuous certification statement on AD-1026 requires participants to refund program payments if an NRCS determination results in the discovery of a HELC/WC violation.

**F Prevention of Improper Payments**

IPIA requires Federal agencies to evaluate programs to determine whether internal controls are sufficient to prevent improper payments. County Offices shall take all steps necessary to ensure that program and payment eligibility requirements have been met before issuing any payments.

**\*--Note:** See Exhibit 9 for additional information about FSA-770 LIP.--\*

**G Definition of Improper Payment**

OMB defines an improper payment as any payment that should **not** have been issued or was issued in an incorrect amount under statutory, contractual, administrative, or other legally applicable requirement.

**44-70 (Reserved)**



## 71 Applying for Benefits

### A Application Process

To apply for LIP, the participant must provide a notice of loss in the FSA administrative County Office the earlier of the following:

- 30 calendar days of when the loss of livestock was apparent to the participant
- 30 calendar days after the end of the calendar year in which the loss of livestock occurred.

For 2008 calendar year livestock death losses and 2009 calendar year livestock death losses that occurred before July 13, 2009, the participant must provide a notice of loss in the FSA administrative County Office by no later than September 13, 2009.

A notice of loss is part of the application process. Multiple notices of loss may be filed during the calendar year as livestock deaths occur because of multiple adverse weather events. Producers that suffer multiple livestock losses during the calendar year may file multiple notices of loss and multiple applications for payment.

Applications for payment are completed on a calendar year basis. Other documentation is required for a complete application.

**Note:** If livestock deaths are caused by multiple adverse weather events that occur during the calendar year, livestock deaths shall be reported and a notice of loss filed for each separate eligible adverse weather event. Each eligible adverse weather event will be sequentially numbered in the notice of loss section of the application.

**Example:** The following adverse weather events occurred in County A:

- Winter Storms: March 27, 2009, through March 30, 2009
- Excessive Moisture: August 15, 2009, through August 21, 2009.

Producer A suffered livestock losses because of winter storms and excessive moisture during the calendar year. Five adult beef cows died as a direct result of the winter storm that occurred during March 27, 2009, through March 30, 2009. Producer A telephones County A and reports the loss of five adult beef cows. The winter storm is recorded as adverse weather event number 1 on the notice of loss. Producer A lost 4 non adult beef cows because of excessive moisture during August 15, 2009, through August 21, 2009. Producer A faxed a notice of loss to County A. Excessive moisture is recorded as adverse weather event number 2 on the notice of loss.

On December 1, Producer A files an application for payment, reviews the notice of loss, and signs the application for payment.

## 72 Notice of Loss

**A Filing Notice of Loss**

Participants must file a notice of loss on FSA-914, Parts A and B, in their administrative \*--County Office the earlier of either of the following:--\*

- 30 calendar days of when the loss of livestock was apparent to the participant
- 30 calendar days after the end of the calendar year in which the loss of livestock occurred.

For 2008 calendar year livestock death losses and 2009 calendar year livestock death losses that occurred before July 13, 2009, the participant must provide a notice of loss on FSA-914 in the FSA administrative County Office by no later than September 13, 2009.

A notice of loss may be filed by the participant or participant's representative by 1 of the following alternative methods:

- telephone
- facsimile
- e-mail.

**Note:** The participant is not required to sign the notice of loss if 1 of the alternative methods is used. However, the employee accepting the "notice of loss" shall enter the method by which the "notice of loss" was filed in FSA-914, item 8A if the participant or participant's representative did not sign.

**Example:** Producer A lost 5 adult beef cows as the result of a blizzard on January 15, 2009. Producer A telephones County Office on January 25, 2009, and reports that he/she lost 5 adult beef cows because of a blizzard that occurred on January 15, 2009. County Office enters "phone" in item 8A as the method for which the "Notice of Loss" was reported.

Producer A lost 6 adult beef cows as the result of a flood that occurred on May 15, 2009. Producer A e-mails County Office on May 31, 2009, and reports he/she lost 6 adult beef cows because of a flood that occurred on May 15, County Office enters "e-mail" in item 8A as the method for which the subsequent "Notice of Loss" was reported.

## 73 Application for Payment

**A Filing Application for Payment**

To apply for LIP benefits, eligible livestock owners and livestock contract growers shall file a manual application for payment on FSA-914, according to paragraph 76, in **their administrative County Office** until the automated software becomes available. When the automated software becomes available, then an automated application for payment shall be filed.

**Note:** A minor child is eligible to file FSA-914, if all eligibility requirements are met.

In addition to the notice of loss required in paragraph 72, eligible livestock owners and contract growers that suffer livestock losses shall file an application for payment no later than either of the following:

- 30 calendar days after the end of the calendar year in which the loss of livestock occurred
- September 13, 2009, for livestock losses that occurred during calendar year 2008.

For 2008 calendar year livestock losses, the livestock owner or contract growers must complete an application for payment no later than September 13, 2009. However, for 2009 and subsequent years, if an eligible livestock owner or contract grower suffers eligible livestock losses because of an eligible adverse weather event, the **eligible livestock owner or contract grower shall be encouraged** to complete an application for payment within 30 calendar days of when the loss was apparent; however, the application for payment must be completed no later than 30 calendar days after the end of the calendar year of when the loss occurred.

For 2008 calendar year livestock losses, the application for payment must be signed and dated by the participant by September 13, 2009, to be considered timely filed. For 2009 and subsequent calendar year livestock losses, the application for payment must be signed and dated by the participant no later than 30 calendar days after the end of the calendar year of when the loss occurred. There are **no** late-filed provisions for LIP (**paragraph 40**).

**Note:** A notice of loss must be on file for an application for payment to be filed.

**State and County Offices shall not use unapproved forms, worksheets, applications, or other documents to obtain or collect the data required from participants to complete FSA-914 (subparagraph 21 E).**

FSA-914's for LIP will be based on the following:

- administrative county \* \* \*
- calendar year
- participant.

At any point when 1 of these items is different, it will require a separate FSA-914 to be filed.

## 73 Application for Payment (Continued)

## A Filing Application for Payment (Continued)

**Producers can file multiple applications for payment within 1 calendar year.**

FSA-914's shall be filed by eligible livestock owners and contract growers in **their administrative County Office**. The administrative County Office is the County Office designated by FSA to:

- handle official records
- issue payment to eligible livestock producers
- make determinations.

A livestock owner or contract grower's administrative County Office is generally the County Office where the livestock owner or contract grower's farm records are maintained. FSA has provisions in 2-CM and 3-CM that will allow farms to be transferred to other counties; therefore, some farms may be administratively located in a county where the farm is not physically located.

LIP applications will be filed in the farm's administrative county.

When a participant has a percentage share interest in a livestock operation with an associated producer that is physically located in the same county, which is the administrative county, in the same calendar year, the eligible livestock for each participant shall be listed on separate FSA-914's based on each participant's share in the livestock operation.

**Example:** Jane Jones has the following livestock interests in Castro County, Texas, for calendar year 2008. Livestock were lost because of eligible adverse weather events:

50-50 share owner of a beef cattle herd with Bill Green. Jane Jones and Bill Green, as individuals, each have a 50 percent interest in 100 head of beef cattle; 10 adult beef cows were lost because of adverse weather.

The following two FSA-914's would be filed in Castro County, Texas, for calendar year 2008, assuming all participants file an application for the eligible livestock and none of the participants have any other livestock interests:

- one FSA-914 for Jane Jones of 5 eligible adult beef cows from the operation she shares with Bill Green.
- one FSA-914 for Bill Green of 5 adult beef cows from the operation he shares with Jane Jones.

**73 Application for Payment (Continued)****A Filing Application for Payment (Continued)**

When, in the same calendar year, a participant has a percentage share interest with different associated producers in multiple livestock operations that are physically located in the same county, which is the administrative county, the eligible livestock for each participant shall be listed on separate FSA-914's based on each participant's share.

**Example:** Sammy Smith has the following livestock interests in Motley County, Texas, which suffered an eligible adverse weather event for calendar year 2009.

- 50-50 share owner of a beef cattle herd with Bill Brown. Sammy Smith and Bill Brown, as individuals, each have a 50 percent interest in 100 head of beef cattle; 10 adult beef cows were lost because of adverse weather.
- 75-25 share owner of a beef cattle herd with Martha Green; Sammy Smith and Martha Green jointly own the beef cattle as individuals on 75-25 percent share; 20 adult beef cows were lost because of adverse weather.
- 25-50-25 share owner of a beef cattle herd with Bob Black and Mike White. Sammy Smith, Bob Black, and Mike White have a 25-50-25 percent interest, respectively, in the 300 beef cattle; 25 adult beef cows were lost because of adverse weather after normal mortality.

## 73 Application for Payment (Continued)

## A Filing Application for Payment (Continued)

The following five FSA-914's would be filed in Motley County, Texas, the administrative county for calendar year 2009, assuming all participants file FSA-914 for the eligible livestock, and none of the participants have any other livestock interests:

- one FSA-914 for Sammy Smith that includes **all** of the following:
  - 26 adult beef cows which includes:
    - 5 eligible adult beef adult cows from the operation with Bill Brown
    - 15 eligible adult beef cows from the operation with Martha Green
    - 6 adult beef cows from the operation with Bob Black and Mike White
- one FSA-914 for Bill Brown of 5 eligible adult beef cows from the operation he shares with Sammy Smith
- one FSA-914 for Martha Green of 5 eligible adult beef cows from the operation she shares with Sammy Smith
- one FSA-914 for Bob Black of 13 eligible adult beef cows from the operation he shares with Sammy Smith and Mike White

**Note:** Mr. White and Mr. Smith agreed to allow Mr. Black to claim 1 extra adult beef cow.

- one FSA-914 for Mike White of 6 eligible adult beef cows from the operation he shares with Sammy Smith and Bob Black.

**73 Application for Payment (Continued)****B Signing and Certifying FSA-914**

When signing FSA-914, item 25A, the participant is:

- applying for LIP benefits for the participant listed on FSA-914, item 5
- certifying **all** of the following:
  - information provided on FSA-914 is true and correct
  - claimed livestock died during the calendar year and as a direct result of an eligible adverse weather event
  - livestock claimed on FSA-914 are eligible livestock according to subparagraph 41 B or D, as applicable
  - the physical location of the:
    - claimed livestock on the day they died
    - participant's current livestock inventory
  - the names of all other producers that had an interest in the claimed livestock
  - all supporting documentation provided are true and correct copies of the transaction reported
- authorizing FSA officials to:
  - enter upon, inspect, and verify all applicable livestock, and livestock deaths, in which the participant has an interest for the purpose of confirming the accuracy of the information provided
  - review, verify, and authenticate all information provided on FSA-914 and supporting documents provided
  - contact other agencies, organizations, or facilities to verify data provided by a participant or third party from such agencies, organizations, or facilities
- acknowledging that:
  - failure to provide information requested by FSA is cause for disapproval of FSA-914
  - providing a false certification to FSA is cause for disapproval of FSA-914, and is punishable by imprisonment, fines, and other penalties.

## 73 Application for Payment (Continued)

### B Signing and Certifying FSA-914 (Continued)

**Note:** Participants who receive assistance must keep records and supporting documentation for 3 years following the end of the year in which the application for payment was filed.

### C Signature Requirements

All participants' signatures **must** be received no later than:

- September 13, 2009, for 2008 calendar year applications for payment
- 30 calendar days after the end of the calendar year in which the loss of livestock occurred for 2009 and subsequent calendar years applications for payment.

Neither STC nor COC has authority to approve late-filed FSA-914.

Follow 1-CM for signature requirements.

**Important:** 1-CM, Part 25 provides signature requirements for general partnerships. County Offices shall see 1-CM for signature requirements for general partnerships.

**Notes:** General partnerships must have a permanent tax ID number to receive any FSA payment. FSA payments shall not be issued to the individual members of a general partnership.

FSA payments may be issued to:

- a joint venture with a permanent tax ID number
- the individual members of a joint venture, using the individual member's ID numbers, when the joint venture does not have a permanent tax ID number.

### D Printing and Reviewing Automated FSA-914

Once the automated system becomes available, all manual FSA-914's shall be loaded into the automated system. After all information is entered into the automated system, County Offices shall:

- print an automated FSA-914
- attach the manual FSA-914 to the automated FSA-914
- conduct a second party review of all data on the automated FSA-914 to ensure that all data is the same on both the manual and automated FSA-914.

## 73 Application for Payment (Continued)

**D Printing and Reviewing Automated FSA-914 (Continued)**

**Important:** The individual conducting the second party review shall not be the same individual who entered the data into the automated system.

**E Proof of Death**

When FSA-914 is submitted, participants must provide **verifiable** documentation of livestock deaths claimed on FSA-914. Adequate documentation must be provided that proves the death of eligible livestock occurred as a direct result of an eligible adverse weather event in the calendar year for which benefits are being requestd.

The documentation must provide sufficient data that identifies the quantity and the livestock kind/type and weight range. Documents providing verifiable evidence may include, but are not limited to, any or a combination of the following:

- rendering truck receipts or certificates
- FEMA records
- National Guard records
- veterinary records
- records assembled for tax purposes
- private insurance documents
- written contracts
- bank or other loan documents
- purchase records
- productions records
- property tax records.

**Note:** In addition, livestock contract growers must provide a copy of their grower contract.

**73 Application for Payment (Continued)**

**F Producer Records**

If adequate verifiable proof of death records documentation is not available, the participant may provide reliable records, in conjunction with verifiable beginning and ending inventory records, as proof of death.

See subparagraph H for verifiable documentation of inventory.

Reliable records may include, but are not limited to:

- contemporaneous producer records existing at the time of the event
- picture(s) with a date
- brand inspection records
- dairy herd improvement records
- other similar reliable documents.

## 73 Application for Payment (Continued)

**G Third Party Certifications**

If a participant is unable to provide verifiable or reliable records as proof of death according to subparagraphs E or F, the participant may use a third party certification as proof of death.

County Office and COC general knowledge of adverse weather in the area is **not** acceptable as third party certification under any circumstance.

COC shall provide a written monthly report to DD indicating the number of third party certifications reviewed and approved/disapproved.

Third party certification of livestock deaths may be accepted **only when all** of the following are met:

- livestock owner or contract grower, as applicable:
  - completes FSA-926 according to paragraph 74 and certifies to **all** of the following:
    - no other form of proof of death is available
    - number of livestock, by category, in inventory when the deaths occurred
    - physical location of livestock, by category, in inventory when the deaths occurred
  - provides verifiable documentation that supports the reasonableness of the number of livestock in inventory when the deaths occurred, as certified by participant according to subparagraph H

**Important:** See subparagraph H for verifiable documentation of inventory.

- third party completes and certifies on FSA-926 according to paragraph 74 to **all** of the following:
  - specific details about how the third party has knowledge of the animal deaths
  - the affiliation of the third party

**Note:** The third party must be an independent source who is **not affiliated** with the farming operation such as a hired hand and is not a “family member” defined as a person whom a member in the farming operation or their spouse is related as lineal ancestor, lineal descendant, sibling, or spouse.

- telephone number and address of the third party
- number and kind/type and weight range of participant’s livestock that died because of the eligible adverse weather event
- any other details necessary for COC and DD to determine that the certification is acceptable.

## 73 Application for Payment (Continued)

**G Third Party Certifications (Continued)**

COC reviews the participant's and third party's certification on FSA-926 and determines all of the following:

- documents provided as evidence of livestock inventory are acceptable
- livestock inventory is reasonable based on documents provided
- claimed losses are reasonable
- third party is a reliable source in a position to have knowledge of loss
- certifications of participant and third party meet all requirements.

**Important:** COC shall approve or disapprove the participant and third party certifications when review is complete, and document review in the COC minutes.

**Example:** Jane Doe completes FSA-914 certifying 15 head of adult beef cows and 25 non-adult beef cattle under 400 pounds died because of adverse weather.

Mrs. Doe completes FSA-926 indicating she has no proof of death of the cows and calves because they all drowned when a flash flood covered parts of their pastures, and none of the carcasses were ever located.

Mrs. Doe signs and dates FSA-926 indicating no proof of death is available because the livestock claimed on FSA-914 drowned, and no carcasses were ever located. She also certifies on FSA-926 that when the flash flood occurred she had 200 head of adult beef cows and 180 head of non-adult beef cattle under 400 pounds in the pasture where the deaths occurred. As evidence of the beginning inventory, Mrs. Doe submits copies of bank loan documents for the purchase of 180 beef cows, purchase receipts for a total of 193 beef cows, and veterinary records indicating she had 185 beef calves wormed in July 2008. Mrs. Doe certifies on FSA-926 that she cannot locate the purchase receipts for the remaining 7 head of beef cows; however, she purchased them at the local county livestock auction in May 2007. Mrs. Doe certifies on FSA-926 that all the beef cows and calves in inventory when the animals drowned were physically located in fields 5, 6, and 7 on tract 1093 of FSN 458 in Jefferson County.

Mike Green, Mrs. Doe's neighbor, completes FSA-926 certifying that he has knowledge of the livestock deaths claimed by Mrs. Doe because his cattle are located in the pasture adjacent to Mrs. Does', and he witnessed the flash flood cover the area, and cattle being drowned before they could be safely rescued. After reviewing FSA-914, Mr. Green certifies on FSA-926 that he believes the information provided on FSA-914 is true and correct.

73 Application for Payment (Continued)

**G Third Party Certifications (Continued)**

COC reviews Mrs. Doe's FSA-914, and FSA-926 provided by Mrs. Doe and Mr. Green, and the documents provided by Mrs. Doe to support the beginning inventory numbers. Based on the information provided, COC requests Mrs. Doe contact the local livestock auction company where the beef cows were purchased and request a copy of the purchase report or receipts.

After obtaining a purchase report from the local auction company indicating Mrs. Doe did purchase 7 beef cows in May 2007, COC determines the evidence of livestock inventory at time of the livestock deaths, and claimed livestock deaths are reasonable based on the information provided on FSA-926 and according to subparagraph H.

COC signs, dates, and approves FSA-926 provided by Mrs. Doe and Mr. Green, and documents the review in the COC minutes during the meeting in which Mrs. Doe's FSA-914 is approved by COC.

## 73 Application for Payment (Continued)

**H Proof and Reasonableness of Livestock Inventory**

Livestock owners and livestock contract growers that cannot provide verifiable documentation of proof of death according to subparagraph E must provide verifiable documentation of their livestock inventory when the deaths occurred according to this subparagraph.

Documents that may provide verifiable evidence of livestock inventory include, but are **not** limited to, any or a combination of the following:

- veterinary records
- canceled check documentation
- balance sheets
- inventory records used for tax purposes
- loan records
- bank statements
- farm credit balance sheets
- property tax records
- brand inspection records
- sales and purchase receipts
- private insurance documents
- chattel inspections.

**Important:** Previous FSA or FSA livestock program documents that were subject to spot check, such as 2005-2007 LCP:

- may provide the number of certain animal types that may be used as a starting point for determining the livestock inventory when the deaths occurred
- shall **not** be used as the **only** source of evidence of livestock inventory.

## 73 Application for Payment (Continued)

**H Proof and Reasonableness of Livestock Inventory (Continued)**

**Example:** John Brown certified to 125 head of adult beef cows on his FSA-approved 2007 LCP application. The 125 head of adult beef cows certified on the 2007 LCP application may be used in combination with purchase and sales reports, birth and death records, and other verifiable documents providing evidence of beef cattle for Mr. Brown to determine the beef cattle inventory when the deaths occurred. However, the 2007 LCP application data by itself is **not** sufficient evidence of livestock inventory when the deaths occurred in 2009.

**Note:** None of the documents listed in this subparagraph, by themselves, may be sufficient evidence to determine the reasonableness of the number of livestock in inventory when the deaths occurred. COC's shall ensure that the documents submitted by participants provide verifiable evidence that supports the reasonableness of the number of livestock inventory when the deaths occurred, as certified by the participant.

COC's shall determine the reasonableness of the livestock inventory and claimed losses using the following guidelines, when appropriate, for calving, farrowing, and kidding:

- 90 percent calving rate
- 103 to 105 percent for sheep
- 150 to 180 percent kidding rate
- 8.5 pigs per litter farrowing rate.

**Example:** A participant reports a livestock inventory of 150 beef cows, 5 beef bulls, and 155 beef calves when the deaths occurred. The normal calving rate would yield 135 (150 times 90 percent) calves. Based on the normal calving rate, 155 calves for 150 cows does not appear reasonable. COC should question the livestock inventory if it is not supported by verifiable documentation.

**73 Application for Payment (Continued)**

**I Supporting Documents**

All supporting documents must be completed by the participant and on file in the County Office:

- no later than 30 calendar days after the end of the calendar year for which benefits are requested
- before FSA-914 may be approved.

Supporting documents include, but may not be limited to, the following:

- CCC-901 applicable for 2009 and subsequent years
- AD-1026 applicable for 2008, 2009, 2010, 2011
- CCC-526 or other acceptable document according to 1-PL to determine compliance with average AGI provisions for 2008
- CCC-926 or other acceptable document according to 4-PL to determine compliance with average AGI provisions for 2009 and subsequent years
- proof of death documentation
- copy of contract growers contracts.

74 FSA-926, Livestock Indemnity Program Third Party Certification

A Completing FSA-926

Complete FSA-926 according to the following table:

Item No.	Instruction
1	Enter State and County Code. This is the administrative County Office where the participant’s farm records are maintained.
2	Enter the calendar year the livestock deaths occurred.  <b>Note:</b> If the deaths occurred in 2 different calendar years as a result of the same adverse weather event, a separate certification must be filed for each calendar year to include only the livestock lost during the calendar year.
3	Enter County Office name and address. This is the administrative County Office where the participant’s farm records are maintained.
<b>Part A – Livestock Producer Information</b>	
4	Enter the participant’s name and address, including city, State and ZIP code.
<b>Part B – Livestock Producer Certification of Livestock and Losses</b>	
5	Enter the adverse weather event(s) number from FSA-914, Item 12.
6	Enter “YES” if the producer in Item 4 is a contract grower. Otherwise, enter “NO”.
7	Enter livestock kind/type and weight range for which loss occurred, for which no other proof of death is available.  An entry in this field is always required when there is a loss in a particular kind/type and weight range of livestock for which no other proof of death is available.  <b>Note:</b> Livestock by kind, type, and weight range can be obtained from the local FSA office or LIP Fact Sheet located at <a href="https://disaster.fsa.usda.gov">https://disaster.fsa.usda.gov</a> .

