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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Farm Service Agency
Washington, DC 20250

Livestock Disaster Assistance Programs 1-LDAP	Amendment 4

Approved by: Deputy Administrator, Farm Programs

Amendment Transmittal

A Background

Part 5 has been added to provide policy and procedure for ELAP.

Exhibit 16 has been added to provide the standard AU conversion chart for converting AU's for specific animal types to an AU equivalent.

Page Control Chart		
TC	**Text**	**Exhibit**
1, 2 3, 4 (add)	4-133 5-1 through 5-232 (add)	1, pages 1, 2 16, page 1 (add)

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Table of Contents

Page No.

Part 1 Basic Information

1 Handbook Purpose and Coverage 1-1
2-20 (Reserved)

Part 2 LIP

Section 1 Basic LIP Provisions

21 General Information 2-1
22 Responsibilities 2-2
23 Definitions for LIP 2-9
24-39 (Reserved)

Section 2 Policy and Procedure

40 Signup Period 2-31
41 Eligibility Criteria 2-33
42 Payment Rates, Limitations, and Reductions 2-44
43 General Payment Information 2-50
4-70 (Reserved)
71 Applying for Benefits 2-71
72 Notice of Loss 2-72
73 Application for Payment 2-73
74 FSA-926, Livestock Indemnity Program Third Party Certification 2-87
75 Acting on FSA-914 2-94
76 FSA-914, Livestock Indemnity Program Application 2-100
77 FSA-915, Estimated Livestock Indemnity Program (LIP) Lost Calculation Worksheet 2-112
78-90 (Reserved)

Part 3 (Reserved)

91-159 (Reserved)

Table of Contents

Page No.

Part 4 LFP

Section 1 Basic LFP Information

160 General Information 4-1
161 Responsibilities 4-2
161 Definitions for LFP 4-8
163-169 (Reserved)

Section 2 Policy and Procedure

170 Signup Period 4-31
171 Eligibility 4-32
172-180 (Reserved)

Section 3 Payment Rates, Limitations, and Reductions

181 Payment Rates, Limitations, and Reductions 4-71
182 Drought Payment Calculation 4-74
183 Drought Fire Payment Calculation 4-77
184 General Payment Information 4-78
185-199 (Reserved)

Section 4 Applying for Benefits

200 Applying for Benefits 4-111
201 Acting on FSA-925 4-119
202 FSA-925, Livestock Forage Disaster Program Application 4-123
203-230 (Reserved)

Table of Contents

Page No.

Part 5 ELAP

Section 1 Basic ELAP Information

231 General Information 5-1
232 Responsibilities 5-3
233 Definitions for ELAP 5-8
234-240 (Reserved)

Section 2 Policy and Procedure

241 Signup Period 5-21
242 Eligibility Criteria 5-23
243-250 (Reserved)

Section 3 Livestock Eligibility Criteria

251 Livestock Eligibility 5-57
252 Livestock Payment Rates, Payment Calculations 5-66
253-260 (Reserved)

Section 4 Honey Bee Eligibility Criteria

261 Honey Bee Eligibility 5-101
262-270 (Reserved)

Section 5 Farm-Raised Fish Eligibility Criteria

271 Farm-Raised Fish 5-131
272-280 (Reserved)

Section 6 Payment Limitation and Reductions

281 Payment Rates, Limitations, and Reductions 5-159
282 General Payment Information 5-161
283-293 (Reserved)
294 Applying for Benefits 5-195
295 Notice of Loss 5-196

Table of Contents

Page No.

Part 5 ELAP (Continued)

Section 6 Payment Limitation and Reductions (Continued)

296	Application for Payment	5-197
297	Acting on FSA-918 or FSA-930	5-203
298	FSA-918, Emergency Loss Assistance for Livestock Application	5-207
299	FSA-930, Emergency Loss Assistance for Farm-Raised Fish/Honey Bees Application	5-222

Exhibits

1	Reports, Forms, Abbreviations, and Redelegations of Authority
2	Definitions of Terms Used in This Handbook
3-6	(Reserved)
7	Producer Notification of Spot Checks of LIP
8	National Normal Mortality Rate Table
9	FSA-770 LIP, Livestock Indemnity Program Checklist
10-15	(Reserved)
16	Standard AU Conversion Chart

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)

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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 met 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 diary 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)

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 head x 2 percent = 2 (loss threshold)
- 5 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.

Kind	Type	Weight Range	2008 Payment Per Head	2009 Payment Per Head
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.

IF the participant is…	AND FSA-914 is signed by an authorized representative of the…	THEN payments shall be issued…
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: • the deceased individual • the individual's estate • the heirs, based on OGC determination, according to 1-CM, Part 26.
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 <u>improper payment</u> 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 claendar 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 subsequents 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. **Note:** 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.
Part A – Livestock Producer Information	
4	Enter the participant's name and address, including city, State and ZIP code.
Part B – Livestock Producer Certification of Livestock and Losses	
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. **Note:** Livestock by kind, type, and weight range can be obtained from the local FSA office or LIP Fact Sheet located at https://disaster.fsa.usda.gov.

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. **Example:** 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: • veterinary records • loan records • farm credit balance sheets • property tax records.
Part C - Livestock Producer Certification	
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. **Note:** If a participant/applicant is **not** 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 **not** 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
Part D – Third Party Certification Information	
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	Enter the affiliation of the third party to the participant. Third party is an independent source such as veterinarian, neighbor or other. **Note:** Third party must be an independent source who is **not affiliated** with the farming operation such as a hired hand or family member.
Part E – Third Party – Specific Details of Livestock Deaths	
15	Enter specific details about how the third party has knowledge of the animal deaths. Written details should be specific about the knowledge of the animal deaths and could include pictures or other documentation, if available. 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.
Part F –Third Party – Certification of Livestock Deaths	
16	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. **Note:** Livestock kind/type and weight range can be obtained from the local FSA office or LIP Fact Sheet located at https://disaster.fsa.usda.gov.
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
Part G – Third Party Certification of Other Details	
18	Enter any other relevant details related to the livestock deaths the third party is certifying to.
Part H – Third Party Signature Certification	
19A through 19B	After reading the certification, third party signs and dates.
Part I - County Committee Determination	
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. **Note:** 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.

FSA-926 (07-09-09)	U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency	1. State and County Code	2. Calendar Year
	LIVESTOCK INDEMNITY PROGRAM Third Party Certification	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)

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 *(Can be obtained from the local FSA office or LIP Fact Sheet located at https://disaster.fsa.usda.gov)*	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)

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.

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

B Example of FSA-926 (Continued)

FSA-926 (07-09-09) Page 2 of 3

PART D – THIRD PARTY CERTICATION INFORMATION

12. Third Party's Name and Address (City, State and Zip Code)	13. Phone Number	14. Affiliation to Producer

PART E – THIRD PARTY - SPECIFIC DETAILS OF LIVESTOCK DEATHS

15. Third party must provide specific details about how they have knowledge of the animal deaths.

PART F – THIRD PARTY – CERTIFICATION OF LIVESTOCK DEATHS

16. Livestock Kind/Type and Weight Range *(Can be obtained from the local FSA office or LIP Fact Sheet located at https://disaster.fsa.usda.gov)*	17. Number Lost Due to Adverse Weather

PART G – THIRD PARTY CERTIFICATION OF OTHER DETAILS

18. Other relevant details.

PART H – THIRD PARTY SIGNATURE CERTIFICATION

I certify that:

- *The specific details of my knowledge of the animal deaths as provided in item 15 are true and correct.*
- *The number of livestock reported as lost by kind/type and weight range in item 17 was due to the eligible adverse weather event referenced in Item 15.*
- *All other information provided is true and correct to the best of my knowledge.*

19A. Third Party's Signature	19B. Date (MM-DD-YYYY)

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

B Example of FSA-926 (Continued)

FSA -926 (Proposal 2) Page 3 of 3

PART I – COUNTY COMMITTEE DETERMINATION

	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 ☐ Approved ☐ 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. **Note:** 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. **Note:** This is an automated system assigned number.
Part A - Producer Information	
5	Enter the producer's name and address.
Part B - Notice of Loss	
6	Enter the later of the following: • date(s) the livestock died • date(s) the livestock loss was apparent to the producer. **Notes:** 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. **Example**: 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: <u>Item 6</u>: 1. March 1, 2008 2. August 1, 2008 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.

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

A Completing Manual FSA-914 (Continued)

Item No.	Instruction
7	Enter the eligible adverse weather event(s) that caused the livestock deaths. **Notes:** Enter the number from date of occurrence/when loss was apparent from Item 6 that corresponds with the adverse weather event. **Example**: 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: Item 6: Item 7: 1. March 1, 2008 — 1. Freeze 2. August 1, 2008 — 1. Blizzard 2. Hurricane 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.

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

A Completing Manual FSA-914 (Continued)

Item No.	Instruction
8A	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. Producer or producer representative may also file a "notice of loss" with the administrative County Office by 1 of the following alternative methods: • telephone • facsimile • e-mail. 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. **Note:** Multiple "Notices of Loss" may be filed during the calendar year if multiple adverse weather events resulted in livestock losses during the calendar year. **Example:** 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. 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.

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

A Completing Manual FSA-914 (Continued)

Item No.	Instruction
8B	Signatory in Item 8A shall enter their title/relationship when signing in the representative capacity. If a producer/applicant is **not** 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 **not** necessary.
8C	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.
Part C - Livestock Location and Associated Producer Information	
9	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. **Example:** Jones County, Texas, Farm 100.
10	Enter the current physical location of the livestock in inventory. **Example:** Jones County, Texas, Farm 100.
11	Enter associated producers who had an ownership or contract grower share in the livestock and indicate their share.
Part D - Livestock Losses by Kind and Type	
12	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.
13	Enter "YES" if the producer in Item 5 is a contract grower. Otherwise, enter "NO".

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

A Completing Manual FSA-914 (Continued)

Item No.	Instruction
14	Enter livestock kind, type, and weight range for which loss occurred. 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: Non-adult beef cattle under 400 lbs. (original) Non-adult beef cattle 400 lbs. or more (new). **Note:** 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. An entry in this field is always required when there is a loss in a particular kind, type, and weight range of livestock. **Note:** Livestock by kind, type, and weight range can be obtained from the local FSA office or LIP Fact Sheet located at http://disaster.fsa.usda.gov.

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

A Completing Manual FSA-914 (Continued)

Item No.	Instruction
15	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. • 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. **Example:** 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. • 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. **Example:** 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. 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.

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

A Completing Manual FSA-914 (Continued)

Item No.	Instruction
15 (ctnd)	**Notes: 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.** **Example:** 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. On June 1, 2009, Producer A, reports that he lost an additional 5 head of adult beef cows because of ahurricane. 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. 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. **Example:** Producer A has a 100 percent ownership share in 200 head of adult beef cows located on farm 1and a 50 percent ownership share in 200 head of adult beef cows located on farm 2. 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 inventory in Item 15 for Producer A according to the following: 200 head x 100 percent share = 200 head 200 head x 50 percent share = 100 head 200 head + 100 head = **300 head** (number of inventory to enter for Producer A in Item 15).

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

A Completing Manual FSA-914 (Continued)

Item	Instruction
16	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. An entry in this field is always required when there is a loss in a particular kind, type, and weight range of livestock. **Notes:** 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. 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. **Example 1:** 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. 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: 10 head lost x 100 percent share = 10 head 10 head lost x 50 percent share = 5 head 10 head lost + 5 head lost = **15 head** (number of adult beef cows lost to enter for Producer A in item 16).

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

A Completing Manual FSA-914 (Continued)

Item	Instruction
17	***--**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. **Example:** 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. 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.**--*** **Notes:** An entry is only required when COC determines an inventory different than the inventory certified to by the producer. The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 18.
18	COC shall enter the adjusted inventory, if applicable. **Notes:** An entry is only required when COC determines an inventory different than the inventory certified to by the producer. The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 18.
19	COC shall enter the adjusted number of livestock lost because of an eligible adverse weather event, if applicable. **Notes:** 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. The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 19.
20	COC shall enter the adjusted number of livestock lost because of normal mortality, if applicable. **Notes:** 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. The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 20.

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

A Completing Manual FSA-914 (Continued)

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

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

B Example of FSA-914

This form is available electronically.

FSA-914 (07-09-09) **U.S. DEPARTMENT OF AGRICULTURE** Commodity Credit Corporation	1. State and County Code	2. Calendar Year
LIVESTOCK INDEMNITY PROGRAM Application	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)

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)

FSA-914 (07-09-09) Page 2 of 2

PART E – DOCUMENTATION OF BEGINNING INVENTORY

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.	

PART F – DOCUMENTATION TO VERIFY LIVESTOCK LOSSES

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.	

PART G – SIMILAR LOSS/CONTRACT GROWERS

23. Other Compensation (Contract Growers): $

24. Reduction: $

PART H – PRODUCER CERTIFICATION

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:

- 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;
- 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;
- 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;
- 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.

I certify that:

- 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;
- 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;
- 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;
- 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;
- 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
- All information on this application and all supporting documents I provided is true and correct.

25A. Producer's Signature (By)	25B. Title/Relationship of the Individual Signing in the Representative Capacity	25C. Date (MM-DD-YYYY)

PART I – COUNTY COMMITTEE DETERMINATION

26. COC or Designee Signature	27. Date (MM-DD-YYYY)	28. Determination
		☐ Approved ☐ Disapproved

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.

*--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	**For 2008**, an entry is **only required** 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. For **2009 and subsequent years,** 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.
3c	Enter the share of the member of the general partnership, joint venture, or legal entity, if applicable. **Note:** Member share is only required if a member is required to be entered in item 3b.

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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	Enter number of livestock in inventory for each livestock kind/type and weight range from FSA-914, item 15. **Note:** If there is an entry in FSA-914, item 18, then item 18 shall be used **instead** of FSA-914, item 15. 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.
6	Enter the normal mortality rate, established by STC, for the applicable livestock kind/type and weight range.
7	Enter the loss threshold by entering the result of multiplying item 5 times item 6. Round to the nearest whole number. **Example:** 100 adult beef cows in inventory Normal Mortality Rate = 2 percent Loss Threshold = 100 head x 2% = 2 head.
8	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. **Note:** If there is an entry in FSA-914, item 20, item 20 shall be used **instead** of FSA-914, item 17.
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. **Note:** If there is an entry in FSA-914, item 19, item 19 shall be used **instead** 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. **Note**: If the result is less than or equal to zero, enter zero and **stop**. The producer is **not** 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 **only** 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	Enter total net estimated calculated payment amount determined before application of the payment limitation as follows: (Item 14 minus item 15 minus item 16) times (item 3c, if applicable). If the result is negative, enter "0". This is the total net estimated calculated payment amount before payment limitation. **Notes:** 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. **Example 1:** Individual A's gross estimated calculated payment is $1000, other compensation is $0, and other reduction is $0. $1000 - $0 - $0 = $1000 (Total Net Estimated Calculated Payment Amount Before Payment Limitation) **Example 2:** 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. ($5000 - $0 - $0) x 50% = $2500 (Total Net Estimated Calculated Payment Amount Before Payment Limitation for Individual B). 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.

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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	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. **Note:** $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. $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. If there are entries in items 3A and 3B, then reduction in the maximum payment limitation will be made at the member level.
19	Enter for: • 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 • 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.
20	Enter available payment limitation by subtracting item 19 from item 18.

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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. **Note:** 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.

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

C Example of FSA-915

This form is available electronically.

FSA-915 (07-17-09) **U.S. DEPARTMENT OF AGRICULTURE** Farm Service Agency

ESTIMATED LIVESTOCK INDEMNITY PROGRAM (LIP) LOSS CALCULATION WORKSHEET

1. Farm Service Agency County Office Name	Knox County FSA Office
2. Calendar Year	2009
3A. Participant Name	Sam Jones
3B. Member Name *(If Applicable)*	
3C. Member Share *(If Applicable)*	

	A. Livestock Kind/Type, Weight Range	B. Livestock Kind/Type, Weight Range	C. Livestock Kind/Type, Weight Range
4. Enter applicable Livestock Kind/Type(s) by Weight Range from Form FSA-914, Item 14.	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 rangedland 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 proceeding 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.

Example:

Pasture Type	Start Date	End Date
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.

Pasture Type	Start Date	End Date
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.

Pasture Type	Start Date	End Date
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)

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*--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 x .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	Calculate the total maximum payment according to the following. 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. **Example:** 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)
2	Calculate the value of the reduced grazing (reduced AU's and grazing days) because of the fire according to the following. Reduced AU's x Reduced Grazing Days x daily AUD payment rate x 50 percent = value of reduction because of fire. **Example:** 75 (reduced AU's) x 110 (reduced grazing days) x $.9985 (daily AUD rate) = $4119 (value of reduced grazing)
3	Issue payment to producer based on the smaller of step 1 or step 2. **Example:** Smaller of step 1 or step 2 is step 2; therefore, the producers calculated payment, because of a qualifying fire is $4,119. **Note:** The payment the producer receives **cannot** exceed the maximum payment amount.

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*--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.