74 FSA-926, Livestock Indemnity Program Third Party Certification (Continued)

A Completing FSA-926 (Continued)

Item No.	Instruction
8	Enter the total number of livestock, by kind/type and weight range, in inventory at the time the loss occurred for which no other form of proof of death is available.
9	Enter the physical location of livestock in inventory when deaths occurred. Include the name of the county where the livestock were located when the deaths occurred.  <b>Example:</b> Jones County, Texas, farm 100
10	Enter the type of documentation provided to support reasonableness of livestock in inventory when deaths occurred.  Type of records may include but is not limited to:  <ul style="list-style-type: none"> <li>• veterinary records</li> <li>• loan records</li> <li>• farm credit balance sheets</li> <li>• property tax records.</li> </ul>
<b>Part C - Livestock Producer Certification</b>	
11A	Participant or representative of participant signs to indicate that livestock losses have occurred because of an eligible adverse weather event, that no other form of proof of death is available, the number livestock in Item 8 were in inventory when the loss occurred, the livestock in inventory were physically located as described in Item 9, and all other information provided is true and correct.
11B	Signatory in Item 11A shall enter their title/relationship when signing in the representative capacity.  <b>Note:</b> If a participant/applicant is <b>not</b> signing in the representative capacity, this field should be left blank. If a participant/applicant is signing on behalf of themselves, it is acceptable to write “self”; however, it is <b>not</b> necessary.
11C	Participant or participant’s representative enters signature date.

## 74 FSA-926, Livestock Indemnity Program Third Party Certification (Continued)

## A Completing FSA-926 (Continued)

Item No.	Instruction
<b>Part D – Third Party Certification Information</b>	
12	Enter the name and address including city, State, and ZIP code of the third party.
13	Enter the telephone number of the third party.
14	<p>Enter the affiliation of the third party to the participant. Third party is an independent source such as veterinarian, neighbor or other.</p> <p><b>Note:</b> Third party must be an independent source who is <b>not affiliated</b> with the farming operation such as a hired hand or family member.</p>
<b>Part E – Third Party – Specific Details of Livestock Deaths</b>	
15	<p>Enter specific details about how the third party has knowledge of the animal deaths.</p> <p>Written details should be specific about the knowledge of the animal deaths and could include pictures or other documentation, if available.</p> <p>Written details should also include dates of adverse weather event, type of adverse weather event, physical location of third party relevant to the location of the participant’s livestock that were lost or participant’s farm.</p>
<b>Part F –Third Party – Certification of Livestock Deaths</b>	
16	<p>Enter the livestock kind/type and weight range of the participant’s livestock that died because of an eligible adverse weather event that the third party has knowledge of.</p> <p><b>Note:</b> Livestock kind/type and weight range can be obtained from the local FSA office or LIP Fact Sheet located at <a href="https://disaster.fsa.usda.gov">https://disaster.fsa.usda.gov</a>.</p>
17	Enter the number of livestock lost because of an eligible adverse weather event, for the specific kind/type and weight range entered in Item 16, that the third party has knowledge of.

74 FSA-926, Livestock Indemnity Program Third Party Certification (Continued)

A Completing FSA-926 (Continued)

Item No.	Instruction
<b>Part G – Third Party Certification of Other Details</b>	
18	Enter any other relevant details related to the livestock deaths the third party is certifying to.
<b>Part H – Third Party Signature Certification</b>	
19A through 19B	After reading the certification, third party signs and dates.
<b>Part I - County Committee Determination</b>	
20 through 24	COC shall review the participant’s and third party’s certification and document their determination by checking “YES” or “NO” to each of the questions in Part I. If “NO”, is checked for any of the questions, COC shall explain their determination in Item 25.
25	Enter explanations from Items 20 through 24.
26	Enter COC signature.  <b>Note:</b> Only COC can “approve” or “disapprove” a third party certification.
27	Enter date of COC action.
28	Enter a check in “approved” or “disapproved” box.

74 FSA-926, Livestock Indemnity Program Third Party Certification (Continued)

B Example of FSA-926

This form is available electronically.

<b>FSA-926</b> (07-09-09)	<b>U.S. DEPARTMENT OF AGRICULTURE</b> Farm Service Agency  <b>LIVESTOCK INDEMNITY PROGRAM</b> <b>Third Party Certification</b>	1. State and County Code	2. Calendar Year
		3. County Office Name and Address (Include Zip Code)	

**NOTE:** *The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a - as amended). The authority for requesting the information identified on this form is the Food, Conservation, and Energy Act of 2008 (Pub. L. 110-246), 7 CFR 760, subpart E. The information will be used to determine eligibility for program benefits. The information collected on this form may be disclosed to other Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated). Providing the requested information is voluntary. However, failure to furnish the requested information will result in a determination of ineligibility for program benefits.*

*This information collection is exempted from the Paperwork Reduction Act, as it is required for administration of the Food, Conservation, and Energy Act of 2008 (see Pub. L. 110-246, Title I, Subtitle F - Administration).*

*The provisions of appropriate criminal and civil fraud, privacy, and other statutes may be applicable to the information provided. RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.*

**PART A – LIVESTOCK PRODUCER INFORMATION**

4. Producer's Name and Address (City, State and Zip Code)

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**PART B – LIVESTOCK PRODUCER CERTIFICATION OF LIVESTOCK AND LOSSES**

5. FSA-914 Adverse Weather Event Number	6. Contract Grower		7. Livestock Kind/Type and Weight Range <small>(Can be obtained from the local FSA office or LIP Fact Sheet located at <a href="https://disaster.fsa.usda.gov">https://disaster.fsa.usda.gov</a>)</small>	8. Inventory	9. Physical Location of Livestock in Inventory When Deaths Occurred	10. Documentation Supporting Reasonableness of Livestock in Inventory When Deaths Occurred
	YES	NO				

**PART C - LIVESTOCK PRODUCER CERTIFICATION**

I certify that:

- No other form of proof of death of the livestock reported in Item 7 is available.
- The number of livestock reported in Item 8, by category, were in inventory when the deaths occurred.
- The livestock in inventory, by category, were physically located as described in Item 9 when the deaths occurred.

11A. Producer's Signature (By)	11B. Title/Relationship of the Individual Signing in the Representative Capacity	11C. Date (MM-DD-YYYY)
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74 FSA-926, Livestock Indemnity Program Third Party Certification (Continued)

B Example of FSA-926 (Continued)

<b>FSA -926</b> (Proposal 2)		Page 3 of 3
<b>PART I – COUNTY COMMITTEE DETERMINATION</b>		
	YES	NO
20. Documents provided as evidence of livestock inventory are acceptable. If NO, explain in Item 25.		
21. Livestock inventory is reasonable based on documents provided. If NO, explain in Item 25.		
22. Claimed livestock losses are reasonable. If NO, explain in Item 25.		
23. Third party is a reliable source in a position to have knowledge of loss. If NO, explain in Item 25.		
24. Certification of participant and third party meet all requirements. If NO, explain in Item 25.		
25. Comment		
26. COC Signature	27. Date (MM-DD-YYYY)	28. Determination <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved

## 75 Acting on FSA-914

## A Approving FSA-914

COC or CED must act on all completed and signed FSA-914's submitted.

**Exception:** Only COC has authority to act on (approve or disapprove) FSA-914's submitted that use producer records or third party certification as proof of loss.

**Note:** CED may delegate approval authority to program technicians for routine cases where proof of death is provided according to subparagraph 73 E. Delegation must be documented in the COC minutes.

Program technicians shall **not** be delegated authority to:

- disapprove any FSA-914
- approve any FSA-914 where producer records or third party certification is used to prove loss.

**Important:** DD review of initial applications must be completed according to subparagraph D before applications may be approved or disapproved.

FSA-914 shall be approved or disapproved as certified by the participant. When more than 1 type of livestock is claimed, FSA-914 shall be approved or disapproved based on all livestock claimed. However, COC does have authority to make adjustments to certain information reported on FSA-914 when documentation warrants making adjustments.

**Example:** Jim Brown files FSA-914 that includes 10 adult beef cows reported in Item 16 lost because of adverse weather that meet the livestock eligibility requirements and 5 horses lost because of adverse weather that do not meet the livestock eligibility requirements. In this case, COC can enter "0" in Item 19, "COC Adjusted Number of Lost Due to Adverse Weather" field of FSA-914 for horses and then approve FSA-914 for the 10 eligible adult beef cows. Jim Brown would be provided appeal rights according to 1-APP for the 5 horses not paid.

**75 Acting on FSA-914 (Continued)****A Approving FSA-914 (Continued)**

Before approving FSA-914, COC or CED **must**:

- ensure that **all** program eligibility requirements are met
- be satisfied with **all** the following:
  - claimed livestock deaths occurred as follows:
    - because of an adverse weather event
    - on or after January 1, 2008, and before October 1, 2011
    - in the calendar year benefits are being requested
  - reasonableness of the claimed livestock deaths
  - proof of death provided is verifiable
  - documentation of livestock inventory when the deaths occurred, if applicable, is verifiable
  - \*--reliable records along with beginning and ending inventory records, if applicable, provide adequate proof of death--\*
  - third party certifications, if applicable, meet all requirements according to subparagraph 73 G
  - all signature requirements are met.

**Note:** See subparagraph B when:

- COC or CED questions any data provided by participant
- disapproving FSA-914.

## 75 Acting on FSA-914 (Continued)

**B Disapproving FSA-914**

COC or CED must act on all completed and signed FSA-914's submitted. See subparagraph A when approving FSA-914.

**Exception:** Only COC has authority to act on (approve or disapprove) FSA-914's submitted that use producer records or third party certification as proof of loss.

**Note:** Program technicians shall **not** be delegated authority to disapprove FSA-914's.

**Important:** DD review of initial applications must be completed according to subparagraph D before applications may be approved or disapproved.

FSA-914 shall be approved or disapproved as certified by the participant. When more than 1 type of livestock is claimed, FSA-914 shall be approved or disapproved based on all livestock claimed. However, COC does have authority to make adjustments to certain information reported on FSA-914 when documentation warrants making adjustments.

**Example:** Jim Brown files FSA-914 that includes 10 adult beef cows reported in item 16 lost because of adverse weather that meet the livestock eligibility requirements and 5 horses lost because of adverse weather that do not meet the livestock eligibility requirements. In this case, COC can enter "0" in item 19, "COC Adjusted Number of Lost Due to Adverse Weather" field of FSA-914 for horses and then approve FSA-914 for the 10 eligible adult beef cows. Jim Brown would be provided appeal rights according to 1-APP for the 5 horses not paid.

If it is determined that any information provided on FSA-914 is not reasonable or is questionable, additional verifiable documentation or evidence shall be requested from the \*--participant, in writing, to support the data provided. Other agencies, organizations, or--\* facilities may also be contacted to verify information provided by participants.

**Important:** See subparagraph C when contacting other agencies, organizations, or facilities to verify information provided by participants.

**Exception:** COC shall **not** require tax records; however, participant may voluntarily provide tax records.

75 **Acting on FSA-914 (Continued)**

**B Disapproving FSA-914 (Continued)**

If all program eligibility requirements are **not** met, or it is determined that the information on FSA-914, or any additional supporting documentation provided by the participant, is **not** accurate or reasonable, then the following actions shall be taken:

- disapprove FSA-914
- notify participant of disapproval
- provide participant applicable appeal rights according to 1-APP
- thoroughly document reason for disapproval in the COC minutes.

**C Verifying Data With Other Agencies, Organizations, or Facilities**

When contacting agencies, organizations, or facilities to verify data provided by a participant or third party, the County Office shall be specific in the information requested. The request should include, but is not limited to, the following:

- participant's name and address
- animal kind and type
- reason the request is being made
- information that is being requested.

## 75 Acting on FSA-914 (Continued)

**D DD Review and Report of Initial FSA-914's**

DD shall review the first five FSA-914's before approval where:

- \*--proof of death is provided according to subparagraph 73 E, before COC or CED may approve any such FSA-914
- reliable records are provided along with verifiable beginning and ending inventory records as proof of death according to subparagraph 73 F, before COC may approve FSA-914--\*
- third party certification is used to prove death according to subparagraph 73 G, before COC may approve any such FSA-914.

**Note: Only COC is authorized to act on FSA-914's where third party certification is used to prove loss.**

The review shall include ensuring that:

- separate FSA-914's are submitted by participant and administrative county
- signature requirements, including power of attorney, are met
- proof of death is provided and verifiable, according to subparagraph 73 G, when applicable
- third party certifications, if applicable, meet all requirements according to subparagraph 73 G
- no State or County Office developed forms, worksheets, applications, or other documents are being used to obtain or collect the data required from participants
- supporting data required for payment eligibility is properly completed and on file, such as CCC-901, CCC-926, CCC-502, AD-1026, and accurate subsidiary and SCIMS data.

75 Acting on FSA-914 (Continued)

**D DD Review and Report of Initial FSA-914's (Continued)**

Within 10 workdays of completing the review, DD shall provide a written report to SED describing the review findings, including a list of errors discovered, proposed corrective action, and the overall status of implementing LIP in the County Office.

DD review of the initial FSA-914's and supporting documentation submitted is critical to ensuring that LIP is being administered according to the procedures provided in this handbook and the regulations in 7 CFR Part 760, Subparts B and E.

Reviewing the initial FSA-914's and supporting documentation in a timely manner:

- identifies possible weaknesses in the administration of the program that may be resolved by additional training, clarified procedures, or modified software
- prevents numerous participants from being impacted by erroneous administration of the program
- allows corrections to be made in a timely manner before erroneous payments are issued.

76 FSA-914, Livestock Indemnity Program Application

A Completing Manual FSA-914

Complete FSA-914 according to the following table.

Item No.	Instruction
1	Enter State and County Code. This is the administrative County Office where the producer's farm records are maintained.
2	Enter the calendar year the livestock deaths occurred.  <b>Note:</b> If the deaths occurred in 2 different calendar years as a result of the same adverse weather event, a separate application must be filed for each calendar year to include only the livestock lost during the calendar year.
3	Enter County Office Name. This is the administrative County Office where the producer's farm records are maintained.
4	Enter the application number.  <b>Note:</b> This is an automated system assigned number.
<b>Part A - Producer Information</b>	
5	Enter the producer's name and address.
<b>Part B - Notice of Loss</b>	
6	Enter the later of the following: <ul style="list-style-type: none"> <li>• date(s) the livestock died</li> <li>• date(s) the livestock loss was apparent to the producer.</li> </ul> <p><b>Notes:</b> A number should be assigned to each date of occurrence/when loss was apparent. This number will be used to tie the adverse weather event(s) entered in Item 7 to the date of occurrence/when loss was apparent.</p> <p><b>Example:</b> For a freeze and blizzard that occurred on March 1, 2008, and hurricane that occurred on August 1, 2008, Item 6 should be completed as follows:</p> <p style="margin-left: 40px;"><u>Item 6:</u></p> <ol style="list-style-type: none"> <li>1. March 1, 2008</li> <li>2. August 1, 2008</li> </ol> <p>Multiple dates may be entered if livestock deaths resulted from more than 1 eligible adverse weather event during the calendar year. Dates can be a range of dates.</p>

76 FSA-914, Livestock Indemnity Program Application (Continued)

A Completing Manual FSA-914 (Continued)

Item No.	Instruction								
7	<p>Enter the eligible adverse weather event(s) that caused the livestock deaths.</p> <p><b>Notes:</b> Enter the number from date of occurrence/when loss was apparent from Item 6 that corresponds with the adverse weather event.</p> <p><b>Example:</b> For a freeze and blizzard that occurred on March 1, 2008, and hurricane that occurred on August 1, 2008, Item 6 and Item 7 should be completed as follows:</p> <table data-bbox="690 688 1209 871"> <tr> <td style="text-align: center;"><u>Item 6:</u></td> <td style="text-align: center;"><u>Item 7:</u></td> </tr> <tr> <td style="text-align: center;">1. March 1, 2008</td> <td style="text-align: center;">1. Freeze</td> </tr> <tr> <td style="text-align: center;">2. August 1, 2008</td> <td style="text-align: center;">1. Blizzard</td> </tr> <tr> <td></td> <td style="text-align: center;">2. Hurricane</td> </tr> </table> <p>Multiple adverse weather events may be entered if more than 1 eligible adverse weather event resulted in the loss of eligible livestock during the calendar year.</p>	<u>Item 6:</u>	<u>Item 7:</u>	1. March 1, 2008	1. Freeze	2. August 1, 2008	1. Blizzard		2. Hurricane
<u>Item 6:</u>	<u>Item 7:</u>								
1. March 1, 2008	1. Freeze								
2. August 1, 2008	1. Blizzard								
	2. Hurricane								

76 FSA-914, Livestock Indemnity Program Application (Continued)

A Completing Manual FSA-914 (Continued)

Item No.	Instruction
8A	<p>Producer or representative of producer may sign to indicate that livestock losses have occurred because of the adverse weather event(s) listed in Item 7 and the losses occurred or were apparent to the producer on the date(s) listed in Item 6.</p> <p>Producer or producer representative may also file a “notice of loss” with the administrative County Office by 1 of the following alternative methods:</p> <ul style="list-style-type: none"> <li>• telephone</li> <li>• facsimile</li> <li>• e-mail.</li> </ul> <p>Enter the method by which the “notice of loss” was filed with the administrative County Office if the producer or producer’s representative did not sign in Item 8A.</p> <p><b>Note:</b> Multiple “Notices of Loss” may be filed during the calendar year if multiple adverse weather events resulted in livestock losses during the calendar year.</p> <p><b>Example:</b> Producer A lost 5 adult beef cows as the result of a blizzard on January 15, 2009. Producer A phones County Office on January 25, 2009, and reports that he/she lost 5 adult beef cows because of a blizzard that occurred on January 15, 2009. County Office enters “phone” in Item 8A as the method for which the “Notice of Loss” was reported.</p> <p>Producer A lost 6 adult beef cows as the result of a flood that occurred on May 15, 2009. Producer A e-mails County Office on May 31, 2009, and reports he/she lost 6 adult beef cows because of a flood that occurred on May 15, 2009. County Office enters “e-mail” in Item 8A as the method for which the subsequent “Notice of Loss” was reported.</p>

## 76 FSA-914, Livestock Indemnity Program Application (Continued)

## A Completing Manual FSA-914 (Continued)

Item No.	Instruction
8B	<p>Signatory in Item 8A shall enter their title/relationship when signing in the representative capacity.</p> <p>If a producer/applicant is <b>not</b> signing in the representative capacity, this field should be left blank. If a producer/applicant is signing on behalf of themselves, it is acceptable to write "self"; however, it is <b>not</b> necessary.</p>
8C	<p>Producer or producer's representative enters date they signed "Notice of Loss" or County Office employee enters date producer or producer's representative reported "Notice of Loss" using 1 of the alternative methods in Item 8A.</p>
<b>Part C - Livestock Location and Associated Producer Information</b>	
9	<p>Enter the physical location of claimed livestock at the time they died for the adverse weather event. Include the name of the County where the claimed livestock were physically located at the time they died.</p> <p><b>Example:</b> Jones County, Texas, Farm 100.</p>
10	<p>Enter the current physical location of the livestock in inventory.</p> <p><b>Example:</b> Jones County, Texas, Farm 100.</p>
11	<p>Enter associated producers who had an ownership or contract grower share in the livestock and indicate their share.</p>
<b>Part D - Livestock Losses by Kind and Type</b>	
12	<p>Enter the corresponding number associated to the date of occurrence entered in Item 6 that applies to the loss of livestock to be entered in Item 14.</p>
13	<p>Enter "YES" if the producer in Item 5 is a contract grower. Otherwise, enter "NO".</p>

76 FSA-914, Livestock Indemnity Program Application (Continued)

A Completing Manual FSA-914 (Continued)

Item No.	Instruction
14	<p>Enter livestock kind, type, and weight range for which loss occurred.</p> <p>If livestock in a previously recorded livestock kind/type and weight has changed to a new weight range, and a loss has occurred to the livestock in the new weight range, enter the original and new livestock kind/type and weight range as follows on the same line:</p> <p>Non-adult beef cattle under 400 lbs. (original)                      Non-adult beef cattle 400 lbs. or more (new).</p> <p><b>Note:</b> Losses occurring for the non-adult beef cattle 400 lbs. or more (new) would be recorded in Item 16. An entry would not be entered Item 15.</p> <p>An entry in this field is always required when there is a loss in a particular kind, type, and weight range of livestock.</p> <p><b>Note:</b> Livestock by kind, type, and weight range can be obtained from the local FSA office or LIP Fact Sheet located at <a href="http://disaster.fsa.usda.gov">http://disaster.fsa.usda.gov</a>.</p>

76 FSA-914, Livestock Indemnity Program Application (Continued)

A Completing Manual FSA-914 (Continued)

Item No.	Instruction
15	<p>Enter the total number of eligible livestock listed in Item 14 in inventory on the beginning date of the adverse weather event referenced in Item 12 when 1 of the following apply.</p> <ul style="list-style-type: none"> <li data-bbox="428 512 1463 611">• The loss being reported is the first loss of livestock incurred for the particular kind/type, and weight range of livestock listed in Item 14 for the adverse weather event date referenced in Item 12.</li> </ul> <p><b>Example:</b> Producer A lost 10 head of adult beef cows out of the 100 head of adult beef cows in inventory because of a hurricane on May 1, 2009. The producer had not previously incurred a loss of adult beef cows in inventory for this particular kind, type, and weight range of livestock because of an eligible adverse weather event. Producer A would enter 100 as inventory in Item 15.</p> <ul style="list-style-type: none"> <li data-bbox="428 953 1463 1125">• Additional livestock are purchased for a particular kind/type and weight range of livestock after the first loss of livestock for that particular kind/type and weight range of livestock has been incurred, and the additional purchased livestock have incurred a loss because of an eligible adverse weather event date.</li> </ul> <p><b>Example:</b> Producer A lost 10 head of adult beef cows out of the 100 head of adult beef cows in inventory because of a hurricane on May 1, 2009. The producer had not previously incurred a loss of adult beef cows in inventory for that particular kind, type, and weight range of livestock because of an eligible adverse weather event. Producer A would enter 100 as inventory in Item 15 for adverse weather event date number 1.</p> <p>On May 15, 2009, Producer A purchases 100 additional head of adult beef cows. On June 1, 2009, Producer A lost 10 head of adult beef cows because of a flood. Producer A would enter 100 as inventory in Item 15 for adverse weather event date number 2 on FSA-914.</p>

A Completing Manual FSA-914 (Continued)

Item No.	Instruction
15 (ctnd)	<p><b>Notes:</b> Do not record an entry in Item 15 for a particular type/kind and weight range of livestock when subsequent losses occur within a particular kind/type and weight range for which inventory has already been reported on FSA-914.</p> <p><b>Example:</b> Producer A initially reports 100 head of adult beef cows in inventory in FSA-914, Item 15 on May 1, 2009. Producer A reports that he lost 10 head because of flooding on May 1, 2009.</p> <p>On June 1, 2009, Producer A, reports that he lost an additional 5 head of adult beef cows because of a hurricane. Producer A will not record an entry in FSA-914, Item 15. The producer will only enter the 5 head of adult beef cows lost in FSA-914, Item 16 for the additional 5 head lost because of the hurricane.</p> <p>If a producer does not have a 100 percent ownership or contract grower share interest in a particular kind/type and weight range of livestock that was lost because of an eligible adverse weather event, the livestock for which the producer does not have a 100 percent ownership or contract grower share shall be prorated based on the producer's percent share interest.</p> <p><b>Example:</b> Producer A has a 100 percent ownership share in 200 head of adult beef cows located on farm 1 and a 50 percent ownership share in 200 head of adult beef cows located on farm 2.</p> <p>10 adult beef cows are lost because of an eligible adverse weather event on farm 1 and 10 adult beef cows are lost because of the same eligible adverse weather event on farm 2.</p> <p>Determine the number of eligible livestock to be entered as inventory in Item 15 for Producer A according to the following:</p> <p>200 head x 100 percent share = 200 head                  200 head x 50 percent share = 100 head</p> <p>200 head + 100 head = <b>300 head</b> (number of inventory to enter for Producer A in Item 15).</p>

76 FSA-914, Livestock Indemnity Program Application (Continued)

A Completing Manual FSA-914 (Continued)

Item	Instruction
16	<p>Enter the number of head of livestock by kind/type and weight range that died because of the adverse weather event referenced in item 12.</p> <p>An entry in this field is always required when there is a loss in a particular kind, type, and weight range of livestock.</p> <p><b>Notes:</b> Livestock must have died on or after January 1, 2008, and before October 1, 2011, but no later than 60 calendar days from the ending date of the adverse weather events in item 7. The livestock must have also died during the calendar year for which benefits are being requested.</p> <p>If a producer does not have a 100 percent ownership or contract grower share interest in a particular kind/type and weight range of livestock that was lost because of an eligible adverse weather event, the livestock for which the producer does not have a 100 percent ownership or contract grower share shall be prorated based on the producer's percent share interest.</p> <p><b>Example 1:</b> Producer A has a 100 percent ownership share in 200 head of adult beef cows located on farm 1 and a 50 percent ownership share in 200 head of adult beef cows located on farm 2.</p> <p>10 adult beef cows are lost because of an eligible adverse weather event on farm 1 and 10 adult beef cows are lost because of the same eligible adverse weather event on farm 2. Determine the number of eligible livestock to be entered as lost in item 16 for Producer A according to the following:</p> <p>10 head lost x 100 percent share = 10 head  10 head lost x 50 percent share = 5 head</p> <p>10 head lost + 5 head lost = <b>15 head</b> (number of adult beef cows lost to enter for Producer A in item 16).</p>

76 FSA-914, Livestock Indemnity Program Application (Continued)

A Completing Manual FSA-914 (Continued)

Item	Instruction
17	<p>*--Enter the number of livestock that died because of normal mortality on or after the date of the first adverse weather event referenced in item 12.</p> <p><b>Example:</b> Producer A has a 100 percent ownership interest in 100 head of adult beef cows that are lost because of a hurricane. The producer had not previously incurred a loss of adult beef cows in inventory for this particular kind/type and weight range of livestock because of an eligible adverse weather event. On October 11, 2009, Producer A enters “100” in item 15 and “10” in item 16. No entry would be made in item 17 because this is the first loss for this kind/type and weight range of livestock for which a loss in normal mortality has not occurred on or after the date of the first adverse weather event.</p> <p>On October 15, 2009, Producer A loses 2 adult beef cows to normal mortality. Producer A revises FSA-914 by entering “2” in item 17 and provides documentation to the County Office to support livestock deaths because of normal mortality.--*</p>
18	<p>COC shall enter the adjusted inventory, if applicable.</p> <p><b>Notes:</b> An entry is only required when COC determines an inventory different than the inventory certified to by the producer.</p> <p>The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 18.</p>
19	<p>COC shall enter the adjusted number of livestock lost because of an eligible adverse weather event, if applicable.</p> <p><b>Notes:</b> An entry is only required when COC determines the number of eligible livestock lost because of an eligible adverse weather event is different than the number of livestock certified to by the producer as lost because of the eligible adverse weather event.</p> <p>The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 19.</p>
20	<p>COC shall enter the adjusted number of livestock lost because of normal mortality, if applicable.</p> <p><b>Notes:</b> An entry is only required when COC determines the number of livestock lost because of normal mortality is different than the number of livestock certified to by the producer as lost because of normal mortality.</p> <p>The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 20.</p>

76 FSA-914, Livestock Indemnity Program Application (Continued)

A Completing Manual FSA-914 (Continued)

Item	Instruction
<b>Part E - Documentation of Beginning Inventory</b>	
21	<p>Enter the type of supporting documentation provided by the producer to verify *--beginning inventory and the number of livestock supported by the documentation provided.--*</p> <p><b>Note:</b> See subparagraph 73 H for examples of acceptable documentation that may provide verifiable evidence of livestock beginning inventory.</p>
<b>Part F - Documentation to Verify Livestock Losses</b>	
22	<p>Enter the type of documentation provided by the producer to verify livestock *--losses and the number of livestock supported by the documentation provided.--*</p> <p><b>Note:</b> See paragraph 73 for acceptable documentation for verifying livestock losses.</p>
<b>Part G - Similar Loss/Contract Growers</b>	
23	<p>Enter the amount of monetary compensation received by the producer from their contractor for the loss of income suffered from the death of the livestock under contract (for contract growers only).</p>
24	<p>Enter amount of compensation received from other disaster assistance programs for the same livestock losses.</p>
<b>Part H - Producer Certification</b>	
25A through 25C	<p>After reading the certification, producer or producer's representative signs and dates.</p> <p>Signatory in item 25A shall enter their title/relationship when signing in the representative capacity.</p> <p>If a producer/applicant is <b>not</b> signing in the representative capacity, this field should be left blank. If a producer/applicant is signing on behalf of themselves, it is acceptable to write "self"; however, it is <b>not</b> necessary.</p>
<b>Part I - County Committee Determination</b>	
26	<p>Enter COC signature.</p>
27	<p>Enter date of COC action.</p>
28	<p>Enter a check in approved or disapproved box.</p> <p><b>Important:</b> FSA-914 shall be approved or disapproved as certified by the producer after applicable COC adjustment fields are completed.</p>

76 FSA-914, Livestock Indemnity Program Application (Continued)

**B Example of FSA-914**

**This form is available electronically.**

<b>FSA-914</b> (07-09-09)  <b>U.S. DEPARTMENT OF AGRICULTURE</b> Commodity Credit Corporation  <b>LIVESTOCK INDEMNITY PROGRAM</b> <b>Application</b>	1. State and County Code	2. Calendar Year
	3. County Office Name	4. Application Number

**NOTE:** *The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a - as amended). The authority for requesting the information identified on this form is the Food, Conservation, and Energy Act of 2008 (Pub. L. 110-246). The information will be used to determine eligibility for program benefits. The information collected on this form may be disclosed to other Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated). Providing the requested information is voluntary. However, failure to furnish the requested information will result in a determination of ineligibility for program benefits.*

*This information collection is exempted from the Paperwork Reduction Act as it is required for the administration of the Food, Conservation, and Energy Act of 2008 (see Pub. L. 110-246, Title I, Subtitle F-Administration).*

*The provisions of criminal and civil fraud, privacy and other statutes may be applicable to the information provided. RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.*

**PART A – PRODUCER INFORMATION**

5. Producer's Name and Address (City, State and Zip Code)

**PART B – NOTICE OF LOSS**

6. Date(s) of Occurrence/When Loss Was Apparent

7. Adverse Weather Event(s)

8. I am reporting that I have incurred livestock losses due to the adverse weather event(s) listed in Item 7 and the losses occurred or were apparent to me on the date(s) listed in Item 6.

A. Producer's Signature (By)	B. Title/Relationship of the Individual Signing in the Representative Capacity	C. Date (MM-DD-YYYY)
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**PART C – LIVESTOCK LOCATION AND ASSOCIATED PRODUCER INFORMATION**

9. Where were the claimed livestock physically located at the time they died? (Include County name, farm number etc.)

10. Where is the current physical location of the livestock in inventory?

11. Associated Producers (List all other producers that have an ownership share of any livestock listed in Item 14 and indicate their share).

**PART D - LIVESTOCK INFORMATION**

12. Adverse Weather Event Date Number	13. Contract Grower		14. Livestock Kind/Type and Weight Range	15. Inventory on Date of Adverse Weather Event	16. Number Of Death Losses Due To Adverse Weather Event	17. Number Lost Due To Normal Mortality	COC USE ONLY		
	Yes	No					18. Adjusted Inventory	19. Adjusted Number Lost Due to Adverse Weather	20. Adjusted Number Lost Due to Normal Mortality

76 FSA-914, Livestock Indemnity Program Application (Continued)

B Example of FSA-914 (Continued)

<b>FSA-914</b> (07-09-09)		Page 2 of 2
<b>PART E – DOCUMENTATION OF BEGINNING INVENTORY</b>		
21. List the document(s) provided to verify beginning inventory. Attach copies of documents	Number of Livestock	
Example: Receipt from Harry's Sale Barn for purchase of 25 feeder pigs on November 10, 2007	25	
A.		
B.		
C.		
D.		
<b>PART F – DOCUMENTATION TO VERIFY LIVESTOCK LOSSES</b>		
22. List the document(s) provided to verify livestock losses. Attach copies of documents.	Number of Livestock	
Example: Rendering receipt for pick up of 10 pigs March 12, 2007	10	
A.		
B.		
C.		
D.		
<b>PART G – SIMILAR LOSS/CONTRACT GROWERS</b>		
23. Other Compensation (Contract Growers): \$		
24. Reduction: \$		
<b>PART H – PRODUCER CERTIFICATION</b>		
<p>Payments under the Livestock Indemnity Program will be made with respect to certain livestock deaths that occurred as a direct result of an eligible adverse weather event, except drought, and including anthrax. Each producer must file a separate form FSA-914 to be eligible to receive program benefits. By signing this application, the producer:</p> <ul style="list-style-type: none"> <li>• Agrees to provide FSA any documentation it requires to determine eligibility that verifies and supports all information provided, including the producer's certification, and understands the application may be disapproved if they fail to provide any such information requested by FSA;</li> <li>• Authorizes FSA, at any time, with or without their presence, to enter upon, inspect and verify all livestock, livestock deaths, and acreage in which they have an interest;</li> <li>• Agrees to comply with, and acknowledges they are subject to, all the regulations governing the program and understands that instructions and assistance are available for completing this form;</li> <li>• Authorizes FSA to obtain from third parties, such as, but not limited to, other government agencies, individuals, auction barns, contractors or processors, feed vendors, veterinarian services, and rendering services, records or other evidence that substantiates the information provided on this application or any supporting documentation provided.</li> </ul> <p><b>I certify that:</b></p> <ul style="list-style-type: none"> <li>• If applying as an individual, that I am a citizen of the United States or a resident alien; if applying as a partnership, the members of the partnership are citizens of the United States; or if applying as a corporation, limited liability corporation, or other farm organizational structure, the entity is organized under State law;</li> <li>• On the day livestock died, I owned or was a contract grower of all livestock entered on this application and physically maintained control of all such livestock on that date on my farm for commercial use as part of my farming operation;</li> <li>• All livestock entered as losses on this application died during the calendar year in Item 2 as a direct result of an eligible adverse weather event(s) no later than 60 days from the ending dates of such adverse weather event(s) provided in Item 7 in the county provided in Item 9, and that all losses occurred on or after January 1, 2008, and before October 1, 2011;</li> <li>• All livestock entered on this application meet all the livestock eligibility criteria provided in 7 CFR Part 760 Subpart E, including being maintained for commercial use as part of my farming operation;</li> <li>• I understand that this application may be disapproved if information or evidence provided is false or in error, and that other sanctions or penalties could apply; and</li> <li>• All information on this application and all supporting documents I provided is true and correct.</li> </ul>		
25A. Producer's Signature (By)	25B. Title/Relationship of the Individual Signing in the Representative Capacity	25C. Date (MM-DD-YYYY)
<b>PART I – COUNTY COMMITTEE DETERMINATION</b>		
26. COC or Designee Signature	27. Date (MM-DD-YYYY)	28. Determination
		<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved
<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, SW, 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>		

**\*--77 FSA-915, Estimated Livestock Indemnity Program (LIP) Lost Calculation Worksheet**

**A Using FSA-915's**

FSA-915 has been developed to assist County Offices in calculating LIP payment amounts for eligible livestock producers until the automated payment process is deployed. FSA-915 shall be used by County Offices to calculate LIP payment amounts for eligible livestock producers until the automated payment process is deployed.

A new FSA-915 shall be completed for an eligible livestock producer each time a subsequent adverse weather event results in eligible livestock death losses for which benefits may be earned.

FSA-915 has been provided to State Offices as an Excel spreadsheet.

**B Completing FSA-915's**

FSA-915 shall be completed according to the following table.

Item	Instructions
1	Enter County Office name. This is the administrative County Office where the participant's farm records are maintained.
2	Enter calendar year in which the livestock death losses occurred.
3a	Enter participant's name.
3b	<p><b>For 2008</b>, an entry is <b>only required</b> if the participant identified in item 3a is a general partnership or joint venture with a permanent TIN. A separate FSA-915 shall be completed for each member of the general partnership and/or joint venture. Items 4 through 16 for each member will be calculated based on information entered for the general partnership or joint venture. Items 17 through 21 will be calculated based on information about each specific member of the general partnership or joint venture.</p> <p><b>For 2009 and subsequent years</b>, an entry is required for all general partnerships and joint ventures with permanent TIN's, and legal entities. A separate FSA-915 shall be completed for each member of the general partnership, joint venture, or legal entity. Items 4 through 16 for each member will be calculated based on information entered for the general partnership, joint venture, or legal entity. Items 17 through 21 will be calculated based on information about each specific member of the general partnership, joint venture, or legal entity.</p>
3c	<p>Enter the share of the member of the general partnership, joint venture, or legal entity, if applicable.</p> <p><b>Note:</b> Member share is only required if a member is required to be entered in item 3b.</p>

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\*--77 FSA-915, Estimated Livestock Indemnity Program (LIP) Lost Calculation Worksheet  
(Continued)

**B Completing FSA-915's (Continued)**

Item	Instructions
4	Enter applicable livestock kind/types and weight range from FSA-914, item 14.
5	<p>Enter number of livestock in inventory for each livestock kind/type and weight range from FSA-914, item 15.</p> <p><b>Note:</b> If there is an entry in FSA-914, item 18, then item 18 shall be used <b>instead</b> of FSA-914, item 15.</p> <p>This is the number of livestock owned or, if a contract grower, in the possession of the contract grower, for the applicable livestock kind/type and weight range, on the day the livestock deaths occurred.</p>
6	Enter the normal mortality rate, established by STC, for the applicable livestock kind/type and weight range.
7	<p>Enter the loss threshold by entering the result of multiplying item 5 times item 6. Round to the nearest whole number.</p> <p><b>Example:</b> 100 adult beef cows in inventory Normal Mortality Rate = 2 percent</p> <p>Loss Threshold = 100 head x 2% = 2 head.</p>
8	<p>Enter the number of livestock lost because of normal mortality for each livestock kind/type and weight range of livestock from FSA-914, item 17.</p> <p><b>Note:</b> If there is an entry in FSA-914, item 20, item 20 shall be used <b>instead</b> of FSA-914, item 17.</p>
9	Enter the result of subtracting item 7 from item 8. This is the "Net Loss Threshold". If the result is negative, Enter "0".

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\*--77 FSA-915, Estimated Livestock Indemnity Program (LIP) Lost Calculation Worksheet  
(Continued)

**B Completing FSA-915's (Continued)**

Item	Instructions
10	Enter total number of livestock lost because of adverse weather for each livestock kind/type and weight range of livestock from FSA-914, item 16.  <b>Note:</b> If there is an entry in FSA-914, item 19, item 19 shall be used <b>instead</b> of item 16.
11	Enter the result of subtracting item 9 from item 10. The result is the eligible number of livestock by kind/type and weight range that are eligible for payment.  <b>Note:</b> If the result is less than or equal to zero, enter zero and <b>stop</b> . The producer is <b>not</b> due a LIP payment.
12	Enter payment rate for the applicable livestock kind/type and weight range.
13	Enter gross estimated calculated payment amount for each livestock kind/type and weight range by multiplying item 11 times item 12.
14	Enter "total" of all the entries in item 13 by kind/type and weight range. This is the "Gross Estimated Calculated Payment Amount".
15	Enter amount of monetary compensation received by the participant from their contractor for the loss of income suffered from the death of the livestock under contract (for contract growers <b>only</b> from FSA-914, item 23).
16	Enter dollar amount of compensation received from other disaster assistance programs for the same livestock losses from FSA-914, item 24.

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\*--77 FSA-915, Estimated Livestock Indemnity Program (LIP) Lost Calculation Worksheet (Continued)

B Completing FSA-915's (Continued)

Item	Instructions
17	<p>Enter total net estimated calculated payment amount determined before application of the payment limitation as follows:</p> <p>(Item 14 minus item 15 minus item 16) times (item 3c, if applicable).</p> <p>If the result is negative, enter "0". This is the total net estimated calculated payment amount before payment limitation.</p> <p><b>Notes:</b> For 2008, FSA-915's shall be completed for individual members of general partnerships and joint ventures with permanent TIN's. In these instances, the total net estimated calculated payment amount before payment limitation will be multiplied by each member's share in item 3c.</p> <p><b>Example 1:</b> Individual A's gross estimated calculated payment is \$1000, other compensation is \$0, and other reduction is \$0.</p> <p style="padding-left: 40px;"><math>\\$1000 - \\$0 - \\$0 = \\$1000</math> (Total Net Estimated Calculated Payment Amount Before Payment Limitation)</p> <p><b>Example 2:</b> Partner B has a 50 percent interest in Partnership AB. The gross estimated calculated payment for the partnership is \$5000, other compensation for the partnership is \$0, and other reductions for the partnership are \$0.</p> <p style="padding-left: 40px;"><math>(\\$5000 - \\$0 - \\$0) \times 50\% = \\$2500</math> (Total Net Estimated Calculated Payment Amount Before Payment Limitation for Individual B).</p> <p>For 2009, FSA-915's shall be completed for individual members of general partnerships and joint ventures with permanent TIN's, and legal entities. In these instances, the total net estimated calculated payment amount before payment limitation will be multiplied by each member's share in item 3c.</p>

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\*--77 FSA-915, Estimated Livestock Indemnity Program (LIP) Lost Calculation Worksheet  
(Continued)

B Completing FSA-915's (Continued)

Item	Instructions
18	<p>Enter the maximum payment amount that can be received in ELAP, LFP, LIP, and SURE payments, combined. Reductions to the \$100,000 maximum payment limitation should be made for any ineligible share in an entity because of AGI, controlled substance, fraud provisions, conservation compliance, etc.</p> <p><b>Note:</b> \$100,000 is the maximum payment that a “person”, as determined under the provisions in 7 CFR Part 1400 in effect for 2008 may receive for 2008 under ELAP, LFP, LIP, and SURE combined.</p> <p>\$100,000 is the maximum payment that a person or legal entity, (excluding a joint venture or general partnership) as determined under the provisions in 7 CFR Part 1400 in effect for 2009 and subsequent years, may receive, directly or indirectly, per program year total under ELAP, LFP, LIP, and SURE combined. Both direct and indirect benefits are counted by attribution.</p> <p>If there are entries in items 3A and 3B, then reduction in the maximum payment limitation will be made at the member level.</p>
19	<p>Enter for:</p> <ul style="list-style-type: none"> <li>• 2008 calendar year losses, the total amount of previous 2008 program year payments issued to the “person”, including combined persons under ELAP, LFP, LIP, and SURE</li> <li>• 2009 and subsequent calendar year losses, the total amount of program year payments issued to the person or legal entity, directly or indirectly under ELAP, LFP, LIP, and SURE.</li> </ul>
20	<p>Enter available payment limitation by subtracting item 19 from item 18.</p>

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\*--77 FSA-915, Estimated Livestock Indemnity Program (LIP) Lost Calculation Worksheet  
(Continued)

**B Completing FSA-915's (Continued)**

Item	Instruction
21	Enter LIP estimated payment amount to be issued by entering the smaller of item 17 or item 20.  <b>Note:</b> For members of general partnerships and joint ventures with permanent TIN's, and legal entities for 2009 and subsequent years, total the LIP estimated payment amounts for all members of the general partnership or joint venture and manually enter the total in item 21 on a summary FSA-915 for the applicable general partnership, joint venture, or legal entity. FSA-915's for the members of the general partnership, joint venture, or legal entity shall be attached to the applicable summary FSA-915.
22a	Preparer of form shall sign.
22b	Preparer of form shall enter title.
22c	Preparer of form shall enter date form is prepared.
23a	Party conducting second party review shall sign form when second party review is complete.
23b	Second party reviewer shall enter date second party review is completed.

--\*

77 FSA-915, Estimated Livestock Indemnity Program (LIP) Lost Calculation Worksheet (Continued)

C Example of FSA-915

This form is available electronically.