IF the participant is an…	AND FSA-925 is signed by an authorized representative of the…	THEN payments shall be issued…
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: • the deceased individual • the individual's estate • the heirs, based on OGC determination, according to 1-CM, Part 26.
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 <u>improper payment</u> 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)

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*--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. **Note:** This is the physical location of the county in which the loss occurred.
2	Enter the calendar year the loss of grazing occurred. **Note:** 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. **Example:** 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. **Note:** This is the physical County Office location where the participant's loss occurred.
4	Enter date of application.
5	Enter the application number. **Note:** This is an automated system assigned number.
Part A - Producer Information	
6	Enter the producer's name and address.
Part B - Disaster Information	
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: • fire is checked, go to item 8 • drought is checked, go to item 9. **Note:** 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 **only**, 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
	Part C - Livestock Information
9	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. **Example:** Livestock located in Bolivar County, MS, Farm 1234. Grazing loss occurred in Bolivar County, MS, Farm 1234.
10	Enter current physical location of covered livestock in inventory. **Example:** Bolivar County; MS, Farm 1234.
11	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.
12	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. **Example:** **Item 12** — **Item 13** 1 — Adult Beef Cattle 2 — Nonadult Beef Cattle > 500 lbs. 3 — Equine **Note:** An entry is only required in this field for those livestock that are or would have been grazing the **drought** affected pasture or grazing land.
13	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. **Note:** Livestock kind, type, and weight range can be obtained from the local FSA office or LFP Fact Sheet available at **http://disaster.fsa.usda.gov**.
14	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.

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*--202 FSA-925, Livestock Forage Disaster Program Application (Continued)

A Completing Manual FSA-925 (Continued)

Item	Instruction
15	Enter the number of covered livestock that were sold or otherwise disposed of because of a qualifying **drought** condition during the current production year. **Note:** The current production year is defined as the calendar year in which the grazing loss occurred for which benefits are being requested. **Example 1:** 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. **Example 2:** 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. **Example 3:** 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.

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*--202 FSA-925, Livestock Forage Disaster Program Application (Continued)

A Completing Manual FSA-925 (Continued)

Item	Instruction
16	Enter the number of mitigated livestock that were sold because of drought in either 1 or both of the prior production years. **Example 1:** 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.
17	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.
18	COC shall enter the adjusted current year inventory, if applicable. **Note:** An entry is only required when COC determines a current year inventory different than the current year inventory certified to by the producer. The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 18.
19	COC shall enter the adjusted current year mitigated, if applicable. **Note:** An entry is only required when COC determines a current year mitigated different than the current year mitigated certified to by the producer. The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 19.
20	COC shall enter the adjusted prior years mitigated, if applicable. **Note:** An entry is only required when COC determines different prior years mitigated than the prior years mitigated certified to by the producer. The producer shall be provided applicable appeal rights according to1-APP if an entry is entered in item 20.

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*--202 FSA-925, Livestock Forage Disaster Program Application (Continued)

A Completing Manual FSA-925 (Continued)

Item	Instruction
	Part D - Forage Information Drought
21	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. **Example:** Adult beef cattle, nonadult beef cattle weighing over 500 pounds, and equine are grazing the native pasture. **Item 12** — **Item 13** — **Item 21** 1 — Adult Beef Cattle — 1, 2, 3 2 — Nonadult Beef Cattle > 500 3 — Equine
22	Enter all pasture types for owned or cash leased land normally used in the operation to support eligible covered livestock during the qualifying **drought** condition grazing loss event(s) for the applicable livestock number(s). Pasture types include the following: • native • improved • forage sorghum • small grains. **Note:** 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.

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*--202 FSA-925, Livestock Forage Disaster Program Application (Continued)

A Completing Manual FSA-925 (Continued)

Step	Instruction
23	Enter the acres, by physical location county, associated with each pasture type entered in item 22. **Note** If multiple participants are using the same pasture acres for their livestock, the acres must be prorated. **Example 1:** 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. Calculate prorated acres according to the following. Participant A: 200 head//275 head = .7273 Participant B: 75 head/275 head = .2727 .7273 x 500 ac.= 363.7 total acres for Participant A .2727 x 500 ac. = 136.3 total acres for Participant B. **Example 2:** 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. Calculate prorated acres according to the following. .5000 x 500 ac. = 250 total acres for Participant A .5000 x 500 ac. = 250 total acres for Participant B
24	County Office shall enter the applicable carrying capacity for the specific type of pasture entered in item 22.
25	COC shall enter the adjusted acres, if applicable. **Note:** An entry is only required when COC determines acres different than the acres certified to by the producer. The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 25.
26	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.

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*--202 FSA-925, Livestock Forage Disaster Program Application (Continued)

A Completing Manual FSA-925 (Continued)

Item	Instruction
27	Enter all pasture types for AUM or AU leased land normally used in the operation to support eligible covered livestock during the applicable **drought** grazing loss condition for the livestock number(s) entered in item 26. Pasture types include the following: • native • improved • forage sorghum • small grains. **Note:** 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.
28	Enter the number of AU's allowed by the pasture type entered in item 27. **Example 1:** 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. **Example 2:** 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. 500 AUM's/5 months = 100 AU's.
29	COC shall enter the adjusted AU's, if applicable. **Note:** An entry is only required when COC determines AU's different than the AU's certified to by the producer in item 28. The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 29.
30	Enter the fire event number that corresponds to the fire event number listed in item 8.
31	Manually assign a pasture number to each fire event. **Note:** Multiple fire events may be associated to the same pasture number.

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*--202 FSA-925, Livestock Forage Disaster Program Application (Continued)

A Completing Manual FSA-925 (Continued)

Item	Instruction
32	ENTER "**rangeland**" as the pasture type for all rangeland that is managed by a Federal agency (i.e.: BIA, BLM, FS, etc.) that was affected by **fire** for which the eligible producer is prohibited by the Federal agency from grazing the normal permitted livestock on the managed rangeland because of fire. **Note:** Grazing losses on private or State rangelands managed by a Federal agency because of **fire** 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.
33	Enter the permitted AU's from the Federal grazing lease agreement.
34	Enter the number of permit days grazing is allowed under the Federal lease agreement during the calendar year. **Note:** The number of permit days grazing is allowed under the Federal lease agreement shall be obtained from the producers grazing permit.
35	Enter the number of AU's the producer is prohibited from grazing on the managed rangeland by the Federal Agency because of fire. **Note:** There may be entries in item 35 and/or item 36.
36	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. **Note:** There may be entries in item 35 and/or item 36.
37	COC shall enter the adjusted permitted AU's, if applicable. **Note:** 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. The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 37.
38	COC shall enter the adjusted permit days, if applicable. **Note:** An entry is only required when COC determines permit days different than the permit days certified to by the producer in item 34. The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 38.

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*--202 FSA-925, Livestock Forage Disaster Program Application (Continued)

A Completing Manual FSA-925 (Continued)

Item	Instructions
39	COC shall enter the adjusted reduced AU's, if applicable. **Note:** 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. The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 39.
40	COC shall enter the adjusted reduced grazing days, if applicable. **Note:** 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. The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 40.
41	Enter amount of compensation received from other disaster assistance programs for the same grazing losses.
Part E - Producer Certification	
42 A through 42C	After reading the certification, producer or producer's representative signs and dates. Signatory in item 42A shall enter their title/relationship when signing in the representative capacity. If a producer/applicant is: • **not** signing in the representative capacity, this field should be left blank • signing on behalf of themselves, it is acceptable to ENTER "self"; however, it is **not** necessary.
Part F - County Committee Determination	
43	Enter COC signature.
44	Enter date of COC action.
45	Check (✓) either "APPROVED" or "DISAPPROVED". **Important:** FSA-925 shall be approved or disapproved as certified by the producer after applicable COC adjustment fields are completed.

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*--202 FSA-925, Livestock Forage Disaster Program Application (Continued)

B Example of FSA-925

This form is available electronically.

FSA-925 (09-11-09) U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency	1. State and County Code 06 099	2. Calendar Year 2008
LIVESTOCK FORAGE DISASTER PROGRAM APPLICATION	3. County Office Name Knox	4. Application Date September 14, 2009
		5. 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 indentified 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: ☑ Drought ☐ 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)*

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	COC USE ONLY 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

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:

1. 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;
2. 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;
3. 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;
4. 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.

I certify that:

1. 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.
2. 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 conditions(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;
3. 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:
   - 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
   - the Federal agency excluded the eligible livestock producer from using the managed rangeland listed in Item 31 for grazing due to a fire.
4. All forage information entered on this application meets all eligibility criteria provided in 7 CFR Part 760 Subpart D;
5. All information on this application and all supporting documents provided are true and correct;
6. 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
7. 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.
8. 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.
9. 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.
10. 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.

42A. Signature (By)	42B. Title/Relationship of the individual signing in the Representative Capacity	42C. Date *(MM-DD-YYYY)*
Sammy Jones		09/14/2009

PART F- COUNTY COMMITTEE DETERMINATION

43. COC or Designee Signature	44. Date *(MM-DD-YYYY)*	45 Determination ☐ APPROVED ☐ DISAPPROVED

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 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.

203-230 (Reserved)

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*--Part 5 ELAP

Section 1 Basic ELAP Information

231 General Information

A Purpose

This part provides instructions for administering ELAP.

ELAP provides emergency assistance to eligible producers of livestock, honey bees, and farm-raised fish that have losses because of disease, adverse weather, or other conditions, including losses because of blizzards and wildfires, as determined by the Secretary. ELAP assistance is for losses not covered under other Supplemental Agricultural Disaster Assistance Programs established by the 2008 Farm Bill, specifically, LFP, LIP, and SURE. Eligible losses must have occurred:

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

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

B Source of Authority

ELAP will be administered using funds from the Agricultural Disaster Relief Trust Fund established under Section 9002 of the Trade Act of 1974, as amended under Titles XII and XV of the Food, Conservation, and Energy Act of 2008, Pub. L. 110-246.

The regulations for ELAP are provided in 7 CFR Part 760, Subparts B and D.

C Public Information

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

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 LAP Manager, through the Deputy Administrator.**--***

***--231 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 ELAP.

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.

Forms for ELAP will be web-based. A manual application has been developed and will be used until the web-based forms are available. There will be a separate form for each eligible type of loss for the following:

- livestock losses (FSA-918)
- farm-raised fish/honey bee losses (FSA-930).

F Related Handbooks

See Part 1 for handbooks related to ELAP.--*****

*--232 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 ELAP
- ensure that FSA State and County Offices follow ELAP 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 297 D to ensure that County Offices comply with ELAP provisions

  Note: STC's may establish additional reviews to ensure that ELAP 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 282 F.

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 ELAP 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 ELAP is administered according to these provisions.

- ensure that **all** County Offices publicize ELAP provisions according to subparagraph D
- immediately notify the National Office LAP 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 282 F.**--***

***--232 Responsibilities (Continued)**

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 ELAP provisions
- conduct reviews according to subparagraph 297 D , and any additional reviews established by STC's or SED's according to subparagraphs A and B
- provide SED with report of all reviews according to subparagraph 297 D
- ensure that County Offices publicize ELAP provisions according to subparagraph D.

D COC Responsibilities

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

- fully comply with all ELAP provisions
- ensure that CED's fully comply with all ELAP provisions
- act on completed FSA-918's and FSA-930's according to paragraph 297
- 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 ELAP determinations made by COC's:

- all factors reviewed or considered
- all documentation reviewed
- references to applicable handbooks, notices, and regulations
- all sources of information obtained for review or consideration.**--***

***--232 Responsibilities (Continued)**

D COC Responsibilities (Continued)

- ensure that participants receive complete and accurate ELAP 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 ELAP 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
  - application for payment deadlines
  - payment limitation and attribution
  - eligible livestock, honey bees, or farm-raised fish
  - basic participant eligibility criteria
  - general data required to complete notice of loss and application for payment

  Note: The ELAP Fact Sheet may be used to provide general program information.

- take oversight actions to ensure that IPIA provisions are met to prevent County Offices from issuing improper payments according to subparagraph 282 F.**--***

***--232 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 ELAP provisions
- ensure that County Office employees fully comply with all ELAP provisions
- handle appeals according to 1-APP
- act on completed FSA-918's and FSA-930"s according to paragraph 297

  Note: CED may delegate approval authority to program technicians for routine cases. Program technicians shall **not** be delegated authority to disapprove any FSA-918's or FSA-930's.

- 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 282 F for additional information.

- immediately notify SED, through DD, of software problems and incomplete or incorrect procedures or when COC takes action contrary to national procedure
- ensure that general provisions and other important items are publicized according to subparagraph D and copies are retained in the County Office.**--***

***--232 Responsibilities (Continued)**

F Program Technician Responsibilities

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

- fully comply with all ELAP 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 282 F for additional information.**--***

*--233 Definitions for ELAP

A Definitions

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

Adult beef bull means a male beef breed bovine animal that was used for breeding purposes that was at least 2 years old before the beginning date of the eligible adverse weather or eligible loss condition.

Adult beef cow means a female beef breed bovine animal that had delivered 1 or more offspring before the beginning date of the eligible adverse weather or eligible loss condition. A first-time bred beef heifer is also considered an adult beef cow if it was pregnant on or by the beginning date of the eligible adverse weather or eligible loss condition.

Adult buffalo/beefalo bull means a male animal of those breeds that was used for breeding purposes and was at least 2 years old before the beginning date of the eligible adverse weather or eligible loss condition.

Adult buffalo/beefalo cow means a female animal of those breeds that had delivered 1 or more offspring before the beginning date of the eligible adverse weather or eligible loss condition. A first-time bred buffalo/beefalo heifer shall also be considered an adult buffalo/beefalo cow if it was pregnant by the beginning date of the eligible adverse weather or eligible loss condition.

Adult dairy bull means a male dairy breed bovine animal that was used primarily for breeding dairy cows and was at least 2 years old by the beginning date of the eligible adverse weather or eligible loss condition.

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 by the beginning date of the eligible adverse weather or eligible loss condition. A first-time bred dairy heifer shall also be considered an adult dairy cow if it was pregnant by the beginning date of the eligible adverse weather or eligible loss condition.

Agricultural operation means a farming operation.

Application means FSA form used to apply for either the emergency loss assistance for livestock or emergency loss assistance for farm-raised fish or honey bees.**--***

***--233 Definitions for ELAP (Continued)**

A Definitions (Continued)

Aquatic species means any species of aquatic organism grown as food for human consumption, fish raised as feed for fish that are consumed by humans, or ornamental fish propagated and reared in an aquatic medium by a commercial operator on private property in water in a controlled environment. Catfish and crawfish are both defined as aquatic species for ELAP. However, aquatic species do not include reptiles or amphibians.

Bait fish means small fish caught for use as bait to attract large predatory fish. For ELAP, it also must meet the definition of aquatic species and not be raised as food for fish; provided, however, that only bait fish produced in a controlled environment can generate claims under ELAP.

Buck means a 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 regarding the production of livestock or livestock products.

Controlled environment means an environment in which everything that can practicably be controlled by the participant with structures, facilities, and growing media (including, but not limited to, water and nutrients) and was in fact controlled by the participant at the time of the adverse weather or eligible loss condition.

COC or County Office means the respective FSA committee or office.

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

Eligible adverse weather or eligible loss condition means any disease, adverse weather, or other loss condition as determined by the Deputy Administrator. The eligible adverse weather or eligible loss condition would have resulted in agricultural losses not covered by other programs in this part for which the Deputy Administrator determines financial assistance needs to be provided to producers. The disease, adverse weather, or other conditions may include, but are not limited to, blizzards, wildfires, water shortages, and other factors. Specific eligible adverse weather and eligible loss conditions may vary based on the type of loss. Identification of eligible adverse weather and eligible loss conditions will include locations (National, State, or county-level) and start and end dates.**--***

***--233 Definitions for ELAP (Continued)**

A Definitions (Continued)

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.

Farm-raised fish means any aquatic species that is propagated and reared in a controlled environment.

FSA means the Farm Service Agency.

Game or sport fish means fish pursued for sport by recreational anglers; provided, however, that only game or sport fish produced in a controlled environment can generate claims under ELAP.

Goat means a domesticated, ruminant mammal of the genus Capra, including Angora goats. Goats are further delineated into categories by sex (bucks and nannies) and age (kids).

Kid means a goat less than 1 year old.

Lamb means a sheep less than 1 year old.

Livestock owner, for death loss purposes, means 1 having legal ownership of the livestock for which benefits are being requested on the day such livestock died because of an eligible adverse weather or eligible loss condition. For all other purposes of loss under ELAP, "livestock owner" means 1 having legal ownership of the livestock for which benefits are being requested during the 60 calendar days before the beginning date of the eligible adverse weather or eligible loss condition.

Nanny means a female goat.

Nonadult beef cattle means a beef breed bovine animal that does not meet the definition of adult beef cow or bull. Nonadult beef cattle are further delineated by weight categories of either less than 400 pounds or 400 pounds or more at the time they died. For a loss other than death, means a bovine animal less than 2 years old that weighed 500 pounds or more on or before the beginning date of the eligible adverse weather or eligible loss condition.

Nonadult buffalo/beefalo means an animal of those breeds that does not meet the definition of adult buffalo or beefalo cow or bull. Nonadult 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. For a loss other than death, means an animal of those breeds that is less than 2 years old that weighed 500 pounds or more on or before the beginning date of the eligible adverse weather or eligible loss condition.**--***

***--233 Definitions for ELAP (Continued)**

A Definitions (Continued)

Nonadult dairy cattle means a bovine breed animal used for the purpose of providing milk for human consumption that does not meet the definition of adult dairy cow or bull. Nonadult dairy cattle are further delineated by weight categories of either less than 400 pounds or 400 pounds or more at the time they died. For a loss other than death, means a bovine dairy breed animal used for the purpose of providing milk for human consumption that is less than 2 years old that weighed 500 pounds or more on or before the beginning date of the eligible adverse weather or eligible loss condition.