<b>FSA-915</b> U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency  <b>ESTIMATED LIVESTOCK INDEMNITY PROGRAM (LIP) LOSS CALCULATION WORKSHEET</b>	1. Farm Service Agency County Office Name Knox County FSA Office		2. Calendar Year 2009
	3A. Participant Name Sam Jones		
4. Enter applicable Livestock Kind/Type(s) by Weight Range from Form FSA-914, Item 14.	A. Livestock Kind/Type, Weight Range	B. Livestock Kind/Type, Weight Range	C. Livestock Kind/Type, Weight Range
	Beef, Nonadult, Less Than 400 pounds		
5. Inventory on Date of Adverse Weather Event. (FSA-914, Item 15 or Item 18).	100		
6. Mortality Rate for Applicable Livestock Kind/Type, Weight Range.	3.0%		
7. Loss Threshold (Item 5 x Item 6, round to nearest whole number).	3		
8. Number Lost Due to Normal Mortality (FSA-914, Item 17 or Item 20).	0		
9. Net Loss Threshold (Item 7 minus Item 8. If the result is negative, enter 0).	3		
10. Total Number of Death Losses Due to Adverse Weather (FSA-914, Item 16 or Item 19).	20		
11. Eligible Number of Livestock for Payment (Item 10 minus Item 9. If the result is less than or equal to zero, enter 0 and STOP).	17		
12. Payment Rate for Applicable Livestock Kind/Type and Weight Range.	319.44		
13. Gross Estimated Calculated Payment Amount by Livestock Kind/Type and Weight Range (Item 11 x Item 12). Round to whole dollars.	5,430		
14. Total Gross Estimated Calculated Payment Amount (Total all entries in Item 13).			\$
15. Other Compensation (Contact Growers)			\$
16. Other Reductions			\$
17. Total Net Estimated Calculated Payment Amount Before Payment Limitation (Item 14 minus Item 15 minus Item 16) x (Item 3C, if applicable). If the result is negative, enter 0. Round to whole dollars.			\$ 5,430
18. Maximum Payment Limitation for Payments Combined under ELAP, LIP, LFP, and SURE.			\$ 100,000
19. Total Previous Payments Issued Under ELAP, LIP, LFP, and SURE.			\$
20. Available Payment Limitation (Item 18 minus Item 19).			\$ 100,000
21. LIP Estimated payment to be Issued. (Enter the smaller of Item 17 or Item 20).			\$ 5,430
22A. Signature of Preparer	22B. Title of Preparer		22C. Date (MM-DD-YYYY)
23A. Signature of Second Party Reviewer			23B. Date (MM-DD-YYYY)

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78-90 (Reserved)

Part 3 (Reserved)

91-159 (Reserved)

**\*--Part 4 LFP****Section 1 Basic LFP Information****160 General Information****A Purpose**

This part provides instructions for administering LFP.

LFP provides compensation to eligible livestock producers that have suffered grazing losses because of qualifying drought or fire. For drought, the losses must have occurred because of a qualifying drought during the normal grazing period for the county on land that is native or improved pastureland with permanent vegetative cover or is planted to a crop planted specifically for grazing for covered livestock. For fire, LFP provides payments to eligible livestock producers that have suffered grazing losses on rangeland managed by a Federal agency if the eligible livestock producer is prohibited by the Federal agency from grazing the normal permitted livestock on the managed rangeland because of a qualifying fire. Eligible grazing losses must have occurred **on or after** January 1, 2008, and **before** October 1, 2011. The eligible grazing losses must occur within the same calendar year for which benefits are being requested.

**Note:** Compensation provided under LFP is **not** required to be used by the payee for any specific purpose.

**B Source of Authority**

LFP will be administered using funds from the Agricultural Disaster Relief Trust Fund established under Section 902 of the Trade Act of 1974, as amended by the 2008 Farm Bill under Titles XII and XV of the Food, Conservation, and Energy Act of 2008, Pub. L 110-246.

The regulations for LFP are provided in 7 CFR Part 760, Subpart D.

**C Public Information**

Follow instructions in 2-INFO for providing information about LFP.

**D Modifying Provisions**

Provisions in this handbook shall **not** be revised without prior approval from the National Office. Requests for revisions shall be addressed to the Livestock Assistance Program Manager, through the Deputy Administrator.--\*

**\*--160 General Information (Continued)****E Forms**

**Forms, worksheets, applications and other documents other than those provided in this handbook or issued by the National Office shall not be required for implementing LFP.**

**Any** document that collects data from a participant, regardless of whether the participant's signature is required:

- is subject to the Privacy Act and information collection procedures
- requires clearance by the following offices:
  - National Office program area
  - MSD, Forms and Graphics Section
  - OMB.

**F Related Handbooks**

See Part 1 for handbooks related to LFP.

**161 Responsibilities****A STC Responsibilities**

Within the authorities and limitations in this handbook and 7 CFR Part 760, Subparts B and D, STC's shall:

- direct the administration of LFP
- ensure that FSA State and County Offices follow LFP provisions
- thoroughly document all actions taken in the STC minutes
- handle appeals according to 1-APP
- require reviews be conducted by DD's according to subparagraph 201 D to ensure that County Offices comply with LFP provisions

**Note:** STC's may establish additional reviews to ensure that LFP is administered according to these provisions.

- take oversight actions to ensure that IPIA provisions are met to prevent County Offices from issuing improper payments according to subparagraph 184 E.--\*

**\*--161 Responsibilities (Continued)****B SED Responsibilities**

Within the authorities and limitations in this handbook and 7 CFR Part 760, Subparts B and D, SED's shall:

- ensure that FSA County Offices follow LFP provisions
- handle appeals according to 1-APP
- ensure that DD's conduct reviews according to subparagraph A

**Note:** SED's may establish additional reviews to ensure that LFP is administered according to these provisions.

- ensure that **all** County Offices publicize LFP provisions according to subparagraph D
- immediately notify the National Office Livestock Assistance Program Manager of software problems, incomplete or incorrect procedures, specific problems, or findings
- take oversight actions to ensure that IPIA provisions are met to prevent County Offices from issuing improper payments according to subparagraph 184 F.

**C DD Responsibilities**

Within the authorities and limitations in this handbook and 7 CFR Part 760, Subparts B and D, DD's shall:

- ensure that COC's and CED's follow LFP provisions
- conduct reviews according to subparagraph 201 D, and any additional reviews established by STC's or SED's according to subparagraphs A and B
- provide SED with written report of all reviews according to paragraph 201
- ensure that County Offices publicize LFP provisions according to subparagraph D.--\*

**\*--161 Responsibilities (Continued)****D COC Responsibilities**

Within the authorities and limitations in this handbook and 7 CFR Part 760, Subparts B and D, COC's shall:

- fully comply with all LFP provisions
- ensure that CED's fully comply with all LFP provisions
- act on completed FSA-925's according to paragraph 201
- handle appeals according to 1-APP
- thoroughly document all actions taken in the COC minutes

**Important:** All the following **must** be thoroughly documented for all LFP program determinations made by COC:

- all factors reviewed or considered
  - all documentation reviewed
  - references to applicable handbooks, notices, and regulations
  - all sources of information obtained for review or consideration.
- take any oversight actions necessary to ensure that IPIA provisions are met to prevent County Offices from issuing any improper payments according to subparagraph 184 F
  - ensure that producers receive complete and accurate program information

**Note:** Program information may be provided through the following:

- program leaflets, newsletters, and print media
- meetings
- radio, television, and video
- County Office visits.--\*

**\*--161 Responsibilities (Continued)**

**D COC Responsibilities (Continued)**

- ensure that LFP general provisions and other important items are publicized as soon as possible after information is received from the National Office, including but not limited to, the following:
  - signup period
  - payment limitation and attribution
  - eligible livestock
  - basic participant eligibility criteria
  - general data required to complete application

**Note:** The LFP Fact Sheet:

- may be used to provide general program information
  - is available online at <http://disaster.fsa.usda.gov>.
- take oversight actions to ensure that IPIA provisions are met to prevent County Offices from issuing improper payments according to subparagraph 184 F.--\*

**\*--161 Responsibilities (Continued)****E CED Responsibilities**

Within the authorities and limitations in this handbook and 7 CFR Part 760, Subparts B and D, CED's shall:

- fully comply with all LFP provisions
- ensure that County Office employees fully comply with all LFP provisions
- handle appeals according to 1-APP
- act on completed FSA-925 according to paragraph 201

**Note:** CED may delegate approval authority to program technicians for routine cases. Program technicians shall **not** be delegated authority to disapprove any FSA-925.

- ensure that all program and payment eligibility requirements have been met by participants before issuing any payments to ensure that IPIA provisions are met

**Note:** See subparagraph 184 F for additional information.

- ensure that participants receive complete and accurate program information
- immediately notify SED, through DD, of software problems and incomplete or incorrect procedures
- ensure that general provisions and other important items are publicized according to subparagraph D and copies are retained in the County Office.--\*

**\*--161 Responsibilities (Continued)**

**F Program Technician Responsibilities**

Within the authorities and limitations in this handbook and 7 CFR Part 760, Subparts B and D, the program technician shall:

- fully comply with all LFP provisions
- immediately notify CED of software problems and incomplete or incorrect procedures
- ensure that participants receive complete and accurate program information
- ensure that all program and payment eligibility requirements have been met by participants before issuing any payments to ensure that IPIA provisions are met.

**Note:** See subparagraph 184 F for additional information.--\*

**\*--162 Definitions for LFP****A Definitions**

The following definitions apply to LFP. The definitions provided in other parts of this handbook do **not** apply to LFP.

Adult beef bull means a male beef bovine animal that was at least 2 years old and used for breeding purposes on or before the beginning date of a qualifying drought or fire.

Adult beef cow means a female beef breed bovine animal that had delivered one or more offspring. A first time bred beef heifer shall also be considered an adult beef cow if it was pregnant on or before the beginning date of a qualifying drought or fire.

Adult buffalo/beefalo bull means a male animal of those breeds that was at least 2 years old and used for breeding purposes on or before the beginning date of a qualifying drought or fire.

Adult buffalo/beefalo cow means a female animal of those breeds that had delivered 1 or more offspring. A first time bred buffalo/beefalo heifer shall also be considered an adult buffalo/beefalo cow if it was pregnant on or before the beginning date of a qualifying drought or fire.

Adult dairy bull means a male dairy breed bovine animal at least 2 years old used primarily for breeding dairy cows on or before the beginning date of a qualifying drought or fire.

Adult dairy cow means a female dairy breed bovine animal used for the purpose of providing milk for human consumption that had delivered one or more offspring. A first time bred dairy heifer shall also be considered an adult dairy cow if it was pregnant on or before the beginning date of a qualifying drought or fire.

Agricultural operation means a farming operation.

Application means FSA-925.

Commercial use means used in the operation of a business activity engaged in as a means of livelihood for profit by the eligible livestock producer.

Contract means, with respect to contracts for the handling of livestock, a written agreement between a livestock owner and another individual or entity setting the specific terms, conditions, and obligations of the parties involved regarding the production of livestock or livestock products.--\*

**\*--162 Definitions for LFP (Continued)****A Definitions (Continued)**

Covered livestock means livestock of an eligible livestock producer that, during the 60 calendar days before the beginning date of a qualifying drought or fire, the eligible livestock producer:

- owned, leased, purchased, or entered into a contract to purchase
- was a contract grower of swine or poultry
- sold or otherwise disposed of because of a qualifying drought during the current production year
- sold or otherwise disposed of because of drought in 1 or both of the 2 production years immediately preceding the current production year as determined by the Secretary. Notwithstanding the foregoing portions of this definition, covered livestock for “contract growers” shall not include livestock in feedlots.

Equine animal means a domesticated horse, mule, or donkey.

Farming operation means a business enterprise engaged in producing agricultural products.

Federal agency means, with respect to the control of grazing land, an agency of the Federal Government that manages rangeland on which livestock is generally permitted to graze. For the purposes of LFP, it includes, but is not limited to:

- BIA
- BLM
- FS.

Goat means a domesticated, ruminant mammal of the genus Capra, including Angora goats.

Nonadult beef cattle means a beef breed bovine animal that weighed 500 pounds or more on or before the beginning date of a qualifying drought or fire that but that does not meet the definition of adult beef cow or bull.

Nonadult buffalo/beefalo means an animal of those breeds that weighed 500 pounds or more on or before the beginning date of a qualifying drought or fire, but does not meet the definition of adult buffalo or beefalo cow or bull.

Nonadult dairy cattle means a bovine animal, of a breed used for the purpose of providing milk for human consumption, that weighed 500 pounds or more on or before the beginning date of a qualifying drought or fire, but that does not meet the definition of adult dairy cow or bull.--\*

**\*--162 Definitions for LFP (Continued)****A Definitions (Continued)**

Normal carrying capacity means, with respect to each type of grazing land or pastureland in a county, the normal carrying capacity that would be expected from the grazing land or pastureland for livestock during the normal grazing period in the county, in the absence of a drought or fire that diminishes the production of the grazing land or pastureland.

Normal grazing period means, with respect to a county, the normal grazing period during the calendar year with respect to each specific type of grazing land or pastureland in the county served by the applicable COC.

Owner means 1 who had legal ownership of the livestock for which benefits are being requested during the 60 calendar days before the beginning of a qualifying drought or fire.

Poultry means a domesticated chicken, turkey, duck, or goose. Poultry are further delineated by sex, age, and purpose of production.

Sheep means a domesticated, ruminant mammal of the genus Ovis.

Swine means a domesticated omnivorous pig, hog, or boar. Swine are further delineated by sex and weight.

U.S. Drought Monitor is a system for classifying drought severity according to a range of abnormally dry to exceptional drought. It is a collaborative effort between Federal and academic partners, produced on a weekly basis, to synthesize multiple indices, outlooks, and drought impacts on a map and in narrative form. This synthesis of indices is reported by the National Mitigation Center at <http://www.drought.unl.edu/dm/monitor.html>.--\*

**163-169 (Reserved)**

**\*--Section 2 Policy and Procedure****170 Signup Period****A LFP Signup**

A general signup period and ending date are **not** applicable for LFP. COC will only announce that producers may make application for LFP benefits in their respective county after the State and County Office are notified by the National Office that the county has a qualifying drought based on the U.S. Drought Monitor severity rating or the County Office receives notification from a Federal agency of a qualifying fire on rangeland managed by the Federal agency and eligible livestock producers are prohibited from grazing their normal permitted livestock on the rangeland managed by the Federal agency because of a qualifying fire.

**B 2008 Calendar Year Signup**

For 2008 calendar year losses, eligible livestock producers that suffered grazing losses may begin signing up for LFP in eligible counties beginning September 14, 2009. Eligible livestock producers that suffered 2008 grazing losses must submit a completed FSA-925 for payment and required supporting documentation to their administrative County Office no later than December 10, 2009, to be considered timely filed.

**Notes:** There are **no** late-filed provisions for LFP for 2008 calendar year.

The livestock producer must also provide a copy of their grower contract, if a contract grower, by no later than December 10, 2009.

**C 2009 and Subsequent Year Signup**

For 2009 and subsequent year calendar year losses, eligible livestock producers must submit a completed FSA-925 for payment and required supporting documentation no later than 30 calendar days after the end of the calendar year in which the grazing loss occurred.

**Notes:** The livestock producer must also provide a copy of their grower contract, if a contract grower, by no later than 30 calendar days after the end of the calendar year in which benefits are being requested.

There are **no** late filed provisions for LFP for 2009 and subsequent calendar years.--\*

**\*--171 Eligibility Criteria****A Eligible Grazing Losses Because of Drought**

An eligible livestock producer may receive assistance under LFP for grazing losses because of a qualifying drought that occurred on or after January 1, 2008, and before October 1, 2011. Grazing losses for the covered livestock must occur on land that is:

- native or improved pastureland with permanent vegetative cover
- planted to crops planted specifically for the purpose of providing grazing for covered livestock such as:
  - small grains
  - forage sorghum
- physically located in a county that is, during the normal grazing period for the specific type of grazing land or pastureland for the county, rated by the U.S. Drought Monitor as having any of the following:
  - D2 (severe drought) intensity in any area of the county for at least 8 consecutive weeks during the normal grazing period for the specific type of grazing land or pastureland for the county
  - D3 (extreme drought) intensity in any area of the county at any time during the normal grazing period for the specific type of grazing land or pastureland for the county
  - D3 (extreme drought) intensity in any area of the county for at least 4 weeks during the normal grazing period (not consecutive weeks) for the specific type of grazing land or pastureland for the county or is rated as having a D4 (exceptional drought) intensity in any area of the county at any time during the normal grazing period for the specific grazing land or pastureland for the county.

**Note:** The grazing losses that occur because of a qualifying drought must occur during the normal grazing period, for the specific type of grazing land during the calendar year for which benefits are being requested. Whenever an intensity rating of D2, D3, or D4 occurs in any area of the county, the entire county is eligible under a qualifying drought and eligible livestock producers who certify a grazing loss are eligible for LFP.--\*

**\*--171 Eligibility Criteria (Continued)****B Determining Beginning Date of Qualifying Drought**

National Office personnel will monitor the U.S. Drought Monitor and will notify applicable State and County Offices on a weekly basis of those counties eligible for LFP because of a qualifying drought. The National Office will determine the beginning date of a qualifying drought by pasture type and will notify applicable State and County Offices of the beginning date of a D2, D3, or D4 drought intensity rating. COC will use the beginning date of each qualifying drought to determine the eligibility of covered livestock.

The beginning date of a D2 drought intensity rating is the first day of the 8 consecutive week period during the normal grazing period for the specific type of pasture that the county was rated D2 on the U.S. Drought Monitor.

**Example:** Normal grazing period for native pasture in County A is April 1 through October 31. County A had a D2 drought intensity rating for 8 consecutive weeks for the period April 15 through June 10. The first day of the 8 week period that the county reached the D2 drought intensity rating was April 15 which is the beginning date of the qualifying drought.

The beginning date of a D3 or D4 drought intensity rating is the first day that a county was rated a D3 or D4 on the U.S. Drought Monitor during the normal grazing period for the specific type of grazing land, or the first day the county was rated a D3 for any 4 week period during the normal grazing period for the specific type of grazing land.

**Example 1:** Normal grazing period in County B for improved pasture is March 1 through September 1. County B was rated a D3 drought intensity rating for 1 day on June 1. June 1 is the beginning date of the qualifying drought.

**Example 2:** Normal grazing period in County A for improved pasture is March 1 through September 1. County A was rated a D3 drought intensity rating for 4 weeks at different times during the normal grazing period for the county. The first week of D3 began May 1 and the other 3 weeks were at different time periods during the normal grazing period. The beginning date of the qualifying drought is May 1.

**Example 3:** Normal grazing period in County B for improved pasture is March 1 through September 1. County B was rated a D4 for 1 day on July 1. July 1 is the beginning date of the qualifying drought.--\*

**\*--171 Eligibility Criteria (Continued)****C Eligible Grazing Losses Because of Fire**

An eligible livestock producer may receive assistance for grazing losses because of a qualifying fire that occurred on or after January 1, 2008, and before October 1, 2011, only if the:

- grazing losses occurred on rangeland that is managed by a Federal agency
- eligible livestock producer is prohibited by the Federal agency from grazing the normal permitted livestock on the managed rangeland because of a fire.

**Note:** The grazing losses that occur because of a qualifying fire on land managed by a Federal agency must occur during the calendar year that benefits are being requested.

**Example:** A fire occurred on Federally managed rangeland on September 20, 2008, and the producer was prohibited from grazing the permitted number of livestock because of the fire. The grazing loss occurred during the 2008 calendar year. Producer would file a 2008 year FSA-925 for payment.

**D Beginning Date of Qualifying Fire on Federally Managed Land**

Although a local County Office and/or COC may have knowledge of a fire occurrence on Federally managed rangeland their respective county. COC's shall request documentation from the Federal agency that manages the rangeland to substantiate that a qualifying fire has occurred. The documentation provided by the Federal agency, at a minimum, should include the following:

- location of fire
- cause of fire
- date the fire started
- whether livestock producers were prohibited from grazing their normal permitted livestock and/or whether their grazing days reduced because of the fire.

Based on the information provided by the Federal agency, COC shall use the information to determine the beginning date when the Federal agency excluded the permitted livestock from grazing the rangeland managed by the Federal agency.

**Example:** COC became aware of a fire that started on June 15. The Federal agency notified livestock producers that a fire was burning out of control and that permitted livestock would have to be removed from the grazing land on June 21. COC determined that the beginning date of the qualifying fire was June 21 since that was the day that permitted livestock were excluded from grazing on the Federally managed land.--\*

**\*--171 Eligibility Criteria (Continued)****E Eligible Covered Livestock**

To be eligible considered covered livestock, livestock must meet **all** of the following conditions:

- be adult and nonadult beef cattle, adult and nonadult buffalo/ beefalo, adult and nonadult dairy cattle, alpacas, deer, elk, emus, equine, goats, llamas, poultry, reindeer, sheep, or swine
- be livestock that would normally have been grazing the eligible grazing land or pastureland in the county on the beginning date:
  - of the qualifying drought during the normal grazing period for the specific type of grazing land or pastureland for the county

**Note:** Livestock that would **not** have normally been grazing the land in the eligible county will not be eligible to be included in the calculation for determining monthly feed cost. However, if the livestock would normally have been grazing the eligible grazing land but the producer had to move the livestock to another county for grazing, the livestock would be eligible to be included when calculating the monthly feed cost.

- when the Federal agency prohibited the eligible livestock producer from using the managed rangeland for grazing because of a fire
- be livestock that the eligible livestock producer:
  - at anytime during the 60 calendar days before the beginning date of a qualifying drought or fire owned, leased, purchased, entered into a contract to purchase, or was a contract grower of
  - sold or otherwise disposed of because of a qualifying drought during:
    - the current production year
    - 1 or both of the 2 production years immediately preceding the current production year--\*

**\*--171 Eligibility Criteria (Continued)****E Eligible Covered Livestock (Continued)**

- been maintained for commercial use as part of the producer's farming operation on the beginning date of the qualifying drought or fire
- not have been produced or maintained for reasons other than commercial use as part of the producer's farming operation
- not have been livestock that were or would have been in a feedlot, on the beginning date of the qualifying drought or fire, as part of the normal business operation of the producer.

**Important:** Mitigated livestock are livestock that were sold or otherwise disposed of because of a qualifying drought during the current production year, or were sold or otherwise disposed of because of a qualifying drought in 1 or both of the 2 production years immediately preceding the current production year. Mitigated livestock are still eligible livestock for LFP, if the livestock meet the requirement of this subparagraph and the definitions in paragraph 162.

Proof of sale of livestock shall be required if selected for spot check.

**Example:** John Smith normally maintains 100 head of adult beef cows in his commercial ranching operation. The adult beef cows normally graze native pasture during the normal grazing period in Matagorda County, Texas which is January 1 through December 31. On September 23, 2008, the county was rated a D2 on the U.S. Drought Monitor for 8 consecutive weeks. Mr. Smith sold 15 head of the adult beef cows because of the drought conditions on July 10, 2008. The 15 cows sold are eligible mitigated livestock for LFP provided all other eligibility requirements are met. Proof of sale documents shall be provided by Mr. Smith if Mr. Smith's FSA-925 for payment is selected for spot check.--\*

**\*--171 Eligibility Criteria (Continued)****F Ineligible Covered Livestock**

Livestock that are **not** eligible covered livestock for LFP include, but are **not** limited to the following:

- livestock produced or maintained for reasons other than commercial use as part of a farming operation, including, but not limited to, livestock produced or maintained for recreational purposes, such as:
  - consumption by the owner
  - hunting
  - used as pets
  - pleasure
  - roping
  - show

**Example 1:** Mike Jones owns 5 horses, 2 beef steers, and 3 goats. Mr. Jones maintains the horses for pleasure riding and fox hunting, and maintains the goats as pets for his children. He maintains the beef steers to be consumed by his family. Accordingly, Mr. Jones does not maintain any of the livestock for commercial use as part of a farming operation.

Because none of Mr. Jones' livestock is maintained for commercial use as part of a farming operation, the animals are **not** eligible livestock for LFP.

**Example 2:** Joe Smith owns 5 horses which he uses to pull hansom cabs in the tourist district of the local city. The hansom cabs are Mr. Smith's business activity he engages in as a means of livelihood for profit.

However, because the horses are not maintained as part of a farming operation, they are **not** eligible livestock for LFP.--\*

**\*--171 Eligibility Criteria (Continued)****F Ineligible Covered Livestock**

**Example 3:** Jane Black owns and raises a deer herd. Mrs. Black sells the does to a local food market to be processed into meat products. She sells the bucks to hunting preserves nationwide.

Mrs. Black is in the business of selling deer as a means of livelihood for profit; therefore, the deer are maintained for commercial use. However, the deer also must be maintained as part of a farming operation.

The County Office must determine whether Mrs. Black's deer business is a farming operation. Mrs. Black must provide evidence to satisfy COC or CED that the deer are part of a farming operation. One indicator of being a farming operation would be whether Mrs. Black files taxes as a farming operation. The County Office cannot request Mrs. Black to provide a copy of her tax records; however, COC or CED may ask Mrs. Black how she files her taxes for the operation.

- yaks
- ostriches
- all beef and dairy cattle, and buffalo and beefalo that weighed less than 500 pounds on the beginning date of a qualifying drought or fire
- any wild free roaming livestock, including horses and deer
- any animals not included in subparagraph D.--\*

**\*--171 Eligibility Criteria (Continued)****G Livestock Located in Feed Lots**

Livestock that were or would have been physically located in a feedlot on or before the beginning date of a qualifying drought or fire are **not** eligible for LFP. COC shall determine eligibility of livestock placed in a feedlot on a case-by-case basis. This includes, but is **not** limited to, livestock that were physically located in a feedlot:

- on or before the beginning date of a qualifying drought or fire, or placed in a feedlot after the beginning date of a qualifying drought or fire, for the purpose of fattening for slaughter as part of producer's normal operation
- as part of a livestock producer's normal course of business before the livestock reached their normal selling or fattening weight.

**Example 1:** John Smith owns 500 head of nonadult beef cattle weighing an average of 750 pounds each. Mr. Smith's eligible grazing land is located in County A. County A was rated as having a D3 drought intensity level on the U.S. Drought Monitor for 1 day on January 1, 2008. Mr. Smith placed the 500 head of nonadult beef cattle in Lucky 7 Feedlot, Inc., located in County A, on January 1, 2008, for the purpose of fattening for slaughter. The 500 head of nonadult beef cattle owned by Mr. Smith are **not** eligible for LFP because the adult beef cattle were placed in the feedlot for the purpose of fattening for slaughter as part of his normal operation.

**Example 2:** Judy Jones owns 750 head of nonadult beef cattle weighing an average of 500 pounds each. Ms. Jones' eligible grazing land is located in County A. County A was rated as having a D2 drought intensity level for 8 consecutive weeks on the U.S. Drought Monitor on March 1, 2008. The normal grazing period for native pasture in County A is May 1 through November 15. Ms. Jones, as part of her normal business operation, placed the 750 head of nonadult beef cattle in Rafter 3 Feedlot, located in County A, on March 20, 2008. The 750 head of nonadult beef cattle owned by Ms. Jones are **not** eligible for LFP because nonadult beef cattle were placed in the feedlot as part of Ms. Jones' normal business operation and **not** because of an eligible qualify drought or fire.

**Note:** Eligible livestock placed in a feedlot earlier than normal because of a qualifying drought or fire may be eligible for LFP if all other eligibility requirements are met.--\*

**\*--171 Eligibility Criteria (Continued)****G Livestock Located in Feed Lots (Continued)**

**Example 3:** Jim Black owned 500 head of nonadult beef cattle weighing an average of 500 pounds each on March 1, 2008. Mr. Black's eligible grazing land is located in County A. County A is rated as having a D3 intensity level on the U.S. Drought Monitor on March 1, 2008. Mr. Black normally removes the 500 head of nonadult beef cattle from the 1,000 acres of native pasture he owns and places them in Lucky 7 Feedlot, Inc., located in County A, when nonadult beef cattle reach 750 pounds for the purpose of fattening for slaughter. Because of a qualifying drought, Mr. Black ran out of native pasture and was forced to place the 500 head of nonadult beef cattle in the feedlot on March 1, 2008, before nonadult beef cattle reached the weight of 750 pounds.

The 500 head of nonadult beef cattle placed in the feedlot earlier than normal are eligible for LFP because of the unavailability of native pasture for grazing because of a qualifying drought.

**H Eligible Livestock Producers**

To be considered an eligible livestock producer, the eligible producer on a farm must:

- during the 60 calendar days before the beginning date of a qualifying drought or fire, own, cash or share lease, or be a contract grower or covered livestock
- provide pastureland or grazing land for covered livestock, including cash-rented pastureland or grazing land that is either:
  - physically located in a county affected by a qualifying drought during the normal grazing period for the county
  - rangeland managed by a Federal agency for which the otherwise eligible livestock producer is prohibited by the Federal agency from grazing the normal permitted livestock because of a qualifying fire
- certify that the livestock producer has suffered a grazing loss because of a qualifying drought or fire to be eligible for LFP payments
- timely file a report of acreage, according to 2-CP, for all grazing land for which a loss is being claimed

**Note:** For 2008, late-filed acreage reports will be accepted without requiring the producer to pay a late-filed fee. All other requirements for late-filed acreage reports must be met according to 2-CP.--\*

## \*--171 Eligibility Criteria (Continued)

**H Eligible Livestock Producers**

- be an individual or entity that is a:
    - citizen of the U.S.
    - resident alien
- Note:** Resident alien means “lawful alien”.
- partnership of citizens of the U.S.
  - corporation, limited liability corporation, or other farm organizational structure organized under State law
  - any Native American tribe as defined in the Indian Self-Determination and Education Assistance Act
  - any Native American organization or entity chartered under the Indian Reorganization Act
  - any economic enterprise under the Indian Financing Act of 1974.

**I Risk Management Purchase Requirement for LFP**

For producers to be eligible for assistance under LFP, producers **must**, for the grazing land incurring losses, because of a qualifying drought or fire for which assistance is being requested, do either of the following:

- obtain a policy or plan of insurance for the forage crop under FCIA
- file the required paperwork and pay the administrative fee by the applicable State application closing date for NAP.

Eligible livestock producers are required to only obtain a policy or plan of insurance or have NAP coverage on the grazing land or pastureland acres for which benefits are being requested under LFP.

**Note:** Livestock producers **are not required** to purchase pilot program insurance to be eligible for LFP.--\*

## \*--171 Eligibility Criteria (Continued)

**J Producers with RMA PRF-VI Pilot Program Coverage**

The PRF-VI pilot program policy, offered in only selected States and counties, covers multiple perils and is based upon a measure of vegetation greenness that correlates to forage condition and productive capacity. A producer who elects coverage under a PRF-VI policy on any acreage of the crop in the unit is not eligible to obtain NAP coverage for the same intended use on any of the acreage of the crop not covered under the PRF-VI policy, because the same perils are covered by both products.

**Note:** Producers can obtain NAP coverage on forage intended for grazing and PRF-VI policy on forage intended for hay, or vice versa, because they are considered separate crops by both RMA and NAP.

Therefore, a producer that purchases a PRF-VI policy for any of the grazing land acres in the NAP unit is:

- **not** eligible to participate in NAP on any of the acreage intended for grazing in the unit
- only eligible for LFP on those grazing land acres covered under the PRF-VI policy.

**Exception:** For 2008 only, a producer who elected coverage for grazing under a PRF-VI policy will be allowed to pay the NAP “buy-in” fee to cover any of the grazing acres not covered under the PRF-VI policy.

**Example:** In 2008, producer has 500 acres of native grass intended for grazing. The producer has PRF-VI coverage on 250 acres of native grass intended for grazing. Can the producer pay the NAP “buy-in” fee on the remaining 250 acres of native grass intended for grazing to be eligible for LFP on the total 500 acres of native grass intended for grazing?

**Answer:** Yes. An exception has been made for 2008 only to allow the producer to pay the NAP “buy-in” fee to be eligible for LFP on the remaining 250 acres of native grass intended for grazing that was not included under the PRF-VI policy.--\*

**\*--171 Eligibility Criteria (Continued)****K Producers with RMA PFR-RI Pilot Program Coverage**

The PRF-RI pilot program policy, offered in only selected States and counties, only covers losses because of drought. Because PRF-RI does not cover all perils, NAP has to be made available to producers on the same acres covered by the PRF-RI policy to provide coverage for losses resulting from other eligible NAP conditions, such as flood, fire, and freeze.

A producer that obtains PRF-RI on their grazing lands, some or all acres, to cover drought, and NAP coverage on the same acres to cover all other perils will be ineligible for a NAP payment if the producer receives an PRF indemnity payment.

For calendar year 2008, if a producer purchased a PRF-RI policy on some, but not all of their grazing land acres, the producer would be eligible to pay the “buy-in” fee for NAP to make the grazing land acres not included under the PRF-RI policy in the unit eligible for LFP.

**Example:** PRF-RI coverage is available in the county in 2008. Producer reports 1000 acres native grass intended for grazing. Producer has 500 acres of native grass intended for grazing covered under PRF-RI. NAP coverage was not purchased to cover the other perils in 2008. Because NAP coverage was available for the other perils, the producer can pay the “buy-in” fee to make the remaining 500 acres of native grass intended for grazing that was not included under the PRF-RI policy eligible for LFP.

**L Waiver for Calendar Year 2008 only for LFP**

Producers are eligible for LFP only if either crop insurance or NAP coverage has been obtained for the grazing land incurring losses for which assistance is being requested.

The 2008 Farm Bill was enacted June 18, 2008. Sales closing dates for CAT and application closing deadlines for NAP for the 2008 crop year for all insurable and noninsurable grazing land had passed. A waiver was authorized to allow producers to pay a buy-in fee, or receive a waiver, by September 16, 2008, for grazing land for which the producer did not obtain crop insurance or NAP coverage for 2008.--\*

**\*--171 Eligibility Criteria (Continued)****M Waiver of Buy-In for Socially Disadvantaged, Limited Resource, or Beginning Farmers or Ranchers**

Producers who meet the requirements of a socially disadvantaged, limited resource, or beginning farmer or rancher do **not** have to meet RMPR and are not required to pay the buy-in fee for 2008 and subsequent years.

The waiver for socially disadvantaged, limited resource, or beginning farmer or rancher provides that producers who are socially disadvantaged, limited resource, or beginning farmers or ranchers do not have to meet RMPR and, therefore, are not required to pay the buy-in fee.

In the case of an eligible livestock producer that is a socially disadvantaged farmer or rancher or limited resource or beginning farmer or rancher, the Secretary may:

- waive the requirement to purchase a policy or plan of insurance or obtain coverage under the noninsured crop disaster assistance program
- provide disaster assistance under this subpart at a level that the Secretary determines to be equitable and appropriate.

**N Equitable Relief**

The Secretary may, on a case-by-case basis, provide equitable relief to an eligible livestock producer that is otherwise ineligible or unintentionally fails to meet RMPR for the grazing land incurring the loss.

In the case of an eligible livestock producer that suffered losses on grazing land during the 2008 calendar year, the Secretary will take special consideration to provide equitable relief in cases in which the eligible livestock producer failed to meet RMPR because of the enactment of this title after the closing date of the sales periods for crop insurance under the Federal Crop Insurance Act, and the noninsured crop disaster assistance program.

Equitable relief will not be granted to producers in instances of:

- scheme or device
- intentional decision made to not insure a covered crop under policy or plan of insurance or under NAP
- sanctions placed on the producer by RMA or FSA
- violations of HEL and WC provisions
- violations of controlled substance provisions.--\*

**\*--171 Eligibility Criteria (Continued)****O Eligible Grazing Types**

Different types or varieties of pasture and grazing crops for a county shall be grouped into 1 of the following:

- improved pasture with permanent vegetative cover (nonirrigated)
- native pasture with permanent vegetative cover (nonirrigated)
- small grain crops planted specifically for the purpose of providing grazing for covered livestock (nonirrigated)
- forage sorghum crops planted specifically for the purpose of providing grazing for covered livestock (nonirrigated).

**P Eligible Grazing Lands**

The following are eligible grazing lands:

- State and Federal lands, if either of the following apply:
  - the land is leased on a long-term basis that COC determines requires lessee contribution, including but not limited to wells, fences, or other maintenance and upkeep inputs
  - pasture or grazing land is leased for cash or fixed amount for an established grazing period
- previously irrigated grazing land that was not irrigated during the current production year because of lack of water for reasons beyond the participant's control

**Note:** Counties should use the same provisions as used under NAP for covering irrigated grazing losses.

- privately owned, cash or share leased pasture or rangeland that is used to provide grazing for covered livestock.

Livestock producers are responsible for providing documentation to COC such as, but not limited to, written leases to show that their contributions are at risk in the pastureland and grazing land for which benefits are being requested under LFP. COC shall review and document in the COC minutes that pastureland or grazing land that is cash leased meets the eligibility criteria for leased pastureland or grazing land under LFP.--\*

**\*--171 Eligibility Criteria (Continued)****Q Ineligible Grazing Land**

The following are ineligible types of grazing:

- acreage enrolled in CRP
- irrigated pastures or crops
- acreage intended for grain, such as corn, where the stocks or aftermath is grazed
- seeded small grain forage crops that are planted with the specific purpose of harvesting forage or seed

**Note:** Seeded small grain forage crops include the following:

- barley
  - millet
  - oats
  - rye
  - triticale
  - wheat.
- grazing land that is leased under any of the following conditions:
    - basis of weight gain
    - cost per head, per day or month

**Example:** Owner A has an agreement with Producer B under which Owner A pays \$.30 per day for 100 yearlings grazed on Producer B's pasture. Owner A pays only for the number of days the 100 yearlings graze. Because Owner A pays only for the actual days grazed, Owner A suffers no grazing loss, and is ineligible for LFP.

- on an AUM-only basis, when the lessee incurs no additional expense for pasture maintenance, wells, fences, etc.

**R Establishing Grazing Loss Percentages**

There is no requirement for a producer to suffer a certain percentage of loss to be eligible for LFP. In addition there is no requirement that STC or COC establish a minimum or maximum amount of loss to be eligible for LFP; therefore, STC and COC shall **not** establish minimum or maximum loss percentages for LFP. The producer will not be required to report a loss percentage to be eligible for LFP.--\*

**\*--171 Eligibility Criteria (Continued)**

**S Establishing Normal Grazing Periods for LFP**

LFP provides payments to eligible livestock producers that have suffered livestock grazing losses because of a qualifying drought during the normal grazing period for the county. The qualifying drought must have occurred on or after January 1, 2008, but before October 1, 2011.

For drought, the losses must have occurred:

- on land that is native or improved pastureland with permanent vegetative cover or is planted to a crop planted specifically for grazing for covered livestock
- because of a qualifying drought during the normal grazing period for the specific type of pastureland or grazing land in the county during the calendar year.

STC's shall establish normal grazing periods for each of the grazing types listed in subparagraph I for each county in their State. Only 1 grazing period per pasture or grazing crop type shall be established per county. The normal grazing period established for each pasture or grazing crop type shall be consistent with those established for **NAP** purposes.

<b>Example: <u>Pasture Type</u></b>	<b><u>Start Date</u></b>	<b><u>End Date</u></b>
Forage Sorghum	June 20	October 20
Improved Pasture	August 1	October 31
Native Pasture	March 1	October 31
Small Grains	October 15	May 15

**Exception:** Two grazing periods for small grains may be established in each applicable county in those States where producers purchase NAP coverage for small grains grazing and the producer subsequently harvests the small grains for grain; however, the normal grazing period for full season grazing shall be entered into the LFP Normal Grazing Period Table.

**Example 1:** In County A, producers plant small grains with the intent to graze the small grains for the full growing season. The normal grazing period for full season small grains grazing in County A is October 15, 2007, through June 1, 2008. The normal grazing period for full season small grains would be established as follows.

<b><u>Pasture Type</u></b>	<b><u>Start Date</u></b>	<b><u>End Date</u></b>
Small grains (full season)	October 15	June 1--*

\*--171 Eligibility Criteria (Continued)

**S Establishing Normal Grazing Periods for LFP (Continued)**

**Example 2:** In County A, producers also plant small grains with the intent of grazing the small grains until the normal livestock pull off date of March 1, and then subsequently harvest the small grains for grain. The normal grazing period for small grains grazing in County A that are subsequently harvested for grain is October 15, 2007, through March 1, 2008. The normal grazing period for small grains intended for grazing that are subsequently harvested for grain would be established as follows.

<u>Pasture Type</u>	<u>Start Date</u>	<u>End Date</u>
Small grains	October 15	March 1

STC's shall ensure that normal grazing periods are:

- established for all pasture or grazing crop types listed in subparagraph I as soon as possible
- loaded into the LFP Normal Grazing Period Table.

**T Deceased Individuals and Dissolved Entities**

Authority to sign contracts, applications, and other documents on behalf of an eligible participant who is now a deceased individual or a dissolved entity may vary according to State law. Payments may be made for eligible grazing losses suffered by an eligible livestock producer who is now a deceased individual or is a dissolved entity if a representative, who currently has authority to enter into a contract, on behalf of the participant, signs FSA-925.

**Important:** Proof of authority to sign for the eligible deceased individual or dissolved entity **must** be on file in the County Office before the representative is allowed to sign FSA-925 for the participant. Proof of authority includes any of the following:

- court order
- document approved by the OGC Regional Attorney
- letter from Secretary of State.--\*

**\*--171 Eligibility Criteria (Continued)**

**T Deceased Individuals and Dissolved Entities (Continued)**

FSA-325 is:

- only used when it is requested that a payment earned by a deceased, missing, or incompetent program participant be issued in a name other than that of the deceased, missing, or declared incompetent program participant
- not applicable for determining who may file a program application for a deceased, incompetent, or missing individual.

State Office shall consult with the OGC Regional Attorney on the following types of cases:

- documentation submitted does **not** clearly establish authority to enter into a contract or application on behalf of the deceased individual, closed estate, or dissolved entity
- application from and request for issuing payments to heirs of a deceased individual without documentation provided that the heir establishes authority to enter into a contract or application on behalf of the deceased individual.

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 representatives **must** sign FSA-925.

**Note:** Only one FSA-925 will be submitted for payment for the general partnership or joint venture; however, all members **must** sign FSA-925.

See paragraph 184 for making payments to deceased individuals, closed estates, and dissolved entities.--\*

**172-180 (Reserved)**



**\*--Section 3 Payment Rates, Limitations, and Reductions****181 Payment Rates, Limitations, and Reductions****A Funding**

Because LFP is fully funded through the Disaster Trust Fund, a national factor is not applicable.

**B 2008 Payment Limitation**

For 2008, no “person”, as defined and determined under the provisions of 7 CFR Part 1400, as in effect for 2008, may receive more than \$100,000 total under LFP, ELAP, LIP, and SURE combined.

For 2008, determine “persons” according to 1-PL.

If a “person” determination for the participant for 2008 has:

- already been made for 2008 for which FSA-925 is submitted, use the same “person” determination for LFP purposes
- **not** been made for 2008 for which FSA-925 is submitted, COC shall:
  - obtain CCC-502 from the participant
  - make a “person” determination and notify participant according to 1-PL.

**Notes:** Actively engaged and cash-rent tenant provisions do **not** apply.

The amount of any payment for which a participant may be eligible under LFP, LIP, SURE, and ELAP may be reduced by any amount received by the participant for the same or any similar loss from a different source.--\*

**\*--181 Payment Rates, Limitations, and Reductions (Continued)****C 2009 and Subsequent Years Payment Limitation**

For 2009 and subsequent years, no person or legal entity, excluding a joint venture or general partnership, as determined by the rules in 7 CFR Part 1400, may receive, directly or indirectly, more than \$100,000 per program year total under LFP, ELAP, LIP, and SURE combined. For this purpose, both indirect and direct benefits are counted by attribution. In the case of a legal entity, the same payment is attributed to the direct payee in the full amount and those that have an indirect interest to the amount of the interest.

A determination of “persons” as defined by rules in effect for 2008 and prior years is not required for 2009 and subsequent years. However, CCC-901 will be required for legal entities to determine members of legal entities for direct attribution purposes.