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

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

Poultry means domesticated chickens, turkeys, ducks, or geese. Poultry are further delineated into categories by sex, age, and purpose of 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 (rams 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, or boar. Swine for purposes of dividing into categories for loss calculations are further delineated into categories by sex and weight as determined by FSA.

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

234-240 (Reserved)

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***--Section 2 Policy and Procedures**

241 Signup Period

A 2008 and 2009 Calendar Year ELAP Signup

Producers who:

- suffered eligible livestock, honey bee, or farm-raised fish losses during:
  - 2008 and 2009 calendar year can signup for ELAP beginning September 14, 2009
  - 2008 calendar year shall provide a notice of loss and file an application for payment in their administrative County Office no later than December 10, 2009
  - January 1, 2009 through September 10, 2009, shall provide a notice of loss no later than December 10, 2009, and an application for payment must be filed no later than January 30, 2010
- suffer eligible livestock, honey bee, or farm-raised fish losses during September 14, 2009, through December 31, 2009, shall file the following:
  - a notice of loss no later than 30 calendar days of when the loss is apparent to the producer
  - an application for payment no later than January 30, 2010.

Notes: For notice of loss for:

- livestock losses, complete FSA-918, Parts A and B
- honey bees or farm-raised fish losses, complete FSA-930, Parts A and B.

For application for payment for livestock losses, complete only those parts of FSA-918, Parts D through L that are applicable.

For application for payment for honey bee or farm-raised fish losses, complete only those parts of FSA-930, Parts D through L that are applicable.

Important: There are **no** late-filed provisions for ELAP. FSA shall not refuse to accept a producers request to file FSA-918 or FSA-930. However, FSA-918's or FSA-930'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 ELAP is a matter of general applicability to all participants; therefore, disapproval of FSA-918's or FSA-930's filed after the end of the applicable application period is not appealable.**--***

***--241 Signup Period (Continued)**

B 2010 and 2011 Calendar Year ELAP Signup

For 2010 and subsequent calendar year losses, producers that suffer eligible livestock, honey bee, or farm-raised fish losses shall file:

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

Important: There are **no** late-filed provisions for ELAP. FSA shall not refuse to accept a producer's request to file FSA-918 or FSA-930. However, FSA-918 or FSA-930 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 ELAP is a matter of general applicability to all participants; therefore, disapproval of FSA-918's or FSA-930's filed after the end of the applicable application period is not appealable.**--***

*--242 Eligibility Criteria

A General Eligibility Criteria

To be eligible to receive assistance under ELAP for eligible losses for livestock, honey bees, and farm-raised fish, an eligible producer must:

- have suffered eligible losses of livestock, honey bees, and farm-raised fish because of an eligible adverse weather or eligible loss condition that occurred:
  - on or after January 1, 2008 and before October 1, 2011
  - in the calendar year for which assistance is being requested
- have suffered losses that are physically located in the county where the eligible adverse weather or eligible loss condition occurred
- obtain a plan of insurance under FCIA equal to at least the CAT level of coverage or NAP coverage for all crops planted or intended to be planted on the farm, or receive an approved waiver according to subparagraph K, L, M, or N, with the exception of grazing land

  Note: The definition of a farm includes all crops planted or intended to be planted on all farms in all counties, excluding grazing land.

- timely file a notice of loss and application for payment on the applicable FSA-918 or FSA-930
- timely file an acreage report of all cropland and grazing land acres, honey bee colonies, and farm-raised fish pond acres on FSA-578 according to 2-CP.

  Note: For 2008 calendar year, 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.**--***

***--242 Eligibility Criteria (Continued)**

B Eligible Loss

An eligible loss under ELAP is a loss that an eligible producer or contract grower of livestock, honey bees, or farm-raised fish incurs because of an eligible adverse weather or loss condition including, but not limited to, blizzards and wildfires.

Note: A loss covered under LFP, LIP, or SURE is **not** eligible for ELAP.

To be considered an eligible loss for ELAP, the loss must have occurred:

- during the calendar year for which payment is being requested
- on or after January 1, 2008, and before October 1, 2011.

C Eligible Livestock Losses

Eligible livestock losses under ELAP are:

- losses of purchased forage or feedstuffs that was:
  - intended for use as feed for the participant's eligible livestock
  - physically located in the county where the eligible adverse weather or eligible loss condition occurred on the beginning date of the eligible adverse weather or loss condition
  - lost because of an eligible adverse weather or eligible loss condition including, but not limited to, blizzard, flood, hurricane, tidal surge, tornado, volcanic eruption, wildfire on non-Federal land, or lightning
- losses of mechanically harvested forage or feedstuffs:
  - intended for use as feed for the participant's eligible livestock
  - physically located in the county where the eligible adverse weather or eligible loss condition occurred on the beginning date of the eligible adverse weather or loss condition
  - that was lost after harvest because of an eligible adverse weather or eligible loss condition including, but not limited to, blizzard, flood, hurricane, tidal surge, tornado, volcanic eruption, wildfire on non-Federal land, or lightning
  - additional costs incurred for providing or transporting feed to eligible livestock, because of an eligible adverse weather or eligible loss condition such as, but not limited to costs associated with equipment rental fees for hay lifts, snow removal, and transporting livestock to higher ground during a flood--*****

***--242 Eligibility Criteria (Continued)**

C Eligible Livestock Losses (Continued)

- losses resulting from the additional cost:

  - incurred for providing or transporting livestock feed to eligible livestock because of an eligible adverse weather or loss condition, including, but not limited to, costs associated with equipment rental fees for hay lifts and snow removal

    Note: The additional costs incurred must have been incurred for losses suffered in the county where the eligible adverse weather or loss condition occurred.

  - of purchasing additional livestock feed, above normal quantities, required to maintain eligible livestock during an eligible adverse weather or loss condition, until additional livestock feed becomes available

    Note: The additional feed purchased above normal quantities must be feed that is fed to maintain livestock in the county where the eligible adverse weather or eligible loss condition occurred.

- grazing losses incurred on eligible grazing lands physically located in the county where the eligible adverse weather or loss condition occurred because of an eligible adverse weather or loss condition, including, but not limited to, flood, freeze, hurricane, hail, tidal surge, volcanic eruption, and wildfire on non-Federal land

  Note: The grazing loss will not be eligible if it is because of an adverse weather condition covered by LFP such as drought or wildfire on federally managed land where the producer is prohibited by the Federal agency from grazing the normally permitted livestock on the managed rangeland because of a fire.

- be a physical loss of livestock because of an eligible adverse loss condition not covered under LIP.

D Eligible Honey Bee/Farm-Raised Fish Losses

For honey bee or farm-raised fish feed losses to be eligible, the honey bee or farm-raised fish feed producer must have:

- suffered a loss of purchased or produced honey bee or farm-raised fish feed that was intended as feed for the honey bees or farm-raised fish that was damaged because of an eligible adverse weather or loss condition

- incurred the loss in the county where the eligible adverse weather or loss condition.**--***

***--242 Eligibility Criteria (Continued)**

D Eligible Honey Bee/Farm-Raised Fish Losses

For honey bee colony or honey bee hive losses to be eligible, the honey bee colony or honey bee hive producer must have:

- lost the honey bee colony or honey bee hive because of an eligible adverse weather or eligible loss condition

- incurred the loss in the county where the eligible adverse weather or eligible loss condition occurred.

  Note: The eligible honey bee producer must provide documentation to support that the loss of honey bee colony was because of colony collapse disorder.

For a death loss for bait fish or game fish to be eligible, the producer must have:

- suffered a physical loss of bait fish or game fish because of an eligible adverse weather or eligible loss condition

- incurred the loss in the county where the eligible adverse weather or eligible loss condition occurred.

E Eligible Adverse Weather or Loss Conditions for Livestock Grazing Losses

Eligible adverse weather or eligible loss conditions for livestock **grazing losses** include, but are not limited to, the following:

- blizzards/winter storms
- wildfires on non-Federally managed grazing lands
- flooding
- hurricanes/tidal surge
- tornados/excessive wind
- freeze damage
- hail
- insects
- lightning
- volcanic eruption.**--***

***--242 Eligibility Criteria (Continued)**

F Eligible Adverse Weather or Loss Conditions for Honey Bee Losses

Eligible adverse weather or eligible loss conditions for honey bee losses include, but are not limited to, the following:

- colony collapse disorder
- hurricanes/tidal surge
- tornado/excessive winds
- floods
- wildfires
- earthquake
- volcanic eruption.

H Eligible Adverse Weather or Loss Conditions for Farm-Raised Fish Losses

Eligible adverse weather or eligible loss conditions for farm-raised fish losses include, but are not limited to, the following:

- flooding
- hurricanes
- excessive winds
- tornados
- tidal surge
- contaminated water (death losses only)
- earthquakes
- volcanic eruption
- excessive heat (death losses only).--*****

***--242 Eligibility Criteria (Continued)**

I Eligible Producers

To be considered an eligible livestock producer for livestock feed losses and to receive payments, the participant must have owned, cash-leased, purchased, entered into a contract to purchase, or been a contract grower of eligible livestock during the 60 calendar days before the beginning date of the eligible adverse weather or eligible loss condition and must have suffered 1 of the following:

- a loss of **purchased** forage or feedstuffs intended for use as feed for the participant's eligible livestock that was physically located in the county where the eligible adverse weather or loss condition occurred because of an eligible adverse weather or loss condition in the calendar year for which benefits are being requested

- a loss of **mechanically harvest** forage or feedstuffs intended for use as feed for the participant's eligible livestock that was physically located in the county where the eligible adverse weather or loss condition occurred because of an eligible adverse weather or loss condition in the calendar year for which benefits are being requested

  Note: The loss must have occurred after harvest because of an eligible adverse weather or eligible loss condition.

- a loss resulting from the additional cost incurred for providing or transporting livestock feed to the participant's eligible livestock because of an eligible adverse weather or eligible loss condition until additional livestock feed becomes available.

  Note: The additional feed purchased above normal must be feed that is fed to maintain livestock in the county where the eligible adverse weather or eligible loss condition occurred.**--***

***--242 Eligibility Criteria (Continued)**

I Eligible Producers (Continued)

To be considered an eligible livestock producer for grazing losses and to receive payments, the producer must have:

- during the 60 calendar days before the beginning date of the eligible adverse weather or eligible loss condition, owned, cash-leased, purchased, entered into a contract to purchase, or been a contract grower of eligible livestock

- suffered a loss on land that is either:

  - native or improved pastureland with a permanent vegetative cover
  - planted to a crop specifically for the purpose of providing grazing for covered livestock

- provided pastureland for grazing land for covered livestock, including cash-rented pastureland or grazing land for covered livestock that is physically located in the county where the eligible adverse weather or loss condition occurred during the normal grazing period for the county.

To be considered an eligible livestock producer for livestock death losses, the:

- livestock owner must have owned the livestock on the day the livestock died under conditions in which no contract grower could have been eligible for ELAP payment with respect to the animal because of the eligible loss condition

- contract grower must have had:

  - a written agreement with the owner of the eligible livestock setting the specific terms, conditions, and obligations of the parties involved regarding the production of livestock

  - control of the eligible livestock on the day the livestock died

  - a risk of loss in the animal.

To be considered an eligible honey bee producer, the producer must have an interest and risk in an eligible honey bee colony:

- being maintained for the purpose of producing honey or pollination for commercial use as part of a farming operation on the beginning date of the eligible adverse weather or eligible loss condition

- that is physically located in the county where the eligible adverse weather or eligible loss condition occurred on the beginning date of the eligible adverse weather or eligible loss condition.**--***

***--242 Eligibility Criteria (Continued)**

I Eligible Producers (Continued)

To be considered an eligible producer for farm-raised fish, the fish must be produced in a controlled environment so to be considered "farm-raised fish", the "farm-raised fish" must for:

- feed losses:
  - be an aquatic species that is propagated and reared in a controlled environment
  - be maintained and harvested for commercial use as part of a farming operation
  - be physically located in the county where the eligible adverse weather or eligible loss condition occurred on the beginning date of the eligible adverse weather or loss condition
- death losses:
  - be bait fish or game fish that are propagated and reared in a controlled environment
  - been maintained for commercial use as part of a farming operation
  - been physically located in the county the eligible adverse weather or eligible loss condition occurred on the beginning date of the eligible adverse weather or loss condition
- 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.**--***

***--242 Eligibility Criteria (Continued)**

J Risk Management Purchase Requirement

For producers to be eligible for assistance under ELAP for eligible losses for livestock, honey bees, or farm-raised fish, producers **must,** for every commodity on every farm in which the producer has an interest for the relevant program year:

- in the case of an "insurable commodity", obtained catastrophic coverage or better under a policy or plan of insurance administered by RMA under FCIA, except this obligation will not include crop insurance pilot programs so designated by RMA or forage crops intended for grazing

- in the case of a "noninsurable commodity", obtained NAP coverage by filing the proper paperwork and paying the applicable administrative fees by the applicable State application closing dates for NAP, except that this requirement will not include forage on grazing land.

The statute requires eligible producers to obtain a policy or plan of insurance equal to at least the CAT level of coverage or NAP coverage for each crop planted or intended to be planted for harvest on the **whole** farm, excluding grazing.

A farm is defined as the sum of all crop acreage in all counties nationwide that a producer has an interest that is planted or intended to be planted for harvest by the eligible producer.

Example 1: An eligible livestock producer that raises alfalfa and corn must purchase crop insurance or NAP coverage on the alfalfa and corn, but not the grazing land, to be eligible to participate in ELAP for an eligible livestock grazing loss.

Note: An eligible livestock producer that suffers a grazing loss on native pasture intended for grazing is not required to purchase crop insurance or NAP coverage on the grazing lands to receive ELAP benefits for the grazing loss; however, to be eligible to receive benefits for the grazing loss, the producer would have to purchase crop insurance or NAP coverage for the corn and alfalfa.

Example 2: An eligible producer of honey bees that raises wheat, soybeans, and honey must obtain a policy or plan of insurance or NAP coverage on the wheat, soybeans, and honey to be eligible for ELAP benefits for the physical losses of the honey bees, because of colony collapse disorder.

Example 3: An eligible farm-raised fish producer that suffers a loss because of an eligible adverse weather or eligible loss condition on purchased catfish feed, that also produces soybeans must purchase crop insurance or NAP coverage on catfish and soybeans to be eligible for ELAP benefits for the catfish feed loss.**--***

***--242 Eligibility Criteria (Continued)**

J Risk Management Purchase Requirement (Continued)

The risk management purchase requirement for ELAP will be determined based on the initial intended use of a crop at the time a policy or plan of insurance or NAP coverage was purchased and as reported on the acreage report.

K Waiver for 2008 Calendar Year Only for ELAP

Producers are eligible for ELAP only if they have obtained either crop insurance or NAP coverage on all insurable and noninsurable commodities on every farm in which the producer has an interest for the relevant crop year, excluding forage crops intended for grazing.

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. For the 2008 crop year, the insurance or NAP purchase requirement will be waived for eligible producers for losses during the 2008 crop year if the eligible producer paid a fee (buy-in) equal to applicable NAP service fee or catastrophic risk protection plan fee by September 16, 2008. Payment of a buy-in fee is for the sole purpose of becoming eligible for ELAP and does not provide any actual insurance or NAP coverage or assistance.

Any producer of 2008 commodities that did not meet the risk management purchase requirement and who did not meet the September 16, 2008, buy-in deadline may still be eligible for 2008 ELAP assistance if the producer paid the applicable catastrophic risk protection plan fee or the applicable NAP service fee no later than May 18, 2009, provided that in the case of each:

- insurable commodity, excluding grazing land, the eligible producer on the farm agrees to obtain a policy or plan of insurance under FCIA, excluding a crop insurance pilot program for the next insurance year for which crop insurance is available to the eligible producer on the farm at a level of coverage equal to 70 percent or more of the recorded or appraised average yield indemnified at 100 percent of the expected price, or equivalent coverage

- noninsurable commodity, the eligible producer on the farm must agree to file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for NAP for the next year for which a policy is available.

L Waiver for 2009 Calendar Year Only for ELAP

For the 2009 crop year, RMPR will be waived for insurable crops where the sales closing date for crop insurance coverage occurred before August 14, 2008, so long as the buy-in fee was paid by January 12, 2009.**--***

***--242 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.**--***

***--242 Eligibility Criteria (Continued)**

O 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-918 or FSA-930, as applicable.

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-918 or FSA-930 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 the heir establishes authority to enter into a contract or application on behalf of the deceased individual.**--***

***--242 Eligibility Criteria (Continued)**

O Deceased Individuals and Dissolved Entities (Continued)

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-918 or FSA-930.

Note: Only one FSA-918 or FSA-930 will be submitted for payment for the general partnership or joint venture; however, all members **must** sign FSA-918 or FSA-930.

See paragraph 282 for making payments to deceased individuals, closed estates, and dissolved entities.**--***

243-250 (Reserved)

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*--Section 3 Livestock Eligibility Criteria

251 Livestock Eligibility

A Eligible Livestock for Feed Losses and Grazing Losses

To be considered eligible livestock for livestock feed losses and grazing losses, 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 during the normal grazing period for the specific pasture type of grazing land or pastureland in 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 them to another county for grazing, the livestock would be eligible to be included when calculating the monthly feed cost.