**Note:** Direct attribution provisions in 4-PL apply for 2009 and subsequent years.

**D 2008 AGI Provisions**

In applying the limitation on average AGI for 2008, an individual or entity is ineligible for payment under LFP if the individual’s or entity’s average AGI exceeds \$2.5 million for 2007, 2006, and 2005 under the provisions in 7CFR Part 1400 in effect for 2008.

**Note:** The AGI provisions of 1-PL are applicable for 2008 LFP.

**E 2009 and Subsequent Years AGI Provisions**

For 2009 through 2011, the average AGI limitation provisions in 7 CFR Part 1400 relating to persons or legal entities, excluding joint ventures and general partnerships, with an average adjusted gross nonfarm income as defined in 7 CFR 1400.3 that exceeds \$500,000 will not be eligible for benefits under LFP.

**Note:** The AGI provisions of 4-PL are applicable for 2009 and subsequent years.--\*

**\*--181 Payment Rates, Limitations, and Reductions (Continued)**

**F Payment Reductions**

Any payment for which the eligible livestock producer may be eligible under LFP may be reduced by any amount received by the eligible livestock producer for the same or similar loss.

An eligible livestock producer may elect to receive assistance for grazing losses because of drought conditions under subparagraph A or fire conditions under subparagraph B but not both for the same loss on the same grazing land or pasture land acres.

Other restrictions may apply, including but not limited to, those about:

- HEL and WC provisions
- grazing losses that are not related to a qualifying drought or fire condition.--\*

**\*--182 Drought Payment Calculation****A General Payment Information**

An eligible livestock producer will be eligible to receive LFP payments for grazing losses because of a qualifying drought equal to 1, 2, or 3 times the monthly payment rate calculated according to subparagraph B.

To be eligible to receive a:

- 1 month payment, that is a payment equal to the monthly feed cost as determined according to subparagraph B, the eligible livestock producer must own or lease grazing land or pastureland that is physically located in a county that is rated a D2 severe drought (intensity) in any area of the county for at least 8 consecutive weeks during the normal grazing period for the specific type of grazing or pastureland in the county
- 2 month payment, that is a payment equal to twice the monthly feed cost as determined according to subparagraph B, the eligible livestock producer must own or lease grazing land or pastureland that is physically located in a county that is rated at least a D3 (extreme drought) intensity in any area of the county at any time during the normal grazing period for the specific type of grazing land or pastureland for the county.
- 3 month payment, that is a payment equal to three times the monthly feed cost as determined under subparagraph B, the eligible livestock producer must own or lease grazing land or pastureland that is physically located in a county that is rated a D3 (extreme drought) intensity in any area of the county for at least 4 weeks during the normal grazing period for the specific type of grazing land or pastureland for the county or is rated a D4 (exceptional drought) intensity in any area of the county at any time during the normal grazing period for the specific type of grazing land or pastureland for the county.

**B LFP Monthly Payment Rate**

The monthly payment rate will be equal to 60 percent of the lesser of either the monthly feed cost:

- for all covered livestock owned or leased by the eligible livestock producer
- calculated by using the normal carrying capacity of the eligible grazing land of the eligible livestock producer.

Total LFP payments to an eligible livestock producer in a calendar year for grazing losses because of qualifying drought will not exceed 3 monthly payments for the same livestock.

In the case of an eligible livestock producer that sold or otherwise disposed of covered livestock because of drought conditions in 1 or both of the 2 previous production years, the payment rate shall be equal to 80 percent of the monthly payment rate.--\*

## \*--182 Drought Payment Calculation (Continued)

**C Monthly Feed Cost Payment Rates For Covered Livestock**

The monthly feed cost for covered livestock is based, in part, on the number of pounds of corn equivalent per head, as established by FSA, determined necessary to provide the energy requirements for the specific kind/type of livestock for 30 calendar days.

The following provides the monthly payment rate per head by covered livestock category.

Kind of Livestock	Type	Weight Range	Payment Rate Per Head	
			2008	2009
Beef	Adult	Cows and Bulls	\$29.96	\$40.04
	Non-adult	500 pounds or more	\$22.47	\$30.03
Dairy	Adult	Cows and Bulls	\$77.88	\$104.09
	Non-adult	500 pounds or more	\$22.47	\$30.03
Buffalo/Beefalo	Adult	Cows and Bulls	\$29.96	\$40.04
	Non-adult	500 pounds or more	\$22.47	\$30.03
Sheep	All		\$7.49	\$10.01
Goats	All		\$7.49	\$10.01
Deer	All		\$7.49	\$10.01
Equine	All		\$22.17	\$29.63
Swine		Less than 45 pounds	\$0.89	\$1.19
		45 to 124 pounds	\$2.09	\$2.79
		125 to 234 pounds	\$3.60	\$4.81
	Sow	235 pounds or more	\$12.29	\$16.42
	Boar	235 pounds or more	\$7.20	\$9.62
Elk		Less than 400 pounds	\$6.60	\$8.82
		400 pounds to 799 pounds	\$12.29	\$16.42
		800 pounds or more	\$16.18	\$21.62
Poultry		Less than 3 pounds	\$0.19	\$0.25
		3 pounds to 7.9 pounds	\$0.38	\$0.50
		8 pounds or more	\$0.86	\$1.15
Reindeer	All		\$6.60	\$8.82
Alpacas	All		\$24.67	\$32.98
Emus	All		\$15.33	\$20.49
Llamas	All		\$10.93	\$14.61

The monthly feed cost for covered livestock will be calculated by multiplying the monthly feed cost per head, from the table, times the number of eligible covered livestock.

**Example:** Participant A has 100 head of adult beef cattle that suffer a 2008 grazing loss because of a qualifying drought. The monthly feed cost for the 100 head of adult beef cattle equals the monthly payment rate, from the table, times 100 head.

100 (head) adult beef cattle x \$29.96 (monthly payment rate) = \$2,996 (monthly payment rate for adult beef cattle).--\*

**\*--182 Drought Payment Calculation (Continued)****D Example of Monthly Payment Rate Calculation**

The LFP monthly payment rate for losses because of qualifying drought are calculated at 60 percent of the smaller of step 1 or step 2 below as follows:

**Step 1** The monthly feed cost for all covered livestock calculated by multiplying the monthly feed cost payment rate for each specific kind, type and weight range from the table in subparagraph C, times the number of head of eligible covered livestock for each specific kind/type and weight range of livestock and totaling the result.

**Example:** Participant has 100 head of adult beef cattle that suffer a grazing loss because of a qualifying drought. The monthly feed cost for the 100 head of adult beef cattle equals the monthly payment rate from the table in subparagraph C times the number of head of eligible covered livestock.

100 (head) adult beef cattle x \$29.96 (monthly payment rate per head) = \$2,996 (monthly feed cost payment rate for adult beef cattle).

**Step 2** Monthly feed cost based on normal carrying capacity of the eligible grazing land is calculated by dividing the number of eligible grazing land or pastureland acres of the specific type of grazing land by the normal carrying capacity of the specific type of eligible grazing land or pastureland, times 30 days, times the daily feed cost.

**Example:** 1,000 acres eligible grazing land/5 acres per AU normal carrying capacity x \$.9985 (daily feed cost) x 30 days = \$5991 (monthly feed cost using normal carrying capacity).

The LFP monthly payment rate is 60 percent of the smaller of step 1, monthly feed cost for covered livestock or step 2, monthly feed cost using normal carrying capacity. In this example, the monthly feed cost for covered livestock in step 1 is smaller. The livestock producer's monthly payment rate is calculated as follows.

$\$2996 \times .60 = \$1,798$  (monthly payment rate for LFP grazing loss)

An eligible producer can only receive a maximum of 3 monthly payments for the same covered livestock during the calendar year regardless of how many different drought intensity ratings the county receives.--\*

**\*--183 Drought Fire Payment Calculation**

**A Payment Calculation under Fire**

An eligible livestock producer will be eligible to receive compensation for grazing losses because of fire on Federally managed lands. The payment begins on the first day the permitted livestock are prohibited from grazing the eligible rangeland and ending on the earlier of the last day of the Federal lease of the eligible livestock producer or the day that would make the period a 180 calendar day period. The payment rate is 50 percent of the monthly feed cost for the number of days the producer is prohibited from grazing the managed rangeland because of a qualifying fire, not to exceed 180 calendar days.

A producer’s payment for losses suffered because of a qualifying fire on Federally-managed rangeland for which the producer is prohibited from grazing the normal permitted livestock is calculated according to the following.

Step	Action
1	<p>Calculate the total maximum payment according to the following.</p> <p>Permitted AU’s x normal permitted grazing days (NTE 180 calendar days) x daily AUD payment rate x 50 percent (statutory factor) = maximum payment amount.</p> <p><b>Example:</b> 100 (permitted AU’s) x 180 calendar days (normal permitted grazing days) x \$.9985 (daily AUD rate) x 50 percent = \$8,987 (maximum payment amount)</p>
2	<p>Calculate the value of the reduced grazing (reduced AU’s and grazing days) because of the fire according to the following.</p> <p>Reduced AU’s x Reduced Grazing Days x daily AUD payment rate x 50 percent = value of reduction because of fire.</p> <p><b>Example:</b> 75 (reduced AU’s) x 110 (reduced grazing days) x \$.9985 (daily AUD rate) = \$4119 (value of reduced grazing)</p>
3	<p>Issue payment to producer based on the smaller of step 1 or step 2.</p> <p><b>Example:</b> Smaller of step 1 or step 2 is step 2; therefore, the producers calculated payment, because of a qualifying fire is \$4,119.</p> <p><b>Note:</b> The payment the producer receives <b>cannot</b> exceed the maximum payment amount.</p>

--\*

**\*--184 General Payment Information**

**A Assignments and Offsets**

For LFP, County Offices shall:

- accept assignments according to 63-FI
- apply offsets according to 58-FI.

**B Issuing Payments to Deceased Individuals, Closed Estates, and Dissolved Entities**

LFP payments for FSA-925's involving deceased individuals, closed estates, or dissolved entities shall be made according to the following, provided all other eligibility requirements are met.

<b>IF the participant is an...</b>	<b>AND FSA-925 is signed by an authorized representative of the...</b>	<b>THEN payments shall be issued...</b>
individual who died before FSA-925 was filed	deceased according to subparagraph 171 T	to any of the following, as applicable, using the ID number of the participant: <ul style="list-style-type: none"> <li>• the deceased individual</li> <li>• the individual's estate</li> <li>• the heirs, based on OGC determination, according to 1-CM, Part 26.</li> </ul>
estate that closed before FSA-925 was filed	estate according to subparagraph 171 T	
entity that dissolved before FSA-925 was filed	dissolved entity according to subparagraph 171 T	using the ID number of the participant.
individual who dies, is declared incompetent, or is missing after filing FSA-925		to eligible payees executing FSA-325 according to 1-CM, paragraph 779.

**Note:** FSA-325 is only used when it is requested that a payment earned by a deceased, missing, or incompetent program participant be issued in a name other than that of the deceased, missing, or incompetent program participant.--\*

**\*--184 General Payment Information (Continued)**

**C 2008 Payment Eligibility Requirements**

A participant must meet all the following for 2008 calendar year losses before a payment shall be issued:

- CCC-502 on file and “person” determination according to 1-PL
- AD-1026 on file according to 6-CP
- not be in violation of fraud provisions, including FCIC fraud provisions according to 1-CM and 3-PL
- compliance with:
  - average AGI provisions according to 1-PL
  - controlled substance provisions according to 1-CM.

**Note:** See subparagraph:

- 181 B for more information about CCC-502
- E for more information about AD-1026.

County Offices shall record determinations for the applicable criteria in the web-based eligibility system according to 3-PL.--\*

**\*--184 General Payment Information (Continued)**

**D 2009 and Subsequent Years Payment Eligibility Requirements**

A participant must meet all the following for 2009 and subsequent calendar year losses before a payment shall be issued:

- CCC-901 on file for legal entities according to 4-PL
- AD-1026 on file according to 6-CP
- not be in violation of fraud provisions, including FCIC fraud provisions, according to 1-CM and 3-PL (Rev. 1)
- compliance with:
  - average AGI provisions according to 4-PL
  - controlled substance provisions according to 1-CM.

**Note:** See subparagraph:

- 181 C for more information about CCC-901
- E for more information about AD-1026.

County Offices shall record determinations for the applicable criteria in the web-based eligibility system according to 3-PL (Rev. 1).--\*

**\*--184 General Payment Information (Continued)****E Conservation Compliance Provisions**

AD-1026 applicable to the year for which LFP benefits are requested must be on file for the participant according to 6-CP.

If AD-1026 applicable for the year for which LFP benefits are requested is:

- already on file for the participant, and affiliates, if applicable, it is not necessary to obtain a new AD-1026 for LFP
- not on file for the participant, and affiliates, if applicable, County Office shall obtain a completed AD-1026 applicable to the year for which LFP benefits are requested.

If a new AD-1026 is required to be filed, payments may be issued to eligible participants upon signing in AD-1026, item 12. It is not necessary to withhold payments pending NRCS HEL or WC determinations. The continuous certification statement on AD-1026 requires participants to refund program payments if an NRCS determination results in the discovery of a HELC/WC violation.

**F Prevention of Improper Payments**

IPIA requires Federal agencies to evaluate programs to determine whether internal controls are sufficient to prevent improper payments. County Offices shall take all steps necessary to ensure that program and payment eligibility requirements have been met before issuing any payments.

**G Definition of Improper Payment**

OMB defines an improper payment as any payment that should **not** have been issued or was issued in an incorrect amount under statutory, contractual, administrative, or other legally applicable requirement.--\*

**185-199 (Reserved)**



**\*--Section 4 Applying for Benefits****200 Applying for Benefits****A FSA-925 Process**

To apply for LFP, the participant that suffered eligible grazing losses because of a qualifying drought or fire:

- during 2008, must submit a completed FSA-925 and required supporting documentation to **their administrative County Office no later than** December 10, 2009
- during 2009 and later years, must submit a completed application for payment and required supporting documentation to the administrative County Office no later than 30 calendar days after the end of the calendar year in which the grazing loss occurred.

**Note:** A minor child is eligible to file FSA-925, if all eligibility requirements are met.

Producers that that suffer grazing losses because of additional grazing types being affected by drought or fire during the calendar year may file multiple FSA-925's for payment. Other documentation is required for a complete FSA-925.

**State and County Offices shall not develop, design, or use any forms, worksheets, applications, or other documents to obtain or collect the data required from participants to complete FSA-925.**

FSA-925's for LFP will be based on the following:

- administrative county (physical location county)
- calendar year
- participant.

If at any point the administrative county (physical location county), calendar year, or participant is different, a separate FSA-925 **must** be filed.

FSA-925's shall be filed by eligible livestock producers in **their administrative County Office**. The administrative County Office is the County Office designated by FSA to:

- handle official records
- issue payment to eligible livestock producers
- make determinations.--\*

**\*--200 Applying for Benefits (Continued)****A FSA-925 Process (Continued)**

An eligible livestock producer's administrative County Office is generally the County Office where the eligible livestock producer's farm records are maintained. FSA does have provisions in 2-CM and 3-CM that will allow farms to be transferred to other counties; therefore, some farms may be administratively located in a county where the farm is not physically located.

LFP applications will be filed in the participant's administrative county by physical county location.

When a participant has a percentage share interest in a livestock operation with an associated participant that is physically located in the same county in the same calendar year, the total eligible livestock for each participant shall be listed on separate FSA-925's based on each participant's share in the livestock operation

**Example:** Jane Jones has livestock interests in Castro County in calendar year 2008, and certified grazing losses because of a qualifying drought. Jane Jones is a 50-50 share owner with Bill Green of 100 adult beef cows in Castro County. Jane Jones and Bill Green, as individuals, each have a 50 percent interest in 100 head of beef cattle.

The following two FSA-925's would be filed in Castro County, Texas for calendar year 2008, assuming all participants file FSA-925 for the eligible livestock, and none of the participants have any other livestock interests.

- One FSA-925 for Jane Jones that includes 100 head of beef cattle from the operation shared with Bill Green with a share of 50 percent.
- One FSA-925 for Bill Green for 100 head of beef cattle from the operation he shares with Jane Jones with a share of 50 percent.--\*

**\*--200 Applying for Benefits (Continued)****A FSA-925 Process (Continued)**

When, in the same calendar year, a participant has a percentage share interest with different associated producers in multiple livestock operations that are physically located in the same county, the eligible livestock for each participant shall be listed separately on FSA-925's based on each participant's share.

**Example:** Sammy Smith has the following livestock interests in Motley County, Texas and suffered grazing losses for calendar year 2008.

- 50-50 owner share of an eligible beef cow herd with Bill Brown. Sammy Smith and Bill Brown, as individuals, each have a 50 percent interest in 100 head of beef cows
- 75-25 owner share of a beef cattle herd with Martha Green. Sammy Smith and Martha Green jointly own the beef cattle as individuals on 75-25 percent share interest in 200 head of beef cows
- 25-50-25 owner share of a beef cattle herd with Bob Black and Mike White. Sammy Smith, Bob Black, and Mike White have a 25-50-25 percent interest, respectively, in 300 head of beef cows.--\*

**\*--200 Applying for Benefits (Continued)****A FSA-925 Process (Continued)**

The following five FSA-925's would be filed in Motley County, Texas, the administrative county for calendar year 2008, assuming all participants file FSA-925 for the eligible livestock, and none of the participants have any other livestock interests.

- one FSA-925 for Sammy Smith that includes **all** of the following:
  - 100 eligible adult beef cows from the operation he shares with Bill Brown with a share of 50 percent
  - 200 eligible adult beef cows from the operation he shares with Martha Green with a share of 75 percent
  - 300 eligible adult beef cows from the operation he shares with Bob Black and Mike White with a share 25 percent.
- One FSA-925 for Bill Brown that includes 100 eligible adult beef cows from the operation he shares with Sammy Smith with a share of 50 percent.
- One FSA-925 for Martha Green that includes 200 eligible adult beef cows from the operation she shares with Sammy Smith with a share of 25 percent.
- One FSA-925 for Bob Black that includes 300 eligible adult beef cows from the operation he shares with Sammy Smith and Mike White with a 50 percent share.
- One FSA-925 for Mike White that includes 300 eligible adult beef cows from the operation he shares with Sammy Smith and Bob Black with a 25 percent share.--\*

**\*--200 Applying for Benefits (Continued)****B Signing and Certifying FSA-925**

When signing FSA-925, item 42A, the participant is:

- applying for LFP benefits for the participant listed on FSA-925, item 6
- certifying **all** of the following:
  - information provided on FSA-925 is true and correct
  - livestock claimed on FSA-925 are eligible livestock according to subparagraph 171 E
  - all supporting documentation provided are true and correct copies of the transaction reported
  - that an eligible grazing loss occurred because of a qualifying drought or fire on Federally managed grazing land for which the producer was prohibited from grazing the normal permitted livestock on the Federally managed rangeland
  - the physical location of the:
    - claimed livestock on the beginning date of the qualifying grazing loss condition
    - participant's current livestock inventory
  - the names of all other producers that have an interest in the claimed livestock, including their share
  - risk management purchase requirement have been met or a waiver of the risk management purchase requirement was waived has been approved
- authorizing FSA officials to:
  - enter upon, inspect, and verify all applicable livestock and acreage in which the participant has an interest for the purpose of confirming the accuracy of the information provided
  - review, verify, and authenticate all information provided on FSA-925 and supporting documents
  - contact other agencies, organizations, or facilities to verify data provided by an participant from such agencies, organizations, or facilities--\*

**\*--200 Applying for Benefits (Continued)****B Signing and Certifying FSA-925 (Continued)**

- acknowledging that:
  - failure to provide information requested by FSA is cause for disapproval of FSA-925
  - providing a false certification to FSA is cause for disapproval of FSA-925, and is punishable by imprisonment, fines, and other penalties.

**Note:** Participants who receive assistance must keep records and supporting documentation for 3 years following the end of the year in which FSA-925 for payment was filed.

**C Signature Requirements**

All participants' signatures **must** be received by no later than:

- December 10, 2009, for 2008 calendar year applications for payment
- 30 calendar days after the end of the calendar year in which the grazing loss occurred for 2009 and subsequent calendar year applications for payment.

STC or COC do **not** have authority to approve late-filed FSA-925.

See 1-CM for signature requirements.

**Important:** 1-CM, Part 25 provides signature requirements for general partnerships. County Offices shall see 1-CM for signature requirements for general partnerships.

**Notes:** General partnerships must have a permanent tax ID number to receive any FSA payment. FSA payments shall not be issued to the individual members of a general partnership.

FSA payments may be issued to:

- a joint venture with a permanent tax ID number
- the individual members of a joint venture, using the individual member's ID numbers, when the joint venture does not have a permanent tax ID number.--\*

**\*--200 Applying for Benefits (Continued)**

**D Printing and Reviewing FSA-925**

Once the automated system becomes available, all manual FSA-925's shall be loaded into the automated system. After all information is entered into the automated system, County Offices shall:

- print an automated FSA-925
- if a manual FSA-925 was submitted:
  - attach the manual FSA-925 to the automated FSA-925
  - conduct a second party review of all data on the automated FSA-925 to ensure that all data is the same on both the manual and automated FSA-925.

**Important:** The individual conducting the second party review shall not be the same individual who entered the data into the automated system.--\*

**\*--200 Applying for Benefits (Continued)****F Supporting Documents**

All supporting documents **must** be completed by the participant and on file in the County Office:

- no later than 30 calendar days after the end of the calendar year for which the grazing loss occurred
- before FSA-925 may be approved.

Supporting documents include, but are not limited to, the following:

- CCC-502, applicable for 2008 calendar year
- CCC-901, applicable for 2009 and subsequent years
- AD-1026, applicable for 2008, 2009, 2010, and 2011
- CCC-526 or other acceptable document according to 1-PL to determine compliance with average AGI provisions for 2008
- CCC-926, or other acceptable document according to 4-PL to determine compliance with average AGI provisions for 2009 and subsequent years
- copy of contract grower contracts
- report of acreage for the grazing land incurring losses
- evidence that grazing land is owned or leased
- evidence of meeting risk management purchase requirement or an approved waiver.--\*

**\*--201 Acting on FSA-925**

**A Approving FSA-925**

COC or CED **must** act on **all** completed and signed FSA-925's submitted.