- be livestock that is owned, leased, purchased, under contract for purchase, or been raised by a contract grower or an eligible livestock producer, during the 60 calendar days before the beginning date of the eligible adverse weather or eligible loss condition

- been maintained for commercial use as part of the producer's farming operation on the beginning date of the eligible adverse weather or eligible loss condition

- 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 eligible adverse weather or eligible loss condition, as part of the normal business operation of the producer.**--***

***--251 Livestock Eligibility (Continued)**

B Eligible Livestock for Death Losses

For death losses for livestock owners to be eligible, the livestock must meet **all** of the following:

- be alpacas, adult or nonadult dairy cattle, beef cattle, buffalo/beefalo, deer, elk, emus, equine, goats, llamas, poultry, reindeer, sheep, or swine
- been owned by an eligible livestock owner on the day the livestock died
- died as a direct result of an eligible loss condition:
  - on or after the beginning date of the eligible loss condition
  - no later than 60 calendar days from the ending date of the eligible loss condition
  - on or after January 1, 2008, and before October 1, 2011
  - in the calendar year for which payment is being requested
- been maintained for commercial use as part of a farming operation on the day the livestock died
- 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-eligible.

For death losses for contract growers to be eligible, the livestock must meet **all** of the following:

- be poultry or swine
- been in the possession of an eligible contract grower on the day the livestock died
- died as a direct result of an eligible loss condition:
  - on or after the beginning date of the eligible loss condition
  - no later than 60 calendar days from the ending date of the eligible loss condition
  - on or after January 1, 2008, and before October 1, 2011
  - in the calendar year for which payment is being requested**--***

***--251 Livestock Eligibility (Continued)**

B Eligible Livestock for Death Losses (Continued)

- been maintained for commercial use as part of a farming operation on the day the livestock died

- 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-eligible.

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.

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

See paragraph:

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

C Eligibility for Newborn or Stillborn Animals

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

- the death was the direct cause of the eligible loss condition

- the birth produced a fully developed carcass that normally would have survived under normal 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 ELAP benefits.**--***

***--251 Livestock Eligibility (Continued)**

D Ineligible Livestock

Animals **not** eligible for ELAP 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 ELAP.

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 ELAP.**--***

***--251 Livestock Eligibility (Continued)**

D Ineligible Livestock (Continued)

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, they 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
- any wild free roaming livestock, including horses and deer
- for grazing and feed losses all nonadult beef cattle, dairy cattle, and buffalo/beefalo that weighed less than 500 pounds on the beginning date of the eligible adverse weather or eligible loss condition
- any animals not included in subparagraph A, B, or C.--*****

***--251 Livestock Eligibility (Continued)**

E Eligible Feed Loss, Grazing Loss, and Additional Costs Incurred

To be an eligible feed loss for ELAP, the feed lost must have been 1 of the following:

- a loss of purchased forage or feedstuffs that was:
  - intended for use as feed for the participant's eligible livestock physically located in the county where the eligible adverse weather or loss condition occurred on the beginning date of the eligible adverse weather or loss condition
  - lost because of an eligible adverse weather or loss condition including, but not limited to, blizzard, flood, hurricane, tidal surge, tornado, volcanic eruption, wildfire on non-Federal land, or lightning
- loss of mechanically harvested forage or feedstuffs that was:
  - intended for use as feed for the participant's eligible livestock physically located in the county where the eligible adverse weather or eligible loss condition occurred on the beginning date of the eligible adverse or loss condition
  - lost after harvest because of an eligible adverse weather or eligible loss condition including, but not limited to, blizzard, flood, hurricane, tidal surge, tornado, volcanic eruption, wildfire on non-Federal land, or lightning.

To be an eligible grazing loss, the grazing loss must have occurred on eligible grazing lands physically located in the county where the eligible adverse weather or loss condition occurred because of an eligible adverse weather or loss condition, including, but not limited to, blizzard, flood, hurricane, tidal surge, tornado, volcanic eruption, wildfire on non-Federal land, or lightning.

Note: The grazing loss will not be eligible if it is because of an adverse weather condition covered by LFP such as drought or wildfire on Federally managed land where the producer is prohibited by the Federal agency from grazing the normal permitted livestock on the managed rangeland because of a fire.

Additional costs incurred may include additional costs incurred for providing or transporting feed to eligible livestock because of an eligible adverse weather or loss conditions such as, but not limited to, costs associated with:

- equipment rental fees for hay lifts
- snow removal
- transporting livestock to higher ground during a flood.--*****

***--251 Livestock Eligibility (Continued)**

F 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).

G 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 ELAP. 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 ELAP.

Note: Losses because of drought or wildfires on Federally managed land for which the participant is prohibited from grazing his permitted livestock is not eligible under ELAP.**--***

***--251 Livestock Eligibility (Continued)**

H 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 calendar days the 100 yearlings graze. Because Owner A pays only for the actual calendar 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.**--***

***--251 Livestock Eligibility (Continued)**

I Establishing Grazing Loss Percentages

The is no requirement for a producer to suffer a certain percentage of loss to be eligible for ELAP; however, the producer will be required to provide documentation to support the number of grazing days lost because of an eligible adverse weather or loss condition. In addition there is no requirement that STC or COC establish a minimum or maximum amount of loss to be eligible for ELAP; therefore, STC's or COC's shall not establish minimum or maximum loss percentages for ELAP. The producer will not be required to report a loss percentage to be eligible for ELAP.

J Normal Grazing Periods for ELAP

The normal grazing periods established for all pasture or grazing crop types for ELAP shall be the normal grazing periods established for all pasture or grazing crop types established for LFP according to subparagraph 171 S.**--***

*--252 Livestock Payment Rates, Payment Calculations

A Payment Rates for Eligible Livestock for Grazing Losses

The daily livestock payment rates per head for eligible 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 1 calendar day. The following provides the daily payment rate per head by covered livestock category.

Kind of Livestock	Type	Weight Range	Daily Livestock Payment Rate Per Head	
			2008	2009
Beef	Adult	Cows and Bulls	$.9985	$1.3345
	Nonadult	500 pounds or more	$.9985	$1.3345
Dairy	Adult	Cows and Bulls	$.9985	$1.3345
	Nonadult	500 pounds or more	$.9985	$1.3345
Buffalo/Beefalo	Adult	Cows and Bulls	$.9985	$1.3345
	Nonadult	500 pounds or more	$.9985	$1.3345
Sheep	All		$.9985	$1.3345
Goats	All		$.9985	$1.3345
Deer	All		$.9985	$1.3345
Equine	All		$.9985	$1.3345
Swine		Less than 45 pounds	$.9985	$1.3345
		45 to 124 pounds	$.9985	$1.3345
		125 to 234 pounds	$.9985	$1.3345
	Sow	235 pounds or more	$.9985	$1.3345
	Boar	235 pounds or more	$.9985	$1.3345
Elk		Less than 400 pounds	$.9985	$1.3345
		400 pounds to 799 pounds	$.9985	$1.3345
		800 pounds or more	$.9985	$1.3345
Poultry		Less than 3 pounds	$.9985	$1.3345
		3 pounds to 7.9 pounds	$.9985	$1.3345
		8 pounds or more	$.9985	$1.3345
Reindeer	All		$.9985	$1.3345
Alpacas	All		$.9985	$1.3345
Emus	All		$.9985	$1.3345
Llamas	All		$.9985	$1.3345

B Payment Calculations for Per Acre Leased Grazing Losses, Excluding Fire

Payments for an eligible livestock producer for grazing losses, except for losses because of wildfires on non-Federal land will be calculated based on 60 percent of the lesser of:

- the total value of the feed cost for all covered livestock owned by the eligible livestock producer based on the number of days grazing was lost, not to exceed 90 calendar days of daily feed cost for all covered livestock

- the total value of grazing lost for all eligible livestock based on the normal carrying capacity of the eligible grazing land of the eligible livestock producer for the number of grazing days lost, not to exceed 90 calendar days of lost grazing.

Note: An eligible producer will only be compensated for the number of days that grazing was lost, **not to exceed 90 calendar days in a calendar year** for the same livestock.**--***

***--252 Livestock Payment Rates, Payment Calculations (Continued)**

B Payment Calculations for Per Acre Leased Grazing Losses, Excluding Fire (Continued)

Important: Calculation of benefits for covered livestock will be on an animal unit basis and will require different types of livestock to be converted to an animal unit basis according to Exhibit 16.

Example 1: Producer A suffers a grazing loss in County A in 2008 because of flooding. Producer A's 100 head of adult beef cattle are unable to graze 1000 acres of native pasture during the normal grazing period for native pasture for 30 calendar days because of the flooding. Producer A files FSA-918 in the administrative County Office by physical location county. Producer A's payment will be calculated based on 60 percent of the smaller of:

- value of feed cost of all covered livestock = number of eligible livestock converted to an animal unit basis x daily feed cost to maintain 1 animal unit per one day x number of days grazing lost (not to exceed 90 calendar days) x producer's share

  100 animal units (100 adult beef cattle x 1.00 AU conversion factor) x $.9985 (daily cost to maintain 1 animal unit) x 30 calendar days (number of days grazing lost) x 100 percent (producer share) = $2,996 (value of feed cost of all covered livestock)

- value of grazing lost based on carrying capacity of eligible grazing land = (acres of eligible grazing land/animal unit carrying capacity) x number of days grazing lost (not to exceed 90 calendar days) x daily feed cost to maintain 1 animal unit x producer's share.

  1000 acres native pasture / 5 acres per animal unit x 30 calendar days (number of days grazing lost) x $.9985 (daily feed cost) x 100 percent (producer share) = $5,991 (value of grazing lost based on carrying capacity of eligible grazing land)

In this example, Producer A would be paid on the value of feed cost for all covered livestock calculated as follows.

60 percent x $2,996 (value of feed cost of all covered livestock) = $1,798 (calculated payment amount)**--***

***--252 Livestock Payment Rates, Payment Calculations (Continued)**

B Payment Calculations for Per Acre Leased Grazing Losses , Excluding Fire (Continued)

Example 2: Producer B suffers a 2008 grazing loss in County B because of a flood. Producer B's 1000 head of sheep are not able to graze 1000 acres of native pasture for 45 calendar days during the normal grazing period for native pasture because of the flood. Producer B files FSA-918 in the administrative County Office by physical location. Producer B's payment will be calculated based on 60 percent of the smaller of:

- value of feed cost of all covered livestock = number of eligible livestock converted to an animal unit basis x daily feed cost to maintain 1 animal unit per one day x number of days grazing lost (not to exceed 90 calendar days) x producer's share

  250 animal units (1000 sheep x 0.25 AU conversion factor) x $.9985 (daily cost to maintain 1 animal unit) x 45 calendar days (number of days grazing lost) x 100 percent (producer share) = $11,233 (value of feed cost of all covered livestock)

- value of grazing lost based on carrying capacity of eligible grazing land = (acres of eligible grazing land/animal unit carrying capacity) x number of days grazing lost (not to exceed 90 calendar days) x daily feed cost to maintain 1 animal unit x producer's share.

  1000 acres native pasture / 5 acres per animal unit x 45 calendar days (number of days grazing lost) x $.9985 (daily feed cost) x 100 percent (producer share) = $8,987 (value of grazing lost based on carrying capacity of eligible grazing land)

In this example, Producer B would be paid on the value of grazing lost based on carrying capacity calculated as follows.

60 percent x $8,987 (value of grazing lost based on carrying capacity) = $5,392 (calculated payment amount).

Note: The 1000 head of sheep were converted to an animal unit basis using the conversion chart in Exhibit 16.**--***

***--252 Livestock Payment Rates, Payment Calculations (Continued)**

C Payment Calculations for AUM/AU Leased Grazing Losses, Excluding Fire

Payments for an eligible livestock producer for grazing losses that occur on grazing land or pastureland, except for losses because of wildfires on non-Federal land, that is leased on an AUM/AU basis will be calculated based on 60 percent of the lesser of:

- the total value of the feed cost for all covered livestock owned by the eligible livestock producer based on the number of days grazing was lost, not to exceed 90 calendar days of daily feed cost for all covered livestock

- the total value of grazing lost for all eligible livestock based on the normal carrying capacity of the eligible grazing land of the eligible livestock producer for the number of grazing days lost, not to exceed 90 calendar days of lost grazing.

  Note: An eligible producer will only be compensated for the number of days that grazing was lost, **not to exceed 90** calendar **days in a calendar year** for the same livestock.

The eligible livestock producer will report AU's in FSA-918, item 28 **instead** of number of head of livestock. If the livestock producer's lease is an AUM lease, the County Office will need to convert AUM's to AU's based on the number of animals grazing for a specific time period.

Example 1: Federal permit allows grazing 500 AUM's for 5 months.

500 AUM's / 5 months = 100 animal units.

In this example the producer would enter 100 AU's in FSA-918, item 28.

Ensure that AU's for each specific animal type are converted to an AU equivalent. See Exhibit 16.

Example 2: 100 sheep x .25 AU's conversion factor = 25 AU's.**--***

***--252 Livestock Payment Rates, Payment Calculations (Continued)**

C Payment Calculations for AUM/AU Leased Grazing Losses, Excluding Fire (Continued)

Example 3: Producer A has 100 AU's grazing native pasture in County A in 2008 The 100 AU's are unable to graze 1000 acres of native pasture for 45 calendar days because offlooding. Producer A files FSA-918 in the administrative County Office by physical location. Producer A's payment will be calculated based on 60 percent of the smaller of:

- value of feed cost of all covered livestock = number of eligible livestock converted to an animal unit basis x daily feed cost to maintain 1 animal unit per one day x number of days grazing lost (not to exceed 90 calendar days) x producer's share

  100 animal units x $.9985 (daily cost to maintain 1 animal unit) x 45 calendar days (number of days grazing lost) x 100 percent (producer share) = $4,493 (value of feed cost of all covered livestock)

- value of grazing lost based on carrying capacity of eligible grazing land = (acres of eligible grazing land/animal unit carrying capacity) x number of days grazing lost (not to exceed 90 calendar days) x daily feed cost to maintain 1 animal unit x producer's share.

  1000 acres native pasture / 5 acres per animal unit x 45 calendar days (number of days grazing lost) x $.9985 (daily feed cost) x 100 percent (producer share) = $8,987 (value of grazing lost based on carrying capacity of eligible grazing land)

In this example, Producer A would be paid on the value of feed cost for all covered livestock calculated as follows.

60 percent x $4,493 (value of feed cost of all covered livestock) = $2,696 (calculated payment amount).**--***

***--252 Livestock Payment Rates, Payment Calculations (Continued)**

D Payment Calculations for Grazing Losses Because of Fire on Non-Federally Managed Land

Payments to an eligible livestock producer for grazing losses because of fire, on non-Federally managed land, will be compensated at a rate of 50 percent of the daily value of grazing, based on normal carrying capacity, for the number of days grazing was lost on the affected acres, not to exceed 180 calendar days during the calendar year.

Example: (number of acres affected by fire / normal carrying capacity of the specific type of grazing land or pastureland) x number of days grazing was lost (not to exceed 180 calendar days in the calendar year) x daily rate of grazing x 50 percent x producer share = payment rate = calculated payment amount for fire losses

1000 acres / 5 acres per animal unit (normal carrying capacity) x 30 calendar days (number of days grazing was lost) x $.9985 (daily value of grazing for 2008) x .50 percent x 100 percent (producer share) = $2,996 (calculated payment amount for fire loss.

E Payment Calculations for Livestock Feed Losses

Compensation for purchased or harvested feed that was lost or destroyed or for additional costs associated with providing feed for eligible livestock, will be compensated at 60 percent of the cost of the feed that was lost or destroyed or the additional cost associated with providing feed for livestock.

Example 1: Producer A purchased 1000 bushels of corn to feed his eligible livestock. The feed was lost because of a hurricane. The producer timely filed FSA-918 and provided a copy of the purchase receipt for corn showing a value of $5000. Compensation would be calculated as follows.

$5000 (value of purchased feed lost) x 60 percent = $3000 (calculated payment amount for purchased feed lost).

Example 2: Producer B raised 100 tons of alfalfa hay to feed his eligible livestock. The 100 tons of hay was lost because of a flood in 2008. Producer B timely filed FSA-918 and provided documentation that he produced 100 tons of alfalfa hay. COC determined that the value of the hay was $100 per ton for a total value of $10,000. Compensation would be calculated as follows.

$10,000 (value of lost feed as determined by COC) x 60 percent = $6000 (calculated payment amount for harvested feed lost).**--***

***--252 Livestock Payment Rates, Payment Calculations (Continued)**

E Payment Calculations for Livestock Feed Losses (Continued)

Example 3: A blizzard required Producer C to hire a bulldozer to plow a road to his stranded livestock so that Producer C could haul feed to his stranded livestock. Producer C timely filed FSA-918 and provided documentation to show that the cost of the bulldozer was $1000. Compensation would be 60 percent of the additional costs incurred to provide feed to his stranded livestock because of the blizzard condition as follows.

$1000 (cost of bulldozer) x 60 percent = $600 (calculated payment amount for the additional costs incurred).**--***

253-260 (Reserved)

*--Section 4 Honey Bee Eligibility Criteria

261 Honey Bee Eligibility

A Eligible Producer

An eligible honey bee producer is a producer that has a risk in the honey production or pollination farming operation for the purpose of producing honey or pollination for commercial use as part of a farming operation on the beginning date of the eligible adverse weather or eligible loss condition.

B Eligible Honey Bees

Eligible honey bees include bees housed in a managed hive and used for honey production or pollination. Eligible honey bees do **not** include wild, feral honey bees, leaf cutter bees, or other bee species that are not used for the production of honey. Eligible honey bees may also be used for pollination, however, the main purpose of the honey bee is for the production of honey.

C Eligible Honey Bee Losses

For honey bee losses to be eligible, the honey bee colony must meet the following conditions:

- be maintained for the purpose of producing honey or pollination for commercial use in a farming operation on the beginning date of the eligible adverse weather or eligible loss condition

- be physically located in the county where the eligible adverse weather or eligible loss conditions occurred on the beginning date of the eligible adverse weather or eligible loss condition

- be a honey bee colony in which the participant has a risk in the honey production or pollination farming operation on the beginning date of the eligible adverse weather or eligible loss condition

- be a honey bee colony for which the producer had an eligible loss of a honey bee colony, honey bee hive, or honey bee feed; the feed must have been intended as feed for honey bees.--*

***--261 Honey Bee Eligibility (Continued)**

D Eligible Honey Bee Feed Losses

For honey bee feed losses to be eligible, the honey bee producer must have:

- suffered a loss of purchased or harvested feed that was intended as feed for the honey bees that was damaged because of an eligible adverse weather or loss condition

- incurred the loss in the county where the eligible adverse weather or loss condition occurred.

Eligible feed losses also includes additional feed purchased above normal quantities to sustain honey bees for a short period of time until additional feed becomes available because of an eligible adverse weather or loss condition.

Eligible honey bee participants must provide verifiable documentation of purchased feed intended as feed for honey bees that was lost or additional feed purchased above normal quantities to sustain honey bees for a short period of time until additional feed becomes available because of an eligible adverse weather or eligible loss condition. To be considered acceptable documentation, the participant must provide original feed receipts and each feed receipt must include the following:

- date of feed purchase

- name, address, and telephone number of feed vendor

- type and quantity of feed purchased

- cost of feed purchased

- signature of feed vendor if the vendor does not have a license to conduct this type of transaction.**--***

***--261 Honey Bee Eligibility (Continued)**

D Eligible Honey Bee Feed Losses (Continued)

Eligible honey bee participants must provide verifiable documentation of harvested feed intended as feed for honey bees that was lost because of an eligible adverse weather or eligible loss condition. COC shall determine the value of the harvested feed and document in the COC minutes the type of feed produced and how the value of the harvested feed was determined. Acceptable documentation may include, but is not limited to, the following:

- weight tickets
- truck scale tickets
- contemporaneous diaries used to verify that the crop was stored with the intent to feed the crop to honey bees
- custom harvest documents that clearly identify the amount of feed produced form the applicable acreage.

Documentation must clearly identify the acreage from which the harvested feed was produced.

Example 1: Producer A purchased 1000 pounds of sugar to feed eligible honey bees at a cost of $500. A 2008 flood destroyed the purchased feed. Producer A files FSA-930 and provides documentation to support the feed purchase and cost. The feed purchased to feed the eligible honey bees that was lost because of the flood is an eligible feed loss under ELAP and is eligible to be compensated at the rate of 60 percent of the producer's actual cost as follows.

$500 (cost of purchased feed that was lost) x 60percent = $300 (payment amount for feed lost before national factor)

Example 2: An unexpected blizzard hits County A on March 1, 2008. Producer A purchases 200 pounds of sugar because of the blizzard at a cost of $200 to feed eligible honey bees to sustain the honey bees for a short period of time. The cost of purchasing the sugar is an additional feed cost that Producer A does not normally incur and is an eligible cost under ELAP. Producer A is compensated at a rate of 60 percent of the cost of the feed purchased as follows.

$200 (cost of purchased feed above normal) x 60 percent = $120 (payment for additional feed purchased above normal before national factor)**--***

***--261 Honey Bee Eligibility (Continued)**

E Eligible Honey Bee Physical Losses

For honey bee physical losses to be eligible, the honey bee producer must have:

- suffered a physical loss of a honey bee colony or honey bee hive because of an eligible adverse weather or loss condition

- incurred the loss in the county where the eligible adverse weather or loss condition occurred.

To be eligible for a loss of honey bees because of colony collapse disorder, the eligible producer must provide documentation to support that the loss was because of colony collapse disorder. Acceptable documentation includes, but is not limited to, the following:

- a colony collapse certification by a registered entomologist
- Cooperative Extension specialist
- Land Grant University.

For eligible honey bee colony and honey bee hive losses, the participant must also provide documentation of beginning and ending inventory of honey bee colonies and honey bee hives on the beginning date of the eligible adverse weather or eligible adverse weather condition. Documentation may include, but is not limited to, any combination of the following:

- a report of acreage (colonies reported)
- loan records
- private insurance documents
- property tax records
- sales and purchase receipts
- State colony registration documentation
- chattel inspections.**--***

***--261 Honey Bee Eligibility (Continued)**

E Eligible Honey Bee Physical Losses (Continued)

Example: Producer A files FSA-930 for honey bees lost to colony collapse disorder. Beginning inventory was 1000 colonies of bees. Producer A's ending inventory was 200 colonies which equates to 800 colonies lost. Documentation provided by the Producer A shows replacement costs for 800 colonies of bees was $48,000. Compensation would be calculated at 60 percent of the replacement cost as follows.

$48,000 (replacement cost) x 60 percent = $28,800 (calculated payment amount for lost bee colonies before national factor)

Notes: Losses because of controllable conditions, such as mites, is not an eligible cause of loss.

Loss of income from pollinator contracts because of colony collapse disorder is not an eligible loss under ELAP.**--***

262-270 (Reserved)

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*--Section 5 Farm-Raised Fish Eligibility Criteria

271 Farm-Raised Fish

A Eligible Farm-Raised Fish Producer

An eligible producer of farm-raised fish is a producer of any aquatic species that is propagated and reared in a controlled environment, according to subparagraph B, that is being maintained for commercial use as part of the producer's farming operation. Under ELAP, catfish and crawfish are considered farm-raised fish for eligible feed losses.

For the farm-raised fish owner to be considered eligible, the owner must have:

- owned or leased property with readily identifiable boundaries
- had control of the waterbed, the ground under the specific type of water and not just control over a column of water
- provided purchased or produced feed to the farm-raised fish.

Example: The farm-raised fish owner leased the right to grow finfish in the aquatic facility for the applicable growing period.

B Controlled Environment

See paragraph 233 for the definition of controlled environment.

All portions of the aquatic environment must have been under the control of the farm-raised fish owner. Control means the farm-raised fish owner must have implemented the following practices.

- **Flood Prevention**, including, but not limited to, the following:
  - placing the aquacultural facility in an area not prone to flood
  - in the case of raceways, devices or structures designed for the control of water level.
- **Growing media** providing an aquatic medium that:
  - provides nutrients necessary for the production of the farm-raised fish
  - protects the farm-raised fish from harmful species or chemicals.--*

***--271 Farm-Raised Fish (Continued)**

B Controlled Environment (Continued)

- **Fertilization or feeding** to obtain expected production results. Evidence of this practice must be provided by the producer at the request of COC. COC must be satisfied that the producer had an adequate supply of vitamins, minerals, or chemicals designed for the control of water quality and application equipment.

- **Irrigation and water quality**. Farm-raised fish owners should have had systems and practices in place to ensure that the farm-raised fish had adequate, quality water or aquatic medium. This includes having equipment designed to control the chemical balance and oxygenation of water. Therefore, COC shall consider the following:

  - whether the source of water is adequate to ensure continued growth and survival of the aquacultural species even in the event of severe drought

  Note: Natural sources of water, such as rainfall, is not an eligible means for providing an adequate source of water to ensure continued growth and survival of the aquacultural species.

  - whether the aquacultural facility sustained losses in previous years because of water shortages or water supply interruption. If so, list corrective actions that have been taken.

C Eligible Farm-Raised Fish

Farm-raised fish must have been:

- placed in the aquacultural facility by the farm-raised fish owner and must not be growing naturally in the facility

  Note: Species indigenous to the facility are not eligible.

- stocked or seeded on property described in subparagraph B

- stocked or seeded in containers, wire baskets, net pens, or similar device designed for the protection and containment of the seeded aquacultural species.

Eligible farm-raised fish, for feed loss, are any aquatic species that are propagated and reared in a controlled environment to be harvested for sale as part of a commercial farming operation. Alligators and turtles are not considered an aquatic species, but are reptilian species, and are not eligible as farm-raised fish under ELAP. Any other species not determined to be an aquatic species are also not eligible under ELAP.**--***

***--271 Farm-Raised Fish (Continued)**

D Eligible Farm-Raised Fish Feed Losses

An eligible farm-raised fish producer may receive payments for farm-raised fish feed losses because of an eligible adverse weather or eligible loss condition, based on 60 percent of the producer's actual replacement cost for the farm-raised fish feed that was:

- damaged or destroyed because of an eligible adverse weather or eligible loss condition
- intended as feed for the eligible farm-raised fish.

Example: An eligible farm-raised fish producer purchased 1000 pounds of feed for eligible farm-raised fish at a cost of $2000. The producer lost all of the purchased feed because of an eligible weather or eligible loss condition. The producer filed a notice of loss and provided documentation verifying the type of feed purchased and the cost. The ELAP payment would be calculated as follows.

$2000 (cost of feed that was lost) x 60 percent = $1200 (amount of ELAP payment)

E Eligible Farm-Raised Fish Physical Losses

Physical losses of farm-raised fish include losses of game fish (stockers) and bait fish (not raised as food for food fish) only. Physical losses of all other aquatic species are covered under NAP and are not eligible under ELAP. An eligible producer of farm-raised game or sport fish may receive payments for death losses of farm-raised fish because of an eligible adverse weather or eligible loss condition, based on 60 percent of the producer's actual replacement cost of the game or sport fish that died.

Example: An eligible producer of game fish suffered a death loss of 5000 game fish because of an eligible adverse weather or eligible loss condition. The producer provided documentation of the type of game fish restocked and the cost of $2500. The ELAP payment would be calculated as follows.

$2500 (cost of replacing game fish) x 60 percent = $1500 (ELAP payment for death of game fish)**--***

***--271 Farm-Raised Fish (Continued)**

F Documentation of Feed Losses or Physical Losses for Farm-Raised Fish

Eligible producers of farm-raised fish that suffer feed losses or death losses, because of eligible adverse weather events, will be required to provide documentation of the date feed was purchased, type and quantity of feed purchased, and the cost of feed purchased. Documentation will also be required to verify the type and cost of game fish or sport fish that are purchased to replace death losses.

Documentation may include, but are not limited to, any combination of the following:

- acreage reports for NAP (surface acres of water)
- loan records
- private insurance documents
- property tax records
- sales and purchase receipts
- chattel inspections
- sales receipts.**--***

272-280 (Reserved)

*--Section 6 Payment Limitations and Reductions

281 Payment Rates, Limitations, and Reductions

A Funding

The Secretary is authorized to use up to $50,000,000 per calendar year from the Disaster Trust Fund to provide emergency relief to eligible producers of livestock, honey bees, and farm-raised fish to aid in the reduction of losses because of disease, adverse weather, or other conditions, as determined by the Secretary that are not covered under LIP, LFP, or SURE.

Since the funding level has a cap, FSA will accept applications on a calendar year basis and issue payments by calendar year. If approval of all eligible applications for payment in a calendar year would result in expenditures in excess of the amount available for that calendar year, the available funds for that calendar year will be prorated by a national factor to reduce the total expected payments to the amount available for the calendar year.

B 2008 Payment Limitation

For 2008, no “person”, as defined and determined under the provisions of 7CFR Part 1400, as in effect for 2008, may receive more than $100,000 total under ELAP, LFP, 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-918 or FSA-930 has been submitted, use the same “person” determination for ELAP purposes

- **not** been made for 2008 for which FSA-918 or FSA-930 has been 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 ELAP, LIP, LFP, and SURE, ELAP may be reduced by any amount received by the participant for the same or any similar loss from a different source.--*

*--281 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, 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 ELAP 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 ELAP.

E 2009 and Subsequent Years AGI Provisions

For 2009 through 2011, the average AGI limitation provisions in 7 CFR Part 1400 about 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 ELAP.

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

F Payment Reductions

The amount of payment for which a contract grower or eligible participant of livestock, honey bees, or farm-raised fish may receive under ELAP shall be reduced by any amount received by the participant or contract grower for the same or similar loss under any other program.--*

*--282 General Payment Information

A Assignments and Offsets

For ELAP, 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

ELAP payments for FSA-918's or FSA-930's involving deceased individuals, closed estates, or dissolved entities shall be made according to the following, provided all other eligibility requirements are met.

IF the participant is…	AND FSA-918 or FSA-930 is signed by an authorized representative of the…	THEN payments shall be issued…
an individual who died before FSA-918 or FSA-930 was filed	deceased according to subparagraph 242 O	to any of the following, as applicable, using the ID number of the participant: • the deceased individual • the individual's estate • the heirs, based on OGC determination, according to 1-CM, Part 26.
an estate that closed before FSA-918 or FSA-930 was filed	estate according to subparagraph 242 O	
an entity that dissolved before FSA-918 or FSA-930 was filed	dissolved entity according to subparagraph 242 O	using the ID number of the participant.
an individual who dies, is declared incompetent, or is missing after filing FSA-918 or FSA-930		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.**--***

***--282 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:

- E for information about AD-1026
- 281 B for information about CCC-502.

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

***--282 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 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 subpargraph:

- E for information about AD-1026
- 281 C for information about CCC-901.

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

***--282 General Payment Information (Continued)**

E Conservation Compliance Provisions

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

If AD-1026 applicable for the year for which ELAP 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 ELAP

- not on file for the participant, and affiliates, if applicable, County Offices shall obtain a completed AD-1026 applicable to the year for which ELAP 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 HEL/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 <u>improper payment</u> 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.**--***

283-293 (Reserved)

*--294 Applying for Benefits

A Application Process

To apply for ELAP, in addition to submitting an application for payment at the appropriate time, the participant that suffered eligible livestock, honey bee, or farm-raised fish losses must provide a notice of loss in the FSA administrative County Office by physical location for losses that occurred:

- during calendar years 2008 and 2009 before September 11, 2009, no later than December 10, 2009

- on or after September 11, 2009, the earlier of 30 calendar days:

  - of when the loss is apparent to the participant
  - after the end of the calendar year in which the loss occurred.

A notice of loss is part of the application process. Notice of loss shall be submitted on applicable FSA-918 or FSA-930. Multiple notices of loss may be filed during the calendar year as livestock, honey bee, and farm-raised fish losses occur because of eligible adverse weather or eligible loss conditions. Producers that suffer multiple losses during the calendar year may file multiple notices of loss and multiple applications for payment.

In addition to the notice of loss, a participant must submit a completed application for payment on the applicable FSA-918 or FSA-930 no later than either:

- 30 calendar days after the end of the calendar year in which the loss occurred
- December 10, 2009, for losses that occurred during 2008 calendar year.

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

Eligible producers will file the applicable FSA-918 or FSA-930 based on the type of livestock, honey bees, or farm-raised fish that losses.

Example 1: Producer A is an eligible producer of adult beef cattle and suffers a grazing loss because of flooding. Producer A would file FSA-918 for the applicable livestock feed losses.

Example 2: Producer B is an eligible producer of adult beef cattle and honey bees and suffers a grazing loss for the livestock because of flooding and a physical loss of honey bees because of colony collapse disorder. Producer B would file 2 separate applications, FSA-918 for the livestock feed losses and FSA-930 for the physical loss of the honey bees.**--***

*--295 Notice of Loss

A Filing Notice of Loss

Participants must file a notice of loss on FSA-918 for eligible livestock losses or FSA-930 for eligible losses of honey bees or farm-raised fish in their administrative County Office by physical location the earlier of 30 calendar days:

- of when the loss is apparent to the participant
- after the end of the calendar year in which the eligible loss occurred.

For 2008 and 2009 calendar year losses that occurred before September11, 2009, the participant must provide a notice of loss on the applicable FSA-918 or FSA-930 in the FSA administrative County Office by physical location no later than December 10, 2009.

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

- telephone
- FAX
- 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-918, item 10A or FSA-930, item 8A if the participant or participant's representative did not sign.

Example: Producer A suffered a grazing loss because of flooding on October 1, 2009. Producer A telephones County Office on October 13, 2009, and reports that he has suffered a grazing loss because of flooding that occurred on October 1, 2009. County Office enters "phone" in FSA-918, item 10A as the method for which the "notice of loss" was reported.**--***

*--296 Application for Payment

A Filing Application for Payment

To apply for ELAP benefits, eligible participants shall file a manual application for payment on the applicable FSA-918 or FSA-930, according to paragraph 298 or 299, in **their administrative County Office** by physical location 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-918 or FSA-930, if all eligibility requirements are met.

In addition to the notice of loss required in paragraph 295, eligible participants that suffer livestock, honey bee, or farm-raised fish losses shall file an application for payment no later than:

- 30 calendar days after the end of the calendar year in which the eligible losses for livestock, honey bees, or farm-raised fish occurred

- December 10, 2009, for livestock, honey bee or farm-raised fish losses that occurred during calendar year 2008.

For 2008 calendar year livestock, honey bee or farm-raised fish losses, the participant must complete an application for payment no later than December 10, 2009. However, for 2009 and subsequent years, if an eligible participant suffers eligible livestock, honey bee, or farm-raised fish losses because of eligible adverse weather or eligible loss conditions, the **eligible participant 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, honey bee, or farm-raised fish losses, the application for payment must be signed and dated by the participant by December 10, 2009, to be considered timely filed. For 2009 and subsequent calendar year livestock, honey bee, and farm-raised fish 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 ELAP according to paragraph 241.

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-918 or FSA-930 according to subparagraph 231 E.--*

*--296 Application for Payment (Continued)

A Filing Application for Payment (Continued)

FSA-918's and FSA-930's for ELAP will be based on the following:

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

At any point when 1 of these items is different, it will require a separate FSA-918 or FSA-930 to be filed.