**Note:** CED's may delegate approval authority to program technicians for routine cases. Program technicians shall **not** be delegated authority to disapprove any FSA-925.

**Important:** DD review of initial FSA-925's **must** be completed according to subparagraph D before FSA-925's may be approved or disapproved.

FSA-925 shall be approved or disapproved as certified by the participant. When more than 1 type of livestock is claimed, FSA-925 shall be approved or disapproved based on all livestock claimed. However, COC does have authority to make adjustments to certain information reported on FSA-925 when documentation warrants making adjustments.

**Example:** Jim Brown files FSA-925 that includes 100 adult beef cows reported in item 14. COC has documentation that only 98 adult beef cows meet eligibility requirements as eligible covered livestock in inventory on the beginning date of the qualifying drought. In this case, on FSA-925, COC can enter "98" in item 18 for adult beef cows and then approve FSA-925 for the 98 eligible adult beef cows. Jim Brown would be provided appeal rights according to 1-APP for the 2 adult beef cows not used in the calculation of LFP benefits.--\*

**\*--201 Acting on FSA-925 (Continued)**

**A Approving FSA-925 (Continued)**

Before approving FSA-925, COC or CED **must**:

- ensure that **all** program eligibility requirements are met
- be satisfied with **all** the following:
  - livestock claimed are eligible livestock according to subparagraph 171 E
  - risk management purchase requirements have been met or a waiver has been approved
  - all forage information entered on the application meets eligibility requirements according to paragraph 171
  - participant is an eligible livestock producer according to subparagraph 171 H
  - reasonableness of the number and type of livestock claimed
  - all signature requirements are met.

**Note:** See subparagraph B when:

- COC or CED questions any data provided by participant
- disapproving FSA-925.--\*

**\*--201 Acting on FSA-925 (Continued)****B Disapproving FSA-925**

COC or CED **must** act on all completed and signed FSA-925's submitted.

**Note:** CED's may delegate approval authority to program technicians for routine cases. Program technicians shall **not** be delegated authority to disapprove any FSA-925.

**Important:** DD review of initial FSA-925's must be completed according to subparagraph D before FSA-925's may be approved or disapproved.

FSA-925 shall be approved or disapproved as certified by the participant. When more than 1 type of livestock is claimed, FSA-925 shall be approved or disapproved based on all livestock claimed. However, COC does have authority to make adjustments to certain information reported on FSA-925 when documentation warrants making adjustments.

**Example:** Jim Brown files FSA-925 that includes 100 adult beef cows reported in item 14. COC has documentation that only 98 adult beef cows meet eligibility requirements as eligible covered livestock in inventory on the beginning date of the qualifying drought. In this case, on FSA-925, COC can enter "98" in item 18, for adult beef cows and then approve FSA-925 for the 98 eligible adult beef cows. Jim Brown would be provided appeal rights according to 1-APP for the 2 adult beef cows not used in the calculation of LFP benefits.

If it is determined that any information provided on FSA-925 is not reasonable or is questionable, additional verifiable documentation or evidence shall be requested from the participant, in writing, to support the data provided. Other agencies, organizations, or facilities may also be contacted to verify information provided by participants.

**Important:** See subparagraph C when contacting other agencies, organizations, or facilities to verify information provided by participants.

**Exception:** COC's shall **not** require tax records; however, participant may voluntarily provide tax records.

If all program eligibility requirements are **not** met, it is determined that the information on FSA-925 or any additional supporting documentation provided by participant is **not** accurate or reasonable, then the following actions shall be taken:

- disapprove FSA-925
- notify participant of disapproval
- provide participant applicable appeal rights according to 1-APP
- thoroughly document reason for disapproval in COC minutes, if disapproved by COC.--\*

**\*--201 Acting on FSA-925 (Continued)****C Verifying Data With Other Agencies, Organizations, or Facilities**

When contacting agencies, organizations, or facilities to verify data provided by a participant, the County Office shall be specific in the information requested. The request should include, but is not limited to, the following:

- participant's name and address
- animal kind and type
- why the request is being made
- what information is being requested.

**D DD Review and Report of Initial FSA-925's**

DD's shall review the first five FSA-925's submitted, for both qualifying drought conditions and fire conditions, in each Service Center before approval. The review shall include the following:

- ensuring that separate FSA-925's are submitted by participant and physical location County Office
- signature requirements, including power of attorney, are met
- no State or County Office developed forms, worksheets, applications, or other documents are being used to obtain or collect the data required from participants
- supporting data required for payment eligibility is properly completed and on file, such as CCC-901, CCC-926, CCC-502, AD-1026, and accurate subsidiary and SCIMS data.

Within 10 workdays of completing the review, DD shall provide a written report to SED describing the review findings, including a list of errors discovered, and the overall status of the implementation of LFP in the County Office.

DD review of the initial FSA-925's and supporting documentation submitted is critical to ensuring LFP is being administered according to the procedures provided in this handbook and the regulations in 7 CFR Part 760, Subparts B and D.

Reviewing the initial FSA-925's and supporting documentation in a timely manner:

- identifies possible weaknesses in the administration of LFP that may be resolved by additional training, clarified procedures, or modified software
- prevents numerous participants from being impacted by erroneous LFP administration
- allows corrections to be made in a timely manner before erroneous payments are issued.--\*

**\*--202 FSA-925, Livestock Forage Disaster Program Application**

**A Completing Manual FSA-925**

Complete FSA-925 according to the following.

Item	Instruction
1	Enter State and county code.  <b>Note:</b> This is the physical location of the county in which the loss occurred.
2	Enter the calendar year the loss of grazing occurred.  <b>Note:</b> If the pasture type is a small grains for grazing crop, enter the calendar year as the calendar year of when the normal grazing period for the small grains ends.  <b>Example:</b> The producer claims to have suffered a grazing loss for wheat reported as intended for grazing. The normal grazing period for wheat is October 1, 2007, through March 1, 2008. The calendar year the producer would file an application for payment would be 2008.
3	Enter County Office name.  <b>Note:</b> This is the physical County Office location where the participant's loss occurred.
4	Enter date of application.
5	Enter the application number.  <b>Note:</b> This is an automated system assigned number.
<b>Part A - Producer Information</b>	
6	Enter the producer's name and address.
<b>Part B - Disaster Information</b>	
7	Check (✓) the appropriate box or boxes to indicate the type of qualifying disaster condition(s) causing the grazing loss. Indicate whether the grazing loss is a result of drought, fire, or both. If: <ul style="list-style-type: none"> <li>• fire is checked, go to item 8</li> <li>• drought is checked, go to item 9.</li> </ul> <b>Note:</b> A producer cannot receive assistance for grazing losses because of drought and fire on the same acres.
8	Enter the date and location of the qualifying fire condition(s) that occurred on Federal managed rangelands <b>only</b> , for which the producer is prohibited by the Federal agency from grazing the normal permitted livestock covered by the Federal lease. Leave item 8 blank if fire was not selected as a qualifying grazing loss condition in item 7.  Each date and location of a qualifying fire condition will be sequentially numbered, starting with 1. This will be used to identify the fire event number(s), by occurrence in Part D, item 30.

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\*--202 FSA-925, Livestock Forage Disaster Program Application (Continued)

A Completing Manual FSA-925 (Continued)

Item	Instruction								
<b>Part C - Livestock Information</b>									
9	<p>Enter the physical location of the covered livestock on the beginning date of the qualifying grazing loss condition in item 7. Include the name of the county where the grazing loss occurred.</p> <p><b>Example:</b> Livestock located in Bolivar County, MS, Farm 1234. Grazing loss occurred in Bolivar County, MS, Farm 1234.</p>								
10	<p>Enter current physical location of covered livestock in inventory.</p> <p><b>Example:</b> Bolivar County; MS, Farm 1234.</p>								
11	<p>Enter associated producers who had an ownership share, contract grower share, or cash lease share of any of the eligible covered livestock in item 13 during the 60 calendar days before the beginning date of the applicable qualifying grazing loss condition(s) in item 7 and indicate their share. If application is solely for a fire condition, go to item 30.</p>								
12	<p>Enter a sequential corresponding number to be associated to each livestock kind, type, and weight range to be entered in item 13 will be assigned by the automated system.</p> <p><b>Example:</b></p> <table border="0" style="margin-left: 40px;"> <tr> <td style="text-align: center;"><u>Item 12</u></td> <td style="text-align: center;"><u>Item 13</u></td> </tr> <tr> <td style="text-align: center;">1</td> <td>Adult Beef Cattle</td> </tr> <tr> <td style="text-align: center;">2</td> <td>Nonadult Beef Cattle &gt; 500 lbs.</td> </tr> <tr> <td style="text-align: center;">3</td> <td>Equine</td> </tr> </table> <p><b>Note:</b> An entry is only required in this field for those livestock that are or would have been grazing the <b>drought</b> affected pasture or grazing land.</p>	<u>Item 12</u>	<u>Item 13</u>	1	Adult Beef Cattle	2	Nonadult Beef Cattle > 500 lbs.	3	Equine
<u>Item 12</u>	<u>Item 13</u>								
1	Adult Beef Cattle								
2	Nonadult Beef Cattle > 500 lbs.								
3	Equine								
13	<p>Enter the covered livestock by kind, type, and weight range that were owned/leased by the producer or that the producer was a contract grower of during the 60 calendar days before the beginning date of the applicable qualifying grazing loss condition(s) in item 7.</p> <p><b>Note:</b> Livestock kind, type, and weight range can be obtained from the local FSA office or LFP Fact Sheet available at <a href="http://disaster.fsa.usda.gov">http://disaster.fsa.usda.gov</a>.</p>								
14	<p>Enter the number of covered livestock owned/leased by the producer or that the producer was a contract grower of that was in inventory 60 calendar days before the beginning date of the applicable qualifying grazing loss condition(s) in item 7.</p>								

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\*--202 FSA-925, Livestock Forage Disaster Program Application (Continued)

A Completing Manual FSA-925 (Continued)

Item	Instruction
15	<p data-bbox="342 323 1450 394">Enter the number of covered livestock that were sold or otherwise disposed of because of a qualifying <b>drought</b> condition during the current production year.</p> <p data-bbox="342 432 1459 504"><b>Note:</b> The current production year is defined as the calendar year in which the grazing loss occurred for which benefits are being requested.</p> <p data-bbox="342 541 1471 905"><b>Example 1:</b> The normal grazing period for the specific type of grazing land (native pasture) is May 15, 2008, through November 1, 2008. The D2 designation occurred on August 14, 2008. The beginning date of the qualifying drought condition (8 week period) is June 15, 2008. The producer sold 48 head of livestock on April 17, 2008, because of drought conditions. The 48 head of livestock were sold within the current calendar year during the 60 calendar days before the beginning date of the qualifying drought condition and would be considered mitigated livestock in the current production year. The 48 head of livestock would be entered in item 15.</p> <p data-bbox="342 942 1463 1417"><b>Example 2:</b> The county has 2 established grazing periods within the current production year, October 1, 2007, through March 30, 2008, for small grains and May 15, 2008, through November 1, 2008, for native pasture. A D2 designation occurred on January 1, 2008, for small grains. The beginning date of the qualifying drought condition (8 week period) is November 1, 2007. The producer sold 50 head of livestock on September 1, 2007, and sold 120 head of livestock on April 15, 2008, because of drought conditions. If the 50 head that were sold were livestock that would have grazed the small grain acreage, then the livestock would be considered current production year mitigated livestock and would be entered in item 15. The 120 head of livestock sold on April 15, 2008, would be considered current year inventory (not current year mitigated) and would be entered in item 14.</p> <p data-bbox="342 1455 1471 1780"><b>Example 3:</b> The county has 2 established grazing periods within the current production year, October 1, 2007, through March 30, 2008, for small grains and May 15, 2008, through November 1, 2008 for native pasture. The D2 designation occurred on October 14, 2008. The beginning date of the qualifying drought condition (8 week period) began on August 15, 2008 for native pasture. The producer sold 120 head of livestock on July 15, 2008, because of drought conditions. The 120 head of livestock sold in July 2008 would be considered mitigated in the current production year and would be entered in item 15.</p>

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\*--202 FSA-925, Livestock Forage Disaster Program Application (Continued)

A Completing Manual FSA-925 (Continued)

Item	Instruction
16	<p>Enter the number of mitigated livestock that were sold because of drought in either 1 or both of the prior production years.</p> <p><b>Example 1:</b> The county’s grazing period for native pasture is May 15, 2008, through November 1, 2008. The D2 designation occurred on August 14, 2008. The beginning date of the qualifying drought condition (8 week period) began on June 15, 2008. The producer sold 75 head of livestock on February 1, 2006, because of a drought in 2006 and sold 20 head of livestock on April 1, 2007, because of the drought conditions in 2007. The 95 head of livestock were sold in both of the prior production years because of drought conditions in those years and would be considered mitigated livestock in the 2 prior production years and would be entered in item 16.</p>
17	<p>Enter the producer’s ownership, cash lease, or contract grower share in the livestock entered in item 14, 15, or 16 on the beginning date of the applicable grazing loss event(s) for which a grazing loss was suffered.</p>
18	<p>COC shall enter the adjusted current year inventory, if applicable.</p> <p><b>Note:</b> An entry is only required when COC determines a current year inventory different than the current year inventory certified to by the producer.</p> <p>The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 18.</p>
19	<p>COC shall enter the adjusted current year mitigated, if applicable.</p> <p><b>Note:</b> An entry is only required when COC determines a current year mitigated different than the current year mitigated certified to by the producer.</p> <p>The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 19.</p>
20	<p>COC shall enter the adjusted prior years mitigated, if applicable.</p> <p><b>Note:</b> An entry is only required when COC determines different prior years mitigated than the prior years mitigated certified to by the producer.</p> <p>The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 20.</p>

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\*--202 FSA-925, Livestock Forage Disaster Program Application (Continued)

A Completing Manual FSA-925 (Continued)

Item	Instruction												
<b>Part D - Forage Information Drought</b>													
21	<p>Enter the livestock number or numbers from item 12 for each livestock kind/type and weight range that are grazing or would have been grazing the specific type of pasture entered in item 22.</p> <p><b>Example:</b> Adult beef cattle, nonadult beef cattle weighing over 500 pounds, and equine are grazing the native pasture.</p> <table border="0" style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;"><u><b>Item 12</b></u></td> <td style="text-align: center;"><u><b>Item 13</b></u></td> <td style="text-align: center;"><u><b>Item 21</b></u></td> </tr> <tr> <td style="text-align: center;">1</td> <td style="text-align: center;">Adult Beef Cattle</td> <td style="text-align: center;">1, 2, 3</td> </tr> <tr> <td style="text-align: center;">2</td> <td style="text-align: center;">Nonadult Beef Cattle &gt; 500</td> <td></td> </tr> <tr> <td style="text-align: center;">3</td> <td style="text-align: center;">Equine</td> <td></td> </tr> </table>	<u><b>Item 12</b></u>	<u><b>Item 13</b></u>	<u><b>Item 21</b></u>	1	Adult Beef Cattle	1, 2, 3	2	Nonadult Beef Cattle > 500		3	Equine	
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2	Nonadult Beef Cattle > 500												
3	Equine												
22	<p>Enter all pasture types for owned or cash leased land normally used in the operation to support eligible covered livestock during the qualifying <b>drought</b> condition grazing loss event(s) for the applicable livestock number(s).</p> <p>Pasture types include the following:</p> <ul style="list-style-type: none"> <li>• native</li> <li>• improved</li> <li>• forage sorghum</li> <li>• small grains.</li> </ul> <p><b>Note:</b> Only enter pasture types for Federal or State land if the agreement is by the acre and does not provide for an allotted number of AU or AUM that can be grazed for an established period of time.</p>												

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\*--202 FSA-925, Livestock Forage Disaster Program Application (Continued)

A Completing Manual FSA-925 (Continued)

Step	Instruction
23	<p>Enter the acres, by physical location county, associated with each pasture type entered in item 22.</p> <p><b>Note</b> If multiple participants are using the same pasture acres for their livestock, the acres must be prorated.</p> <p><b>Example 1:</b> Participant A has 200 head of eligible livestock and Participant B has 75 head, a total of 275 head grazing the same 500 pasture acres.</p> <p>Calculate prorated acres according to the following.</p> <p>Participant A: <math>200 \text{ head} / 275 \text{ head} = .7273</math>  Participant B: <math>75 \text{ head} / 275 \text{ head} = .2727</math></p> <p><math>.7273 \times 500 \text{ ac.} = 363.7</math> total acres for Participant A  <math>.2727 \times 500 \text{ ac.} = 136.3</math> total acres for Participant B.</p> <p><b>Example 2:</b> Participant A and Participant B have a 50-50 owner share in 200 head of eligible livestock. The 200 head of eligible livestock graze 500 acres of native pasture.</p> <p>Calculate prorated acres according to the following.</p> <p><math>.5000 \times 500 \text{ ac.} = 250</math> total acres for Participant A  <math>.5000 \times 500 \text{ ac.} = 250</math> total acres for Participant B</p>
24	<p>County Office shall enter the applicable carrying capacity for the specific type of pasture entered in item 22.</p>
25	<p>COC shall enter the adjusted acres, if applicable.</p> <p><b>Note:</b> An entry is only required when COC determines acres different than the acres certified to by the producer.</p> <p>The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 25.</p>
26	<p>Enter the livestock number or numbers from item 12 for each livestock kind/type and weight range that are grazing or would have been grazing the specific type of pasture entered in item 27.</p>

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\*--202 FSA-925, Livestock Forage Disaster Program Application (Continued)

A Completing Manual FSA-925 (Continued)

Item	Instruction
27	<p>Enter all pasture types for AUM or AU leased land normally used in the operation to support eligible covered livestock during the applicable <b>drought</b> grazing loss condition for the livestock number(s) entered in item 26.</p> <p>Pasture types include the following:</p> <ul style="list-style-type: none"> <li>• native</li> <li>• improved</li> <li>• forage sorghum</li> <li>• small grains.</li> </ul> <p><b>Note:</b> Only enter pasture types for privately leased, Federal, or State land that provide for an allotted number of AU's or AUM's that can be grazed for an established period of time. Pasture types for Federal and State leases expressed in acres and not AU's or AUM's for an established period of time shall be entered in item 22.</p>
28	<p>Enter the number of AU's allowed by the pasture type entered in item 27.</p> <p><b>Example 1:</b> Grazing Permit allows the producer to graze 150 AU's from September 1 through December 31 for a total of 600 AUM's. The number of AU's to enter in item 27 would be 150 AU's.</p> <p><b>Example 2:</b> Grazing Permit allows the producer to graze 500 AUM's for a 5 month grazing period. The total number of AU's entered in item 27 would be 100 AU's. <math>500 \text{ AUM's} / 5 \text{ months} = 100 \text{ AU's}</math>.</p>
29	<p>COC shall enter the adjusted AU's, if applicable.</p> <p><b>Note:</b> An entry is only required when COC determines AU's different than the AU's certified to by the producer in item 28.</p> <p>The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 29.</p>
30	<p>Enter the fire event number that corresponds to the fire event number listed in item 8.</p>
31	<p>Manually assign a pasture number to each fire event.</p> <p><b>Note:</b> Multiple fire events may be associated to the same pasture number.</p>

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## \*--202 FSA-925, Livestock Forage Disaster Program Application (Continued)

## A Completing Manual FSA-925 (Continued)

Item	Instruction
32	<p>ENTER “<b>rangeland</b>” as the pasture type for all rangeland that is managed by a Federal agency (i.e.: BIA, BLM, FS, etc.) that was affected by <b>fire</b> for which the eligible producer is prohibited by the Federal agency from grazing the normal permitted livestock on the managed rangeland because of fire.</p> <p><b>Note:</b> Grazing losses on private or State rangelands managed by a Federal agency because of <b>fire</b> for which an eligible producer is prohibited by the Federal agency from grazing the normal permitted rangeland because of fire shall also be entered in items 30 through 36.</p>
33	Enter the permitted AU’s from the Federal grazing lease agreement.
34	<p>Enter the number of permit days grazing is allowed under the Federal lease agreement during the calendar year.</p> <p><b>Note:</b> The number of permit days grazing is allowed under the Federal lease agreement shall be obtained from the producers grazing permit.</p>
35	<p>Enter the number of AU’s the producer is prohibited from grazing on the managed rangeland by the Federal Agency because of fire.</p> <p><b>Note:</b> There may be entries in item 35 and/or item 36.</p>
36	<p>Enter the number of days the producer is prohibited from grazing the normal permitted livestock on the managed rangeland by the Federal Agency because of fire.</p> <p><b>Note:</b> There may be entries in item 35 and/or item 36.</p>
37	<p>COC shall enter the adjusted permitted AU’s, if applicable.</p> <p><b>Note:</b> An entry is only required when COC determines permitted AU’s different than the permitted AU’s certified to by the producer in item 33.</p> <p>The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 37.</p>
38	<p>COC shall enter the adjusted permit days, if applicable.</p> <p><b>Note:</b> An entry is only required when COC determines permit days different than the permit days certified to by the producer in item 34.</p> <p>The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 38.</p>

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\*--202 FSA-925, Livestock Forage Disaster Program Application (Continued)

A Completing Manual FSA-925 (Continued)

Item	Instructions
39	<p>COC shall enter the adjusted reduced AU's, if applicable.</p> <p><b>Note:</b> An entry is only required when COC determines reduced AU's different than the reduced AU's certified to by the producer in item 35.</p> <p>The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 39.</p>
40	<p>COC shall enter the adjusted reduced grazing days, if applicable.</p> <p><b>Note:</b> An entry is only required when COC determines reduced grazing days different than the reduced grazing days certified to by the producer in item 36.</p> <p>The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 40.</p>
41	<p>Enter amount of compensation received from other disaster assistance programs for the same grazing losses.</p>
<b>Part E - Producer Certification</b>	
42 A through 42C	<p>After reading the certification, producer or producer's representative signs and dates.</p> <p>Signatory in item 42A shall enter their title/relationship when signing in the representative capacity.</p> <p>If a producer/applicant is:</p> <ul style="list-style-type: none"> <li>• <b>not</b> signing in the representative capacity, this field should be left blank</li> <li>• signing on behalf of themselves, it is acceptable to ENTER "self"; however, it is <b>not</b> necessary.</li> </ul>
<b>Part F - County Committee Determination</b>	
43	<p>Enter COC signature.</p>
44	<p>Enter date of COC action.</p>
45	<p>Check (✓) either "APPROVED" or "DISAPPROVED".</p> <p><b>Important:</b> FSA-925 shall be approved or disapproved as certified by the producer after applicable COC adjustment fields are completed.</p>

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\*--202 FSA-925, Livestock Forage Disaster Program Application (Continued)

**B Example of FSA-925**

This form is available electronically.