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

FSA-918's or FSA-930's shall be filed by eligible participants in **their administrative County Office by physical location county**. The administrative County Office is the County Office designated by FSA to:

- handle official records
- issue payment to eligible livestock, honey bee, or farm-raised fish producers
- make determinations.

A participant's administrative County Office is generally the County Office where the participant'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.

ELAP applications will be filed in the farm's administrative county by physical location county.

Example: Producer A has an interest in farm 1 administered in County A that is physically located in County B. County B is administered out of County A. Producer A suffers a grazing loss on the land physically located in County B. Producer A goes to County A and files FSA-918 for the grazing loss suffered in County B.--*

***--296 Application for Payment (Continued)**

B Signing and Certifying FSA-918 or FSA-930

When signing FSA-918, item 61A, or FSA-930, item 19A the participant is:

- applying for ELAP benefits for the participant listed on FSA-918, item 5 or FSA-930, item 5
- certifying **all** of the following as applicable:
  - information provided on FSA-918 or FSA-930, as applicable, is true and correct
  - claimed livestock, honey bees, or farm-raised fish losses on FSA-918 or FSA-930, as applicable, are eligible according to paragraphs 242
  - all supporting documentation provided are true and correct copies of the transactions reported
  - an eligible grazing loss, feed loss, or physical loss occurred, as applicable, because of an eligible adverse weather or loss condition
  - the physical location of the:
    - claimed livestock, honey bees, or farm-raised fish on the beginning date of the eligible adverse weather or eligible loss condition
    - participant's current livestock, honey bee, or farm-raised fish inventory
  - the names of all other producers that have an interest in the claimed livestock, honey bees, or farm-raised fish including their share
  - authorizing FSA officials to:
    - enter upon, inspect, and verify all applicable livestock, honey bees, or farm-raised fish, acreage, colonies, or pond acres, 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-918 and/or FSA-930 and supporting documents
    - contact other agencies, organizations, or facilities to verify data provided by an participant from such agencies, organizations, or facilities--*****

*--296 Application for Payment (Continued)

B Signing and Certifying FSA-918 or FSA-930 (Continued)

- acknowledging that:
  - failure to provide information requested by FSA is cause for disapproval of FSA-918 or FSA-930
  - providing a false certification to FSA is cause for disapproval of FSA-918 or FSA-930, 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 the application for payment was filed.

C Signature Requirements

All participants' signatures **must** be received 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 losses occurred for 2009 and subsequent calendar years applications for payment.

Neither STC nor COC has authority to approve late-filed FSA-918 or FSA-930.

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.--*

*--296 Application for Payment (Continued)

D Printing and Reviewing FSA-918 or FSA-930

Once the automated system becomes available, all manual FSA-918's or FSA-930's shall be loaded into the automated system. After all information is entered into the automated system, County Offices shall:

- print an automated FSA-918 or FSA-930
- attach the manual FSA-918 or FSA-930 to the applicable automated FSA-918 or FSA-930
- conduct a second party review of all data on the automated FSA-918 or FSA-930 to ensure that all data is the same on both the manual and automated FSA-918 or FSA-930.

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

*--296 Application for Payment (Continued)

E Supporting Documents

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

- no later than December 10, 2009, for 2008 calendar year losses
- no later than 30 calendar days after the end of the calendar year for which benefits are requested for 2009 and subsequent calendar year losses
- before FSA-918 or FSA-930 may be approved.

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

- CCC-901 applicable for 2009 and subsequent calendar years
- AD-1026 applicable for 2008, 2009, 2010, or 2011 calendar year
- CCC-526 or other acceptable document according to 1-PL to determine compliance with average AGI provisions for 2008 calendar year
- CCC-926, or other acceptable document according to 4-PL to determine compliance with AGI provisions for 2009 and subsequent calendar years
- proof of death documentation
- copy of contract growers contracts
- copy of insurance documents to show that risk management purchase requirements have been met
- copies of cash or share lease agreements to show risk in grazing lands.**--***

*--297 Acting on FSA-918 or FSA-930

A Approving FSA-918 or FSA-930

COC or CED **must** act on **all** completed and signed FSA-918's or FSA-930'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-918 or FSA-930. Delegation must be documented in the COC minutes.

Important: DD review of initial FSA-918's or FSA-930's **must** be completed according to subparagraph 297 D before FSA-918's or FSA-930's may be approved or disapproved.

FSA-918 or FSA-930 shall be approved or disapproved as certified by the participant. When more than 1 type of livestock, honey bees, or farm-raised fish is claimed on FSA-918 or FSA-930, FSA-918 or FSA-930 shall be approved or disapproved based on all livestock, honey bees, or farm-raised fish claimed. However, COC does have authority to make adjustments to certain information reported on FSA-918 or FSA-930 when documentation warrants making adjustments.

Example: Jim Brown executes FSA-918 that includes 100 adult beef cows reported in item 16. COC has documentation that only 98 adult beef cows meet the eligibility requirements as eligible livestock in inventory on the beginning date of the eligible flood. In this case, on FSA-918, item 18, COC can enter "98" for adult beef cows and then approve FSA-918 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 for ELAP benefits.**--***

*--297 Acting on FSA-918 or FSA-930 (Continued)

A Approving FSA-918 or FSA-930 (Continued)

Before approving FSA-918 or FSA-930, COC or CED **must**:

- ensure that **all** program eligibility requirements are met
- be satisfied with **all** the following:

  - livestock, honey bees, or farm-raised fish claimed are eligible livestock, honey bees, or farm-raised fish according to paragraphs 242 and 251

  - risk management purchase requirements have been met or a waiver has been approved

  - all forage information entered on FSA-918 meets the eligibility requirements according to paragraphs 242 and 251

  - participant is an eligible producer according to subparagraph 242 I

  - reasonableness of the number and type of livestock, honey bees, or farm-raised fish claimed

  - location of participant's current livestock, honey bee, or farm-raised fish inventory is physically located to conduct spot checks

  - all signature requirements are met.

Note: See subparagraph B when:

- COC or CED questions any data provided by participant
- disapproving FSA-918 or FSA-930.--*

***--297 Acting on FSA-918 or FSA-930 (Continued)**

B Disapproving FSA-918 or FSA-930

COC or CED **must** act on all completed and signed FSA-918's or FSA-930'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-918 or FSA-930.

Important: DD review of initial FSA-918's or FSA-930's must be completed according to subparagraph D before FSA-918's or FSA-930's may be approved or disapproved.

FSA-918 or FSA-930 shall be approved or disapproved as certified by the producer. When more than 1 type of livestock, honey bees, or farm-raised fish is claimed on FSA-918 or FSA-930, FSA-918 or FSA-930 shall be approved or disapproved based on all livestock, honey bees, or farm-raised fish claimed. However, COC does have authority to make adjustments to certain information reported on FSA-918 or FSA-930 when documentation warrants making adjustments.

Example: Jim Brown executes FSA-918 that includes 100 adult beef cows reported in item 16. COC has documentation that only 98 adult beef cows meet the eligibility requirements as eligible livestock in inventory on the beginning date of the eligible flood. In this case, in FSA-918, item 18, COC can enter "98" for adult beef cows and then approve FSA-918 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 for ELAP benefits.

If it is determined that any information provided on FSA-918 or FSA-930 is not reasonable or is questionable, additional verifiable documentation or evidence shall be requested from the participant, in writing, provided. Other agencies, organizations, or facilities may 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-918 or FSA-930 or any additional supporting documentation provided by participant is **not** accurate or reasonable, then the following actions shall be taken:

- disapprove FSA-918 or FSA-930
- 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.**--***

***--297 Acting on FSA-918 or FSA-930 (Continued)**

C Verifying Data With Other Agencies, Organizations, or Facilities

When contacting agencies, organizations, or facilities to verify data provided by a producer, 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-918's or FSA-930's

DD's shall review the first five FSA-918's and FSA-930's submitted, for eligible losses, in each Service Center before approval. The review shall include the following:

- ensuring that FSA-918's or FSA-930's are submitted by participant and 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-502, CCC-901, CCC-926, 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 ELAP in the County Office.

DD review of the initial FSA-918's and FSA-930's and supporting documentation submitted is critical to ensuring ELAP is being administered according the procedures provided in this handbook and the regulations in 7 CFR Part 760, Subparts B and C.

Reviewing the initial FSA-918's and FSA-930's and supporting documentation in a timely manner:

- identifies possible weaknesses in the administration of ELAP that may be resolved by additional training, clarified procedures, or modified software

- prevents numerous participants from being impacted by erroneous ELAP administration

- allows corrections to be made in a timely manner before erroneous payments are issued.--*****

*--298 FSA-918, Emergency Loss Assistance for Livestock Application

A Completing Manual FSA-918

Complete FSA-918 according to the following.

Item	Instruction
1	Enter State and county code. This is the physical location county in which the loss occurred.
2	Enter the calendar year the livestock grazing losses, feed losses, death losses occurred and/or additional expenses were incurred because of an eligible adverse weather or loss condition.
3	Enter County Office name. This is the physical location County Office where the producer's loss occurred.
4	Enter the application number. **Note:** This is an automated system assigned number.
	Part A – Producer Information
5	Enter the producer's name and address.
	Part B – Notice of Loss
6	Select the applicable type(s) of loss being reported. **Note:** More than 1 type of eligible loss may be entered if more than 1 type of eligible loss occurred during the calendar year.
7	Enter the qualifying weather or loss condition(s) that caused the applicable loss or losses entered in item 7. **Notes:** A number should be assigned to each qualifying weather or loss condition. This number will be used to tie the weather or loss condition entered in item 7 to the date of occurrence/when loss was apparent entered in item 8. **Example:** For a freeze and blizzard that occurred on March 1, 2008, and hurricane that occurred on August 1, 2008, item 7 should be completed as follows. **<u>Item 7</u>** 1. Freeze 1. Blizzard 2. Hurricane Multiple weather or loss conditions may be entered if more than 1 eligible weather or loss condition resulted in losses during the calendar year.

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*--298 FSA-918, Emergency Loss Assistance for Livestock Application (Continued)

A Completing Manual FSA-918 (Continued)

Item	Instruction
8	Enter the later of the date(s) when the loss or losses either: • occurred • were apparent to the producer. **Notes:** Enter the number from adverse weather event from item 7 that corresponds with the date of occurrence/when loss was apparent. **Example:** For a freeze and blizzard that occurred on March 1, 2008, and hurricane that occurred on August 1, 2008, items 7 and 8 should be completed as follows. **Item 7**: 1. Freeze; 1. Blizzard; 2. Hurricane **Item 8**: 1. March 1, 2008; 2. August 1, 2008 Multiple dates may be entered if multiple losses resulted from more than 1 eligible weather or loss condition during the calendar year. Dates can be a range of dates.
9	Enter the physical location of the loss/losses at the time they occurred. Include the name of the county where the losses physically occurred or the additional expenses were incurred. **Example:** Knox County, Texas, Farm 2502
10A	Producer or producer's representative may sign to indicate that livestock losses have occurred or additional expenses were incurred because of eligible weather or loss conditions listed in item 7 or were apparent to the producer on the dates listed in item 8. Producer or producer's representative may file a "notice of loss" with the administrative County Office by 1 of the following alternative methods: • phone • FAX • e-mail. Enter the method by which the "notice of loss" was filed in the physical location County Office if the producer or producer's representative did not sign in item 10A.
10B	Signatory in item 10A shall enter their title/relationship when signing in a representative capacity. If a producer/applicant is: • **not** signing in the representative capacity, this field should be left blank • signing on behalf of themselves, it is acceptable to write "self"; however, it is **not** necessary.

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*--298 FSA-918, Emergency Loss Assistance for Livestock Application (Continued)

A Completing Manual FSA-918 (Continued)

Item	Instruction
10C	Producer or producer's representative shall enter the date they signed the "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 10A.
	Part C – Disaster Loss Information for Livestock
11	Enter the physical location of the livestock on the beginning date of the qualifying weather or loss condition(s). Include the name of the county where the loss occurred or the additional expense were incurred. **Example:** Knox County, Texas, Farm 2502
12	Enter the current physical location of the livestock in inventory. **Example:** Knox County, Texas, Farm 2502
13	Enter associated producers who had an ownership share or contract grower share of any livestock entered in item 15 and/or item 48 and indicate their share.
	Part D – Livestock Information - Grazing Losses
14	A sequential corresponding number will be entered in item 14 for each livestock kind/type, and weight range entered in item 15. **Example:** **Item 14** — **Item 15** 1 — Adult Beef Cattle 2 — Nonadult Beef Cattle > 500 lbs. 3 — Equine **Note:** An entry is only required for those livestock that are or would have been grazing the weather or loss condition affected pasture or grazing land acres.
15	Enter the livestock by kind, type, and weight range that were owned/leased by the producer or that the producer was a contract grower of that was in inventory during the 60 calendar days before the beginning date of the applicable eligible weather or loss condition(s) in item 6. **Note:** Livestock kind, type, and weight range can be obtained from the local FSA office or ELAP Fact Sheet located at **http://disaster.fsa.usda.gov**.
16	Enter the number of covered livestock owned, shared, cash leased, or the participant was a contract grower for livestock listed in item 15.
17	Enter the share the producer has in the livestock entered in item 15.
18	COC shall enter the adjusted current year inventory, if applicable. **Notes:** An entry is only required when COC determines a current year inventory different than the current year inventory certified to by the producer in item 16. The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 18.

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*--298 FSA-918, Emergency Loss Assistance for Livestock Application (Continued)

A Completing Manual FSA-918 (Continued)

Item	Instruction
	Part E – Forage Information – Grazing Losses
19	Enter the livestock number or numbers from item 14 for each livestock kind/type and weight range that are grazing or would have been grazing the specific type of pasture entered in item 20. **Example:** Adult beef cattle, nonadult beef cattle weighing over 500 pounds, and equine are grazing the native pasture. FSA-918 entries are as follows. **Item 14** — **Item 15** — **Item 20** 1 — Adult Beef Cattle — 1, 2, 3 2 — Nonadult Beef Cattle > 500 lbs. 3 — Equine
20	Enter all pasture types for owned or cash leased land normally used in the operation to support the eligible livestock during the qualifying adverse weather or loss condition(s) affected by the eligible weather or loss condition(s) for the applicable livestock number(s). Pasture types include the following: • native • improved • forage sorghums • small grains. **Note: Only enter pasture types for Federal or State land if the agreement is by the acres and does not provide for an allotted number of AU's or AUM's that can be grazed for an established period of time**.
21	Enter the acres, by physical location county, associated with each pasture type entered in item 20.
22	Enter the actual number of days the producer's eligible livestock were unable to graze each specific type of pasture entered in item 20 because of the qualifying weather or loss condition(s).
23	County Office shall enter the applicable carrying capacity for the specific type of pasture entered in item 20.
24	COC shall enter the adjusted acres, if applicable. **Notes:** An entry is only required when COC determines acres different than the acres certified to by the producer in item 21. The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 24.
25	COC shall enter the adjusted number of lost grazing days, if applicable. **Notes:** An entry is only required when COC determines a different number of lost grazing days than the number of grazing days lost as certified by the producer in item 22. The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 25.

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*--298 FSA-918, Emergency Loss Assistance for Livestock Application (Continued)

A Completing Manual FSA-918 (Continued)

Item	Instruction
26	Enter the livestock number or numbers from item 14 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.
27	Enter all pasture types for AUM or AU leased land normally used in the operation to support eligible livestock during the affected qualifying weather event or loss condition(s) for the livestock number(s) entered in item 26. Pasture types include the following: • native • improved • forage sorghums • small grains. **Note: 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 20**.
28	Enter the number of AU's allowed by the pasture type entered in item 27. **Example 1:** 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. **Example 2:** 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. 500 AUM's / 5 months = 100 AU's
29	Enter the actual number of days the producer's eligible livestock were unable to graze each specific type of pasture entered in item 27 because of the qualifying weather or loss condition(s).
30	COC shall enter the adjusted AU's, if applicable. **Notes:** An entry is only required when COC determines AU's different than AU's certified to by the producer in item 28. The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 30.

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*--298 FSA-918, Emergency Loss Assistance for Livestock Application (Continued)

A Completing Manual FSA-918 (Continued)

Item	Instruction
31	COC shall enter the adjusted number of lost grazing days, if applicable. **Notes:** An entry is only required when COC determines a different number of lost grazing days than the number of grazing days lost as certified by the producer in item 29. The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 31.
32	Enter all pasture types of land that was affected by wildfire on all non-Federal managed lands. Pasture types include the following: • native • improved • small grains • forage sorghums.
33	Enter the number of acres affected by the wildfire for the applicable pasture type(s) listed in item 32.
34	Enter the actual number of days the producer's eligible livestock were unable to graze each specific type of pasture entered in item 32 because of fire.
35	Enter COC established carrying capacity for the applicable pasture type(s) listed in item 32.
36	COC shall enter the adjusted affected acres, if applicable. **Notes:** An entry is only required when COC determines affected acres different than the affected acres certified to by the producer in item 33. The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 36.
37	COC shall enter the adjusted lost grazing days, if applicable. **Notes:** An entry is only required when COC determines adjusted lost grazing days different than the adjusted lost grazing days certified to by the producer in item 34. The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 37.
Part F – Value of Produced Feed Lost	
38	Enter the type of produced feed which was lost because of a qualifying weather or loss condition.
39	Enter the eligible quantity of produced feed which was lost because of a qualifying weather or loss condition, such as tons of hay lost or tons of silage lost.