<b>FSA-925</b> U.S. DEPARTMENT OF AGRICULTURE (09-11-09) Farm Service Agency  <b>LIVESTOCK FORAGE DISASTER PROGRAM APPLICATION</b>	1. State and County Code 06 099 3. County Office Name Knox	2. Calendar Year 2008 4. Application Date September 14, 2009 5. Application Number
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**NOTE:** The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a – as amended). The authority for requesting the information identified on this form is 7 CFR Part 760, 7 CFR Part 1400, and the Food, Conservation, and Energy Act of 2008 (Pub. L. 110-246). The information will be used to determine eligibility for program benefits. The information collected on this form may be disclosed to other Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated). Providing the requested information is voluntary. However, failure to furnish the requested information will result in a determination of ineligibility for program benefits.

This information collection is exempted from the Paperwork Reduction Act as it is required for the administration of the Food, Conservation and Energy Act of 2008 (see Pub. L. 110-246, Title 1, Subtitle F – Administration).

The provisions of criminal and civil fraud, privacy and other statutes may be applicable to the information provided. **RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.**

PART A – PRODUCER INFORMATION	PART B – DISASTER INFORMATION
6. Producer's Name and Address (City, State and Zip Code) Sammy Jones Sunny Dale Lane Gilliland, Texas 79260	7. Type of qualifying disaster condition causing grazing loss: <input checked="" type="checkbox"/> Drought <input type="checkbox"/> Fire 8. Date and location of qualifying fire condition(s)

**PART C – LIVESTOCK INFORMATION**

9. Where were the claimed livestock physically located on the beginning date of the qualifying grazing loss condition? (Include County name, farm number, etc.)  
 Farm 400

10. Where is the current physical location of the livestock in inventory?  
 Farm 400

11. Associated Producers (List all other producers that have an ownership share of any livestock listed in Item 13 and indicate their share)  
 None

12. Livestock Number	13. Livestock Kind/Type and Weight Range	14. Current Year Inventory	15. Current Year Mitigated	16. Prior Years Mitigated	17. Share %	COC USE ONLY		
						18. Adjusted Current Year Inventory	19. Adjusted Current Year Mitigated	20. Adjusted Prior Years Mitigated
1	Beef Adult Cows and Bulls	100			100.00			

**PART D – FORAGE INFORMATION DROUGHT**

21. Livestock Number	22. Pasture Type – Owned or Cash Leased Land (Drought Affected)	23. Acres	COC USE ONLY	
			24. Carrying Capacity	25. Adjusted Acres
1	Native Pasture	1000.0	10.0	

26. Livestock Number	27. Pasture Type – AUM/AU Leased Land (Drought Affected)	28. Animal Units	COC USE ONLY
			29. Adjusted Animal Units

\*--202 FSA-925, Livestock Forage Disaster Program Application (Continued)

**B Example of FSA-925 (Continued)**

FSA-925 (09-11-09)							Page 2 of 2			
PART D- FORAGE INFORMATION FIRE (Continued)							COC USE ONLY			
30. Fire Event Number	31. Pasture Number	32. Pasture Type - Federal Managed Lands (Fire Affected)	33. Permitted AU's	34. Permit Days	35. Reduced AU's	36. Reduced Grazing Days	37. Adjusted Permitted AU's	38. Adjusted Permit Days	39. Adjusted Reduced AU's	40. Adjusted Reduced Grazing Days
41. Other payments received for loss \$ 0										
PART E - PRODUCER CERTIFICATION										
<p>Payments under the Livestock Forage Disaster Program will be made to eligible livestock producers that have suffered livestock grazing losses on land that is native or improved pastureland with permanent vegetative cover or is land planted to a crop planted specifically for grazing for covered livestock due to a qualifying drought condition during the normal grazing period for the county. Payments under the Livestock Forage Disaster Program will also be made to eligible livestock producers that have suffered grazing losses on rangeland managed by a Federal agency if the eligible livestock producer is prohibited by the Federal agency from grazing the normal permitted livestock on the managed rangeland due to a qualifying fire condition. Each producer must file a separate form FSA-925 to be eligible to receive program benefits. By signing this application, the producer:</p> <ol style="list-style-type: none"> <li>Agrees to provide FSA any documentation it requires to determine eligibility that verifies and supports all information provided, including the producer's certification, and understands the application may be disapproved if they fail to provide any information requested by FSA;</li> <li>Authorizes FSA, at any time, with or without their presence, to enter upon, inspect and verify all livestock and acres in which they have an interest;</li> <li>Agrees to comply with, and acknowledges they are subject to, all the regulations governing the program and understands that instructions and assistance are available for completing this form;</li> <li>Authorizes FSA to obtain from third parties, such as, but not limited to, other government agencies, individuals, auction barns, contractors, or processors, feed cooperatives, feed supply companies and rendering services, any records or other evidence that substantiates the information provided on this application or any supporting documentation provided.</li> </ol> <p>I certify that:</p> <ol style="list-style-type: none"> <li>If applying as an individual, that I am a citizen of the United States or a resident alien; if applying as a partnership, the members of the partnership are citizens of the United States; or if applying as a corporation, limited liability corporation, or other farm organizational structure, the entity is organized under State law.</li> <li>During the 60 days prior to the beginning date of the qualifying drought and/or fire condition in Item 7, I owned, leased, purchased, entered into a contract to purchase, or was a contract grower of the livestock entered in Item 13 on this application, and/or I sold or otherwise disposed of the livestock entered in Items 15 and/or Item 16 on this application due to a qualifying drought condition(s) during the current production year or 1 or both of the two production years immediately preceding the current production year and I physically maintained control of all such livestock on that date.</li> <li>All livestock for which information is entered on this application meet all eligibility criteria provided in 7 CFR Part 760 Subpart D, including being maintained by me for commercial use as part of my farming operation, and are livestock that would normally have been grazing the eligible grazing land or pastureland on the beginning date:             <ul style="list-style-type: none"> <li>of the qualifying drought condition during the normal grazing period for the specific type of grazing land or pastureland entered in Item 22 and/or Item 27 for the county in Item 10; or</li> <li>the Federal agency excluded the eligible livestock producer from using the managed rangeland listed in Item 31 for grazing due to a fire.</li> </ul> </li> <li>All forage information entered on this application meets all eligibility criteria provided in 7 CFR Part 760 Subpart D;</li> <li>All information on this application and all supporting documents provided are true and correct;</li> <li>Within the county provided in Item 10 and as a direct result of the qualifying grazing loss condition(s) listed in Item 7, I have suffered a grazing loss for the livestock entered on this application in Item 13; and</li> <li>All livestock checked as mitigated in Item 15 and/or Item 16, were sold as a direct result of a drought condition(s) during the current production year or one or both of the two production years immediately preceding the current production year.</li> <li>All benefits received under any other Federal disaster payment program for the same grazing losses and loss year have been reported on this application in Item 41.</li> <li>I understand to be eligible for this program, I must have obtained with respect to those grazing lands incurring losses for which assistance is being requested, a policy or plan of insurance for the forage crop under FCIA or filed the required paperwork and paid the administrative fee by the applicable State filing deadline for NAP coverage for that grazing land, or have been approved for a waiver to meet the Risk Management Purchase Requirements.</li> <li>I understand that this application may be disapproved if information or evidence provided is false or in error, and that other sanctions or penalties could apply.</li> </ol>										
42A. Signature (By)			42B. Title/Relationship of the individual signing in the Representative Capacity				42C. Date (MM-DD-YYYY)			
							09/14/2009			
PART F- COUNTY COMMITTEE DETERMINATION										
43. COC or Designee Signature						44. Date (MM-DD-YYYY)		45. Determination <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED		
<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).</small></p> <p><small>To file a complaint of Discrimination, write to USDA, Director, Office of Adjudication and Compliance, 1400 Independence Avenue, SW., Washington, DC 20250-9410, or call toll-free at (866) 632-9992 (English) or (800) 845-6136 (Spanish) or (800) 877-8339 (TDD) or (866) 377-8642 (Federal-relay). USDA is an equal opportunity provider and employer.</small></p>										



## Reports, Forms, Abbreviations, and Redelegations of Authority

### Reports

None

### Forms

This table lists all forms referenced in this handbook.

Number	Title	Display Reference	Reference
AD-1026	Highly Erodible Land Conservation (HELIC) and Wetland Conservation (WC) Certification		45, 73, 75, 184, 201
CCC-257	Schedule of Deposit		1
CCC-502	Farm Operating Plan for Payment Eligibility Review		42, 45, 75, Part 4
CCC-526	Payment Eligibility Average Adjusted Gross Income Certification		73, 200
CCC-901	Members Information 2009 and Subsequent Years		42, 75, Part 4
CCC-770 ELIG 2002	Eligibility Checklist - 2002 Farm Bill		Ex. 9
CCC-770 ELIG 2008	Eligibility Checklist - 2008 Farm Bill		Ex. 9
CCC-926	Average Adjusted Gross Income (AGI) Statement		75, 200, 201
FSA-325	Application for Payment of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent		41, 45, 171, 184
FSA-770 LIP	Livestock Indemnity Program Checklist	Ex. 9	43, 73
FSA-914	Livestock Indemnity Program Application	76	22, 40, 41, 42, 45, 72, 73, 75, 77, Ex. 7, 9
FSA-915	Estimated Livestock Indemnity Program (LIP) Lost Calculation Worksheet	77	
FSA-925	Livestock Forage Disaster Program Application	202	Part 4
FSA-926	Livestock Indemnity Program Third Party Certification	74	73

## Reports, Forms, Abbreviations, and Redelegations of Authority (Continued)

### Abbreviations Not Listed in 1-CM

The following abbreviations are not listed in 1-CM.

Approved Abbreviation	Term	Reference
AU	animal unit	182, 183, 202
AUD	animal unit day	183
AUM	animal unit months	171, 202
ELAP	Honey Bees and Farm-Raised Fish Program	42, 77, 181
FCIA	Federal Crop Insurance Act	171
IPIA	Improper Payments Information Act of 2002	22, 161, 184, Ex. 9
LFP	Livestock Forage Disaster Program	Part 4
NTE	not to exceed	183
RMPR	Risk Management Purchase Requirement	171
PRF-VI	Pasture, Rangeland, Forage Rainfall Index	171
SURE	Supplemental Revenue Assistance Payment Program	42, 77, 181

### Re delegations of Authority

For LIP, CED may delegate authority to program technicians to approve only routine FSA-914's where proof of death is provided.

**Important:** Program technicians shall **not** be delegated authority to:

- disapprove any FSA-914
- approve any FSA-914 where third party certification is used as proof of loss.

**Definitions of Terms Used in This Handbook**

This handbook provides policy and procedures for multiple programs. Definitions of terms may vary for each program; therefore, the definitions of terms applicable to each program are in the part of this handbook that provides the policy for the applicable program.



**Producer Notification of Spot Checks of LIP**

Applicants for LIP shall be provided the following information at the time the application for payment is filed.

The Farm Service Agency (FSA) will be conducting spot checks of Livestock Indemnity Program (LIP) applications submitted by producers. All data provided on the application, and all supporting data provided by the producer is subject to spot check and verification by FSA. Inaccurate producer certification or data, or failure to provide verifiable data to support certifications, may result in denial or refund of program benefits, plus interest. In addition, provisions of criminal and civil fraud statues may be applied.

Data that may be spot checked includes, but are not limited to, the following:

1. Number/kind/type/weight range of livestock claimed on FSA-914.
2. Number of livestock in inventory before and after the eligible adverse weather events.
3. Verification of documents used as proof of death of livestock claimed on FSA-914.
4. Verification of cause of death of livestock claimed on FSA-914.
5. Ownership of livestock claimed on FSA-914.
6. Verification that livestock were maintained for commercial use as part of a farming operation.
7. Compliance with average Adjusted Gross Income provisions.
8. Verification of monetary compensation received from contractors for contract growers.

Documents and information that may be requested or provided to verify producer certifications include but are not limited to the following:

1. Copies of purchase receipts for livestock claimed.
2. Copies of sale receipts of livestock.
3. Copies of corporate charter or bylaws, partnership agreements, trust agreement, last will and testament, estate documents, court orders of appointment or other documents providing evidence of authority to act on behalf of another.
4. Documents providing evidence that livestock claimed were maintained for commercial use as part of a farming operation.
5. Copies of tax records indicating a farming operation.
6. Certifications from tax accountants.
7. Copies of veterinary records.
8. Copies of loan documents, settlement sheets, and bank records.



**National Normal Mortality Rate Table**

This table provides the national normal mortality rates.

Kind	Type	Weight Range	Normal Mortality
Alpaca			5 percent
Beef	Nonadult	Less than 400 pounds.	5 percent
		400 pounds or more.	5 percent
	Adult	Cow	1.5 percent
		Bull	1.5 percent
Buffalo/Beefalo	Nonadult	Less than 400 pounds.	5 percent
		400 pounds or more.	5 percent
	Adult	Cow	1.5 percent
		Bull	1.5 percent
Chickens	Layers/Roasters		2.5 percent
	Broilers/Pullets		2.5 percent
	Chicks		5 percent
Dairy	Nonadult	Less than 400 pounds.	5 percent
		400 pounds or more.	5 percent
	Adult	Cow	1.5 percent
		Bull	1.5 percent
Deer			1/
Ducks	Ducks		6.5 percent
	Ducklings		10 percent
Elk			2.2 percent
Emus			1/
Equine			2.5 percent
Geese	Goose		6.5 percent
	Gosling		10 percent
Goats	Bucks		5 percent
	Nannies		5 percent
	Slaughter Goats/Kids		10 percent
Llamas			5 percent
Reindeer			1/
Sheep	Rams		4 percent
	Ewes		4 percent
	Lambs		10.7 percent
Swine	Sows/Boars	Over 450 pounds.	3 percent
	Sows/Boars/Barrows/Gilts	151 to 450 pounds.	3 percent
	Lightweight Barrows/Gilts	50 to 150 pounds.	3 percent
	Feeder Pigs	Under 50 pounds.	10 percent
Turkeys	Toms/Fryers/Roasters		6.5 percent
	Poults		10 percent

1/ National rate is **not** available.



**\*--FSA-770 LIP, Livestock Indemnity Program Checklist**

**A Improper Payments**

IPIA requires Federal agencies to evaluate programs to determine whether internal controls are sufficient to prevent improper payments. County Offices shall take all steps necessary to ensure that program and payment eligibility requirements have been met before issuing any payments.

OMB defines an improper payment as any payment that should **not** have been issued or was issued in an incorrect amount under statutory, contractual, administrative, or other legally applicable requirement.

**B CCC-770 ELIG 2002**

CCC-770 ELIG 2002 shall be completed according to 3-PL for each producer before a 2008 LIP payment is issued to the producer using the manual payment process.

**C CCC-770 ELIG 2008**

CCC-770 ELIG 2008 shall be completed according to 3-PL (Rev. 1) for each producer before a 2009 LIP payment is issued to the producer using the manual payment process.

**D When to Complete FSA-770 LIP's**

FSA-770 LIP shall be completed:

- according to subparagraph E before a LIP payment is issued to the producer using the manual payment process
- for each year the producer files FSA-914.

**Example:** Producer A files FSA-914 for calendar years 2008 and 2009. FSA-770 LIP shall be completed for calendar years 2008 and 2009.

County Offices shall ensure that applicable FSA-770 LIP's are completed before issuing LIP payments.

**Important:** FSA-770 LIP was developed by the National Office and is the only authorized checklist for LIP. County Offices shall **not** use locally or State-developed checklists for administering LIP.

FSA-770 LIP does **not** negate STC, SED, State Office, DD, COC, CED, and County Office responsibility for administering all provisions applicable to LIP.--\*

**\*--FSA-770 LIP, Livestock Indemnity Program Checklist (Continued)**

**E Completing FSA-770's**

FSA-770 LIP shall be completed according to the following.

<b>Item</b>	<b>Instructions</b>
1	Enter name of the producer.
2	Enter applicable State name.
3	Enter County Office name that is completing FSA-770 LIP.
4	Enter the calendar year for which benefits are being requested from FSA-914, item 2.
5-21	Check (✓) "YES", "NO", or "N/A", as applicable for each entry.
22	Enter any remarks that may explain special circumstances or explanation for items checked "NO".
23A and B	Any employee that initials 1 or more items from items 5 through 21 shall certify by signing as preparer and entering date of signature.
24A, B, and C	<p><b>Important:</b> This item will be completed if FSA-770 LIP is selected for spot check.</p> <p>If FSA-770 LIP is selected for spot check, CED or designated representative shall certify:</p> <ul style="list-style-type: none"> <li>• item 24A by checking "Concur" or "Do Not Concur" accordingly if FSA-770 LIP items have been verified and completed</li> <li>• item 24B by signing</li> <li>• item 24C by entering date of signature.</li> </ul>
25A, B, and C	<p><b>Important:</b> This item will be completed if FSA-770 LIP is selected for spot check.</p> <p>If FSA-770 LIP is selected for spot check, STC designee shall certify:</p> <ul style="list-style-type: none"> <li>• item 25A by checking "Concur" or "Do Not Concur" accordingly if FSA-770 LIP items have been verified and completed</li> <li>• item 25B by signing</li> <li>• item 25C by entering date of signature.</li> </ul>

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**\*--FSA-770 LIP, Livestock Indemnity Program Checklist (Continued)**

**F Example of FSA-770 LIP**

<b>This form is available electronically.</b>		1. Producer Name		2. State Name	
<b>FSA-770 LIP</b> (07-22-09)		U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency		Sam Jones Texas	
<b>LIVESTOCK INDEMNITY PROGRAM CHECKLIST</b>		3. County Office Name		4. Calendar Year	
		Knox		2009	
<b>NOTE:</b> County Offices shall ensure that eligibility has been updated according to CCC-770 ELIG 2002 or CCC-770 ELIG 2008 as applicable, before payments are issued for applicable producer.					
<b>Office Staff Actions</b>		<b>Handbook or Other Applicable Reference</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
5. Did the eligible livestock owner or contract grower file a notice of loss on FSA-914, Parts A and B, by the applicable deadline?		1-LDAP, paragraph 40 and 72	x		
6. Did the eligible livestock owner or contract grower sign and date FSA-914, application for payment, by the applicable deadline?		1-LDAP, paragraph 73	x		
7. Has signature authority been verified for all signatures on FSA-914?		1-CM, Part 25	x		
8. Does the producer meet the requirements of an eligible livestock owner or eligible livestock contract grower, as applicable?		1-LDAP, paragraph 41	x		
9. Do all the livestock on FSA-914 meet the requirements for being eligible livestock for owners or contract growers, as applicable?		1-LDAP, paragraph 41	x		
10. Has the LIP payment amount for the eligible contract grower been reduced for the calendar year listed in item 4, by the amount of monetary compensation received from their contractor for the loss of income in the calendar year listed in item 4, from the dead livestock?		1-LDAP, paragraph 42			x
11. Did the applicant provide verifiable documentation of livestock losses claimed on FSA-914?		1-LDAP, subparagraph 73 E	x		
12. If Item 11, is answered "NO", did the COC or CED disapprove FSA-914?		1-LDAP, paragraph 75			x
13. If the applicant could not provide verifiable documentation of livestock losses, did the applicant provide reliable documentation of losses, in conjunction with verifiable beginning and ending inventory records as documentation of livestock losses claimed on FSA-914?		1-LDAP, subparagraph 73 F			x
14. If Item 13 is answered "NO", did COC disapprove FSA-914?		1-LDAP, paragraph 75			x
15. If 3 <sup>rd</sup> party certification was provided on FSA-926 to document livestock losses, did COC approve or disapprove, and date FSA-926 after completing the review, and document review in COC minutes?		1-LDAP, subparagraph 73 G and paragraph 74			x
16. If a 2008 calendar year loss, has CCC-502, AD-1026, and CCC-526 been completed by the applicant and on file in the County Office no later than September 13, 2009?		1-LDAP, Paragraph 73			x
17. If Item 16 was answered "NO", did COC or CED, if applicable, disapprove FSA-914?		1-LDAP, paragraph 75			x
18. If a 2009 or subsequent calendar year loss, has CCC-901, if applicable, AD-1026, and CCC-926 been completed by the applicant and on file in the County Office no later than 30 calendar days after the end of the calendar year for which benefits are requested?		1-LDAP, paragraph 73	x		
19. If Item 18 was answered "NO", did COC or CED, if applicable, disapprove FSA-914?		1-LDAP, paragraph 75			x

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**\*--FSA-770 LIP, Livestock Indemnity Program Checklist (Continued)**

**F Example of FSA-770 LIP (Continued)**

FSA-770 LIP (07-22-09)		Page 2		
Office Staff Actions	Handbook or Other Applicable Reference	YES	NO	N/A
20. Has FSA-914 been signed, dated, and approved by COC, CED, or authorized representative?	1-LDAP, paragraph 75	x		
21. If 3 <sup>rd</sup> party certification was used to provide proof of death loss, did COC sign, date, and approve or disapprove FSA-914?	1-LDAP, paragraph 75			x
22. Remarks				
<b>Certification</b>				
23A. Signature of Preparer(s)	23B. Date (MM-DD-YYYY)	23A. Signature of Preparer(s)	23B. Date (MM-DD-YYYY)	
	09-24-09			
24A. I concur/do not concur the above items have been verified and updated accordingly: <input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur				
24B. CED Signature for Spot Check			24C. Date (MM-DD-YYYY)	
25A. I concur/do not concur the above items have been verified and updated accordingly: <input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur				
25B. STC Designee Signature for Spot Check			25C. Date (MM-DD-YYYY)	
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