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*--298 FSA-918, Emergency Loss Assistance for Livestock Application (Continued)

A Completing Manual FSA-918 (Continued)

Item	Instruction
40	Enter the dollar value of produced feed lost.
41	COC shall enter adjusted quantity of produced feed lost, if applicable. **Notes:** An entry is only required when COC determines a quantity of produced feed lost different than the quantity of produced feed lost certified to by the producer in item 39. The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 41.
42	COC shall enter adjusted dollar value of produced feed lost, if applicable. **Notes:** An entry is only required when COC determines a dollar value of produced feed lost different than the dollar value of produced feed lost certified to by the producer in item 40. The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 42.
Part G – Value of Purchased Feed Lost, Additional Feed Purchased, Additional Expenses	
43	Enter the type of feed purchased that was lost, additional feed purchased to sustain livestock, or additional expenses incurred, such as tons of hay purchased, cost incurred for clearing snow to provide feed to livestock, etc.
44	Enter the dollar value of purchased feed lost, additional feed purchased above normal to sustain livestock, or additional expenses incurred.
45	COC shall enter adjusted value of purchased feed lost, additional feed purchased/additional expenses incurred, if applicable. **Notes:** An entry is only required when COC determines a dollar value of purchased feed lost, additional feed purchased, or additional expenses incurred different than the dollar value certified to by the producer in item 44. The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 45.

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*--298 FSA-918, Emergency Loss Assistance for Livestock Application (Continued)

A Completing Manual FSA-918 (Continued)

Item	Instruction
	Part H – Livestock Death Loss Information
46	Enter the corresponding loss condition date number listed in item 8
47	Check (✓) "Yes" if the producer in item 5 is a contract grower. Otherwise, check (✓) "No".
48	Enter livestock kind, type, and weight range for which loss occurred. 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: • nonadult beef cattle under 400 lbs. (original) • nonadult beef cattle 400 lbs. or more (new). **Notes:** Losses occurring for the nonadult beef cattle 400 lbs. or more (new) would be recorded in item 50. An entry would **not** be entered item 49. An entry in this field is always required when there is a loss in a particular kind, type, and weight range of livestock. Livestock by kind, type, and weight range can be obtained from the local FSA office or ELAP Fact Sheet located at **http://disaster.fsa.usda.gov**.
49	Enter the total number of eligible livestock listed in item 48 in inventory on the beginning date of the eligible loss condition in item 8 when 1 of the following apply: • loss being reported is the first loss of livestock incurred for the particular kind, type, and weight range of livestock listed in item 48 for the loss condition referenced in item 7 **Example:** Producer A lost 10 head of adult beef cows out of the 100 head of adult beef cows in inventory because of an eligible loss condition 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 loss condition. Producer A would enter "100" as inventory in item 49. • 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 loss condition. **Example:** Producer A lost 10 head of adult beef cows out of the 100 head of adult beef cows in inventory because of an eligible loss condition 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 loss condition. Producer A would enter "100" as inventory in item 49 for loss condition date number 1. 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 another eligible loss condition. Producer A would enter "100" as inventory in FSA-918, item 49 for loss condition date number 2.

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*--298 FSA-918, Emergency Loss Assistance for Livestock Application (Continued)

A Completing Manual FSA-918 (Continued)

Item	Instruction
49 (Ctnd)	**Note: Do not record an entry in item 49 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-918.** **Example:** Producer A initially reports 100 head of adult beef cows in inventory in FSA-918, item 49 on May 1, 2009. Producer A reports that he lost 10 head because of an eligible loss condition on May 1, 2009. On June 1, 2009, Producer A, reports that he lost an additional 5 head of adult beef cows because of another eligible loss condition. Producer A will not record an entry in FSA-918, item 49. Producer A will only enter the 5 head of adult beef cows lost in FSA-918, item 50 for the additional 5 head lost because of the eligible loss condition. 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 loss condition, 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. **Example:** 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. 10 adult beef cows are lost because of an eligible loss condition on farm 1 and 10 adult beef cows are lost because of the same eligible loss condition on farm 2. Determine the number of eligible livestock to be entered as inventory in item 49 for Producer A according to the following: • 200 head x 100 percent share = 200 head • 200 head x 50 percent share = 100 head. 200 head + 100 head = **300 head** (number of inventory to enter for Producer A in item 49)

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*--298 FSA-918, Emergency Loss Assistance for Livestock Application (Continued)

A Completing Manual FSA-918 (Continued)

Item	Instruction
50	Enter the number of head of livestock by kind/type and weight range that died because of the eligible loss condition referenced in item 7. **Important:** An entry in this field is always required when there is a loss in a particular kind, type, and weight range of livestock. **Notes:** 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 loss condition(s) in item 7. The livestock must have also died during the calendar year for which benefits are being requested. 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 loss condition, 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. **Example:** 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. 10 adult beef cows are lost because of an eligible loss condition adverse weather event on Farm 1 and 10 adult beef cows are lost because of the same eligible loss condition on Farm 2. Determine the number of eligible livestock to be entered as lost in item 50 for Producer A according to the following: • 10 head lost x 100 percent share = 10 head • 10 head lost x 50 percent share = 5 head. 10 head lost + 5 head lost = **15 head** (number of adult beef cows lost to enter for Producer A in item 16)

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*--298 FSA-918, Emergency Loss Assistance for Livestock Application (Continued)

A Completing Manual FSA-918 (Continued)

Item	Instruction
51	Enter the number of livestock that died because of normal mortality on or after the date of the first loss condition in item 7. **Example:** Producer A has a 100 percent ownership interest in 100 head of adult beef cows that are lost because of an eligible loss condition. 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 loss condition. On October 11, 2009, Producer A enters “100” in item 49 and “10” in item 50. No entry would be made in item 51 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 loss condition. On October 15, 2009, Producer A loses 2 adult beef cows to normal mortality. Producer A revises FSA-918 by entering “2” in item 51 and provides documentation to the County Office to support livestock deaths because of normal mortality.
52	COC shall enter the adjusted inventory, if applicable. **Notes:** An entry is only required when COC determines an inventory different than the inventory certified to by the producer in item 49. The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 52.
53	COC shall enter the adjusted number of livestock lost because of an eligible loss condition, if applicable. **Notes:** An entry is only required when COC determines the number of eligible livestock lost because of an eligible loss condition is different than the number of livestock certified to by the producer as lost because of the eligible loss condition in item 50. The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 53.
54	COC shall enter the adjusted number of livestock lost because of normal mortality, if applicable. **Notes:** 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 in item 51. The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 54.

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*--298 FSA-918, Emergency Loss Assistance for Livestock Application (Continued)

A Completing Manual FSA-918 (Continued)

Item	Instruction
Part I – Documentation of Inventory	
55	Enter the type of supporting documentation provided by the producer to verify beginning inventory.
56	Enter the total number of livestock supported by the documentation provided in item 55.
Part J – Documentation to Verify Livestock Losses	
57	Enter the type of supporting documentation provided by the producer to verify livestock death losses in item 50.
58	Enter the total number of livestock supported by the documentation provided in item 57.
Part K – Other Compensation/Reductions	
59	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).
60	Enter amount of compensation received from other disaster assistance programs for the same grazing, feed, livestock death losses, or additional expenses.
Part L – Producer Certification	
61A through 61C	After reading the certification, producer or producer's representative shall sign and date. Signatory in item 61A shall enter title/relationship when signing in the representative capacity. If a producer/applicant is: • **not** signing in the representative capacity, this field should be left blank • signing on behalf of themselves, it is acceptable to write "self"; however, it is **not** necessary.
Part M – County Committee Determination	
62A	Enter COC signature.
62B	Enter date of COC action.
62C	Check (✓) "Approved" or "Disapproved". **Important:** FSA-918 shall be approved or disapproved as certified by the producer after applicable COC adjustment fields are completed.

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*--298 FSA-918, Emergency Loss Assistance for Livestock Application (Continued)

B Example of FSA-918

This form is available electronically

FSA-918 (09-11-09) **U.S. DEPARTMENT OF AGRICULTURE** Farm Service Agency

EMERGENCY LOSS ASSISTANCE FOR LIVESTOCK APPLICATION

1. State and County Code	2. Calendar Year
48 009	2008
3. County Office Name	**4. Application Number**
Knox	2008

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 indentified 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

5. Producer's Name and Address *(City, State and Zip Code)*
Sam Jones
1000 Star Street
Knox City, Texas 11134

PART B – NOTICE OF LOSS

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

6. Type of Loss *(Check)*
☑ Grazing Loss ☐ Additional Expenses ☐ Feed Loss ☐ Livestock Deaths

7. Qualifying Weather or Loss Condition(s)
1. Flooding

8. Date(s) of Occurrence/When Loss Was Apparent
1. June 1, 2008 through June 15, 2008

9. Physical Location of Loss(es)
Farm 44

10A. Producer's Signature (By)	10B. Title/Relationship of the Individual Signing in the Representative Capacity	10C. Date (MM-DD-YYYY)
		09-14-2009

PART C – DISASTER LOSS INFORMATION FOR LIVESTOCK

11. Where were the livestock physically located on the beginning date of the qualifying weather or loss condition(s)? *(Include County name, farm number, etc.)*
Knox County, Texas Farm 44

12. Where is the current physical location of the livestock in inventory?
Knox County, Texas Farm 44

13. Associated Producers *(List all other producers that have an ownership share of any livestock listed in Item 15 and/or Item 48 and indicate their share).*
None

PART D – LIVESTOCK INFORMATION - GRAZING LOSSES

14. Livestock Number	15. Livestock Kind/Type and Weight Range	16. Current Year Inventory	17. Share	COC USE ONLY 18. COC Adjusted Current Year Inventory
1	Adult Beef Cattle	100	100.00	

PART E – FORAGE INFORMATION – GRAZING LOSSES

19. Livestock Number	20. Pasture Type – Owned or Cash Leased Land (Non-Fire Affected)	21. Acres	22. Lost Grazing Days	COC USE ONLY 23. Carrying Capacity	24. COC Adjusted Acres	25. COC Adjusted Lost Grazing Days
1	Native	2000.0	30	20.0		

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*--298 FSA-918, Emergency Loss Assistance for Livestock Application (Continued)

B Example of FSA-918 (Continued)

FSA-918 (09-11-09) Page 2 of 3

PART E – FORAGE INFORMATION – GRAZING LOSSES (CONTINUED)

26. Livestock Number	27. Pasture Type – AUM/AU Leased Land (Non-Fire Affected)	28. Animal Units	29. Lost Grazing Days	COC USE ONLY 30. COC Adjusted Animal Units	31. COC Adjusted Lost Grazing Days

32. Pasture Type – Non-Federal Managed Lands (Fire Affected)	33. Affected Acres	34. Lost Grazing Days	COC USE ONLY 35. Carrying Capacity	36. COC Adjusted Affected Acres	37. COC Adjusted Lost Grazing Days

PART F - VALUE OF PRODUCED FEED LOST

38. Type of Feed Produced	39. Eligible Quantity Lost	40. Dollar Value Lost	COC USE ONLY 41. COC Adjusted Quantity Lost	42. COC Adjusted Dollar Value

PART G - VALUE OF PURCHASED FEED LOST, ADDITIONAL FEED PURCHASED, ADDITIONAL EXPENSES

43. Type of Feed Purchased and/or Additional Expense Incurred	44. Dollar Value Lost/Expense Incurred	COC USE ONLY 45. COC Adjusted Value Lost/Expense Incurred

PART H – LIVESTOCK DEATH LOSS INFORMATION

46. Loss Condition Date Number	47. Contract Grower		48. Livestock Kind/Type and Weight Range	49. Inventory	50. Number Lost Due to Eligible Loss Conditions	51. Number Lost Due to Normal Mortality	COC USE ONLY 52. COC Adjusted Inventory	53. COC Adjusted Number Lost Due to Eligible Loss Conditions	54. COC Adjusted Number Lost Due to Normal Mortality
	Yes	No							

PART I – DOCUMENTATION OF INVENTORY

55. Describe the document(s) provided to verify beginning inventory. Attach copies of documents	56. 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.	

PART J – DOCUMENTATION TO VERIFY LIVESTOCK LOSSES

57. Describe the document(s) provided to verify livestock losses. Attach copies of documents.	58. Number of Livestock
Example: Rendering receipt for pick up of 10 pigs March 12, 2007	10
A.	
B.	
C.	
D.	

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*--298 FSA-918, Emergency Loss Assistance for Livestock Application (Continued)

B Example of FSA-918 (Continued)

FSA-918 (09-11-09) Page 3 of 3

PART K – OTHER COMPENSATION/REDUCTIONS

59. Other Compensation *(Contract Grower Only)*: $ 0

60. Reductions: $ 0

PART L – PRODUCER CERTIFICATION

Payments under the Emergency Loss Assistance for Livestock will be made to provide emergency relief to producers of livestock due to losses from qualifying weather or loss conditions as determined by the Secretary. Each producer must file a separate form FSA-918 to be eligible to receive program benefits. By signing this application, the producer:

1. 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;
2. 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;
3. 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;
4. 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; and

I certify that:

1. 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 organization structure, the entity is organized under State law.
2. On the beginning date of the qualifying weather or loss condition(s) in Item 7, I owned, leased, purchased, entered into a contract to purchase, or was a contract grower of the livestock entered in Item 15 or Item 48 on this application;
3. All livestock entered on this application meet all eligibility criteria provided in 7 CFR Part 760 Subpart C, including being maintained by me for commercial use as part of my farming operation, and if applicable, are livestock that would normally have been grazing the eligible grazing land or pastureland on the beginning date of the qualifying weather or loss condition(s);
4. All forage information entered on this application meets all eligibility criteria provided in 7 CFR Part 760 Subpart C;
5. All information on this application and all supporting documents provided is true and correct;
6. Within the county provided in Item 9 and as a direct result of the qualifying weather or loss condition(s) listed in Item 7, I have suffered an eligible grazing loss, feed loss, death loss, or incurred additional expenses for the livestock entered on this application in Items 15 or Item 48;
7. I understand to be eligible for this program, I must have obtained with respect to all farms for which I have an interest for which coverage is available, for all insurable crops, at least the catastrophic level of coverage or better under a plan or policy of insurance administered by RMA under FCIA, except this obligation will not include crop insurance pilot programs so designated by RMA and will not include forage on grazing land; and for all noninsurable crops, have obtained NAP coverage by filing the proper paper work and fee within the relevant deadlines, except that this requirement will not include forage on grazing land; or have been approved for a waiver to meet the Risk Management Purchase Requirements.
8. All benefits received under any other Federal disaster payment program for the same grazing losses, livestock death loss, and loss year have been reported on this application in Item 60; and
9. 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.

61A. Signature (By)	61B. Title/Relationship of the individual signing in the Representative Capacity	61C. Date (MM-DD-YYYY)
		09-14-2009

PART M - COUNTY COMMITTEE DETERMINATION

62A. COC or Designee Signature	62B. Date (MM-DD-YYYY)	62C. Determination
		☐ APPROVED ☐ DISAPPROVED

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 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.

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*--299 FSA-930, Emergency Loss Assistance for Farm-Raised Fish/Honey Bees Application

A Completing Manual FSA-930

Complete FSA-930 according to the following:

Item	Instruction
1	Enter State and county code. This is the physical location of the county in which the loss occurred.
2	Enter the calendar year the eligible farm-raised fish or honey bee losses occurred and/or additional expenses were incurred because of an eligible adverse weather or loss condition.
3	Enter County Office name. This is the physical location County Office where the producer's losses occurred/additional expenses were incurred.
4	Enter the application number. **Note:** This is an automated system assigned number.
	Part A – Producer Information
5	Enter the producer's name and address.
	Part B – Notice of Loss
6	Enter the later of the date(s) when the loss or losses: • occurred • were apparent to the producer. **Notes:** A number should be assigned to each date of occurrence/when loss was apparent. This number will be used to associate the adverse weather or loss condition(s) entered in item 7 to the date of occurrence/when loss was apparent. **Example:** For a flood and tornado that occurred on March 1, 2008, and hurricane that occurred on August 1, 2008, item 6 should be completed as follows. **<u>Item 6</u>** 1. March 1, 2008 2. August 1, 2008 Multiple adverse weather or loss conditions may be entered if more than 1 eligible adverse weather or loss condition resulted in losses during the calendar year.

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*--299 FSA-930, Emergency Loss Assistance for Farm-Raised Fish/Honey Bees Application (Continued)

A Completing Manual FSA-930 (Continued)

Item	Instruction
7	Enter the eligible adverse weather or loss condition(s) that caused the loss or losses or resulted in the additional expense. **Notes:** Enter the number from date of occurrence/when loss was apparent from item 6 that corresponds with the adverse weather and/or loss condition(s). **Example**: For a flood and tornado that occurred on March 1, 2008, and hurricane that occurred on August 1, 2008, item 6 should be completed as follows. **Item 6**: 1. March 1, 2008; 2. August 1, 2008 **Item 7**: 1. Flood; 1. Tornado; 2. Hurricane Multiple entries may be made if more than 1 eligible adverse weather or loss condition resulted in losses during the calendar year.
8A	Producer or producer's representative may sign to indicate that farm-raised fish or honey bee losses have occurred or additional expenses were incurred because of eligible adverse weather or loss conditions listed in item 7 and occurred or were apparent to the producer on the dates listed in item 6. Producer or producer's representative may file a "notice of loss" with the administrative County Office by 1 of the following alternative methods: • phone • FAX • e-mail. Enter the method by which the "notice of loss" was filed in the physical location County Office if the producer or producer's representative did not sign in item 8A.
8B	Signatory in item 8A shall enter the title/relationship when signing in a representative capacity. If a producer/applicant is: • **not** signing in the representative capacity, this field should be left blank • signing on behalf of themselves, it is acceptable to write "self"; however, it is **not** necessary.
8C	Producer or producer's representative shall enter date they signed the "notice of loss" or County Office employee shall enter the date producer or producer's representative reported "notice of loss" using 1 of the alternative methods in item 8A.

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*--299 FSA-930, Emergency Loss Assistance for Farm-Raised Fish/Honey Bees Application (Continued)

A Completing Manual FSA-930 (Continued)

Item	Instruction
	Part C – Location and Associated Producer Information
9	Enter the physical location of where the farm-raised fish, honey bee colonies, and/or honey bee hives were physically located on the beginning date of the qualifying weather or loss condition(s). Include the name of the county where the losses occurred and or additional expenses were incurred. **Example:** Knox County, Texas, Farm 2502
10	Enter associated producers who had an ownership share or lease interest in any of the farm-raised fish and/or honey bee colonies or hives entered in items 11B, 13B, or 15B and their shares.
	Part D – Farm-Raised Fish Death Loss Information
11A	Enter the corresponding date of occurrence number listed in item 6.
11B	Enter the type, kind, and size of each farm-raised fish for which loss occurred. **Important:** An entry in this field is always required when there is a loss in a particular type, kind, and size of farm-raised fish. **Note:** Separate line entries by type, kind, and size are required when producer shares are different. **Example:** **Item 11B** — Baitfish/Fathead minnow; **Item 11G** — 1.0000 Baitfish/Fathead minnow — 0.7500
11C	Enter the unit of measure, pounds, pieces, inches, or gallons, as determined by STC.
11D	Enter the **beginning** inventory of farm-raised fish immediately before the beginning date of the qualifying adverse weather or loss condition(s) listed in item 6.
11E	Enter the **ending** inventory immediately after the end of the qualifying adverse weather or loss condition(s) listed in item 7.
11F	Enter amount of ineligible farm-raised fish losses reported by the producer, if applicable.
11G	Enter the share the producer has in the farm-raised fish in item 11B.
11H	COC shall enter the adjusted beginning inventory before loss, if applicable. **Notes:** An entry is only required when COC determines a beginning inventory (before loss) different than the beginning inventory (before loss) certified to by the producer in item 11D. The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 11H.

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*--299 FSA-930, Emergency Loss Assistance for Farm-Raised Fish/Honey Bees Application (Continued)

A Completing Manual FSA-930 (Continued)

Item	Instruction
11I	COC shall enter the adjusted ending inventory after loss, if applicable. **Notes:** An entry is only required when COC determines an ending inventory (after loss) different than the ending inventory (after loss) certified to by the producer in item 11E. The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 11I.
11J	COC shall enter the adjusted ineligible inventory lost, if applicable. **Notes:** An entry is only required when COC determines an ineligible inventory lost different than the ineligible inventory lost certified to by the producer in item 11F. The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 11H.
Part E – Farm-Raised Fish Documentation of Value	
12A	Enter a sequential number for each receipt provided by the producer.
12B	Enter a description of each receipt provided to document the value or replacement cost of the bait fish or game fish.
12C	Enter the quantity of the bait fish or game fish from the receipt.
12D	Enter the dollar value of each receipt.
12E	COC shall enter the adjusted quantity, if applicable. **Notes:** An entry is only required when COC determines a quantity different than the quantity on the receipt recorded in item 12C. The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 12E.
12F	COC shall enter the adjusted dollar value of each receipt, if applicable. **Notes:** An entry is only required when COC determines a dollar value different than the dollar value on the receipt recorded in item 12D. The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 12F.
Part F – Honey Bee Colony Loss Information	
13A	Enter the corresponding date of occurrence number listed in item 6.
13B	Enter the **beginning** inventory of honey bee colonies immediately before the beginning date of the eligible adverse weather or loss condition(s) listed in item 6. Make separate line entries for different shares.
13C	Enter the total number of honey bee colonies lost. Make separate line entries for different shares.

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*--299 FSA-930, Emergency Loss Assistance for Farm-Raised Fish/Honey Bees Application (Continued)

A Completing Manual FSA-930 (Continued)

Item	Instruction
13D	Enter the total number of honey bee colonies lost because of an ineligible adverse weather or loss condition. Make separate line entries for different shares.
13E	Enter the share the producer has in the honey bee colony in item 13B.
13F	COC shall enter the adjusted beginning inventory of honey bee colonies, if applicable. **Notes:** An entry is only required when COC determines a beginning inventory of honey bee colonies different than the beginning inventory of honey bee colonies certified to by the producer in item 13B. The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 13F.
13G	COC shall enter the adjusted number of honey bee colonies lost, if applicable. **Notes:** An entry is only required when COC determines a number of honey bee colonies lost different than the number of honey colonies lost certified to by the producer in item 13C. The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 13G.
13H	COC shall enter the adjusted ineligible honey bee colonies lost, if applicable. **Notes:** An entry is only required when COC determines ineligible honey bee colonies lost different than the ineligible honey bee colonies lost certified to by the producer in item 13D. The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 13H.
Part G – Honey Bee Colony Documentation of Value	
14A	Enter a sequential number for each receipt provided by the producer.
14B	Enter a description of each receipt provided to document the value or replacement cost of the honey bee colony.
14C	Enter the quantity of honey bee colonies from the receipt.
14D	Enter the dollar value of each receipt.
14E	COC shall enter the adjusted quantity, if applicable. **Notes:** An entry is only required when COC determines a quantity different than the quantity on the receipt recorded in item 14C. The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 14E.

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*--299 FSA-930, Emergency Loss Assistance for Farm-Raised Fish/Honey Bees Application (Continued)

A Completing Manual FSA-930 (Continued)

Item	Instruction
14F	COC shall enter the adjusted dollar value of each receipt, if applicable. **Notes:** An entry is only required when COC determines a dollar value different than the dollar value on the receipt recorded in item 14D. The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 14F.
	Part H – Honey Bee Hive Loss Information
15A	Enter the corresponding date of occurrence number listed in item 6.
15B	Enter the **beginning** inventory of honey bee hives immediately before the beginning date of the eligible adverse weather or loss condition(s) listed in item 6. **Note:** Make separate line entries for different shares.
15C	Enter the total number of honey bee hives lost. **Note:** Make separate line entries for different shares.
15D	Enter the total number of honey bee hives lost because of an ineligible adverse weather or loss condition(s). **Note:** Make separate line entries for different shares.
15E	Enter the share the producer has in the honey bee colony in item 15B.
15F	COC shall enter the adjusted beginning inventory of honey bee hives, if applicable. **Notes:** An entry is only required when COC determines a beginning inventory of honey bee hives different than the beginning inventory of honey bee hives certified to by the producer in item 15B. The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 15F.
15G	COC shall enter the adjusted total number of honey bee hives lost, if applicable. **Notes:** An entry is only required when COC determines a total number of honey bee hives lost different than the total number of honey bee hives lost certified to by the producer in item 15C. The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 15G.
15H	COC shall enter the adjusted ineligible honey bee hives lost, if applicable. **Notes:** An entry is only required when COC determines ineligible honey bee hives lost different than ineligible honey bee hives lost certified to by the producer in item 15D. The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 15H.

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*--299 FSA-930, Emergency Loss Assistance for Farm-Raised Fish/Honey Bees Application (Continued)

A Completing Manual FSA-930 (Continued)

Item	Instruction
Part I – Honey Bee Hive Documentation of Value	
16A	Enter a sequential number for each receipt provided by the producer.
16B	Enter a description of each receipt provided to document the value or replacement cost of the bee hives.
16C	Enter the quantity of bee hives on each receipt.
16D	Enter the dollar value of each receipt.
16E	COC shall enter the adjusted quantity, if applicable. **Notes:** An entry is only required when COC determines a quantity different than the quantity on the receipt recorded in item 16C. The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 16E.
16F	COC shall enter the adjusted dollar value of each receipt, if applicable. **Notes:** An entry is only required when COC determines a dollar value different than the dollar value on the receipt recorded in item 16D. The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 16F.
Part J – Value of Purchased Feed Lost and/or Additional Expenses – Farm-Raised Fish and Honey Bees	
17A	Enter the corresponding number for the adverse weather or loss condition(s) date from item 6.
17B	Enter type of purchased feed lost and/or additional expenses incurred for farm-raised fish and/or honey bees.
17C	Enter the dollar value of purchased feed lost and/or additional expenses. **Note:** Make separate line entries for different shares.
17D	Enter share applicable to each line entry.
17E	COC shall enter the adjusted value of feed lost or additional expenses incurred, if applicable. **Note:** An entry is only required when COC determines a value of feed lost or additional expense incurred different than the dollar value of feed lost or additional expenses incurred reported by the producer in item 17C. The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 17E.
Part K –Payment Reductions	
18	Enter amount of compensation received from other disaster assistance programs for the same or similar losses or additional expenses incurred.

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*--299 FSA-930, Emergency Loss Assistance for Farm-Raised Fish/Honey Bees Application (Continued)

A Completing Manual FSA-930 (Continued)

Item	Instruction
Part L – Producer Certification	
19A through 19C	After reading the certification, producer or producer's representative signs and dates. Signatory in item 19A shall enter title/relationship when signing in the representative capacity. If a producer/applicant is: • **not** signing in the representative capacity, this field should be left blank • signing on behalf of themselves, it is acceptable to write "self"; however, it is **not** necessary.
Part M – County Committee Determination	
20A	Enter COC signature.
20B	Enter date of COC action.
20C	CHECK (✓) "Approved" or "Disapproved". **Important:** FSA-930 shall be approved or disapproved as certified by the producer after applicable COC adjustment fields are completed.

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*--299 FSA-930, Emergency Loss Assistance for Farm-Raised Fish/Honey Bees Application (Continued)

B Example of FSA-930

This form is available electronically.

FSA-930 (09-11-09) **U.S. DEPARTMENT OF AGRICULTURE** Farm Service Agency

EMERGENCY LOSS ASSISTANCE FOR FARM-RAISED FISH/HONEY BEES APPLICATION

1. State and County Code	2. Calendar Year
48 009	2009
3. County Office Name	**4. Application Number**
Castro	409

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 indentified on this form is 7 CFR Part 760 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

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

Johnson Apiaries
P. O. Box 100
Dimmitt, Texas 12345

PART B – NOTICE OF LOSS

6. Date(s) of Occurrence/When Loss Was Apparent	7. Qualifying Adverse Weather and/or Loss Condition(s):
1. October 1, 2009	1. Colony Collapse Disorder

8. I am reporting that I have incurred losses and/or additional expenses due to the qualifying adverse weather and/or loss condition(s) listed in Item 7 and the losses occurred or additional expenses incurred 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)*
		10-14-2009

PART C – LOCATION AND ASSOCIATED PRODUCER INFORMATION

9. Where were the claimed farm-raised fish, honey bee colonies, and/or honey bee hives physically located on the beginning date of the qualifying weather or loss condition(s)? *(Include County name, farm number etc.)*

Castro County, Texas Farm 1010

10. Associated Producers *(List all other producers that have an ownership share of any honey bee colonies/hives and/or farm-raised fish).*

None

PART D – FARM-RAISED FISH DEATH LOSS INFORMATION

11A. Date of Occurrence Number	11B. Type/Kind/Size	11C. Unit of Measure	11D. Beginning Inventory *(Before Loss)*	11E. Ending Inventory *(After Loss)*	11F. Ineligible Inventory Lost	11G. Share	COC USE ONLY 11H. Adjusted Beginning Inventory *(Before Loss)*	11I. Adjusted Ending Inventory *(After Loss)*	11J. Adjusted Ineligible Inventory Lost

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*--299 FSA-930, Emergency Loss Assistance for Farm-Raised Fish/Honey Bees Application (Continued)

B Example of FSA-930 (Continued)

FSA-930 (09-11-09) Page 2 of 3

PART E – FARM-RAISED FISH DOCUMENTATION OF VALUE

12A. Receipt Number	12B. Documentation Description	12 C. Quantity	12D. Dollar Value	COC USE ONLY 12E. Adjusted Quantity	12F. Adjusted Dollar Value

PART F – HONEY BEE COLONY LOSS INFORMATION

13A. Date of Occurrence Number	13B. Beginning Inventory of Honey Bee Colonies	13C. Total Number of Honey Bee Colonies Lost	13D. Ineligible Honey Bee Colonies Lost	13E. Share	COC USE ONLY 13F. Adjusted Beginning Colony Inventory	13G. Adjusted Total Number of Colonies Lost	13H. Adjusted Ineligible Colonies Lost
1	500	275	50	100.00			

PART G – HONEY BEE COLONY DOCUMENTATION OF VALUE

14A. Receipt Number	14B. Documentation Description	14C. Quantity	14D. Dollar Value	COC USE ONLY 14E. Adjusted Quantity	14F. Adjusted Dollar Value
1	Jackson Apiaries Wholesale Receipt	275	$5000.00		

PART H – HONEY BEE HIVE LOSS INFORMATION

15A. Date of Occurrence Number	15B. Beginning Inventory of Honey Bee Hives	15C. Total Number of Honey Bee Hives Lost	15D. Ineligible Honey Bee Hives Lost	15E. Share	COC USE ONLY 15F. Adjusted Beginning Hive Inventory	15G. Adjusted Total Number of Hives Lost	15H. Adjusted Ineligible Hives Lost

PART I – HONEY BEE HIVE DOCUMENTATION OF VALUE

16A. Receipt Number	16B. Documentation Description	16C. Quantity	16D. Dollar Value	COC USE ONLY 16E. Adjusted Quantity	16F. Adjusted Dollar Value

PART J- VALUE OF PURCHASED FEED LOST AND/OR ADDITIONAL EXPENSES – FARM-RAISED FISH AND HONEY BEES

17A. Date of Occurrence Number	17B. Type of Feed Lost or Additional Expense Incurred	17C. Value of Feed Lost or Additional Expense Incurred	17D. Share	COC USE ONLY 17E. Adjusted Value of Feed Lost or Additional Expense Incurred
		$		$
		$		$
		$		$
		$		$

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*--299 FSA-930, Emergency Loss Assistance for Farm-Raised Fish/Honey Bees Application (Continued)

B Example of FSA-930 (Continued)

FSA-930 (09-11-09) Page 3 of 3

PART K – PAYMENT REDUCTIONS

18. Payment Reduction Amount $ 0

PART L – PRODUCER CERTIFICATION

Payments under the Emergency Assistance for Honey Bees and Farm-Raised Fish will be made to provide emergency relief to producers of honey bees and/or farm-raised fish due to losses from adverse weather or loss conditions as determined by the Secretary. Each producer must file a separate form FSA-930 to be eligible to receive program benefits. By signing this application, the producer or producers:

1. 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;

2. Authorizes FSA, at any time, with or without their presence, to enter upon, inspect and verify all honey bee colonies, honey bee hives, farm-raised fish, ponds, and acres in which they have an interest;

3. Agrees to comply with, and acknowledges they and their application are subject to, all the regulations governing the program and understands that instructions and assistance are available for completing this form; and,

4. Authorizes FSA to obtain from third parties, such as, but not limited to, other government agencies, individuals, suppliers, contractors, or processors, feed cooperatives, and feed supply companies, any records or other evidence that substantiates the information provided on this application or any supporting documentation provided.

I certify that:

1. 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;

2. On the beginning date of the adverse weather or loss condition(s) in Item 6, I owned all honey bee colonies, honey bee hives, and/or farm raised fish entered on this application and physically maintained control of all such honey bees and/or farm-raised fish on that date for commercial use as part of my farming operation;

3. All honey bee colonies, honey bee hives, and/or farm-raised fish entered as lost on this application perished during the calendar year in Item 2 as a direct result of a qualifying adverse weather or loss condition(s) entered in Item 7 in the county provided in Item 3, and all losses occurred or additional expenses were incurred on or after January 1, 2008, and before October 1, 2011;

4. All information on this application and all supporting documents I provided are true and correct;

5. Within the county provided in Item 3 and as a direct result of the qualifying adverse weather and/or loss condition(s) listed in Item 7, I have suffered an eligible loss of honey bee colonies, honey bee hives, and/or farm-raised fish; feed losses, or incurred additional expenses for the honey bees or farm-raised fish entered on this application;

6. I understand to be eligible for this program, I must have obtained with respect to all farms for which I have an interest for which coverage is available, for all insurable crops, at least the catastrophic level of coverage or better under a plan or policy of insurance administered by RMA under FCIA, except this obligation will not include crop insurance pilot programs so designated by RMA and will not include forage on grazing land; and for all noninsurable crops on all farms, have obtained NAP coverage by filing the proper paper work and fee within the relevant deadlines, except that this requirement will not include forage on grazing land; or have been approved for a waiver to meet the Risk Management Purchase Requirements;

7. All benefits received under any other Federal disaster payment program for the same or similar losses and loss year have been reported on this application in Item 18; and

8. 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.

19A. Producer's Signature (By)	19B. Title/Relationship of the Individual Signing in the Representative Capacity	19C. Date *(MM-DD-YYYY)*
		10-14-2009

PART M – COUNTY COMMITTEE DETERMINATION

20A. COC or Designee Signature	20B. Date *(MM-DD-YYYY)*	20C. Determination:
		☐ Approved ☐ Disapproved

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its program 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 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.

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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 (HELC) and Wetland Conservation (WC) Certification		Text
CCC-257	Schedule of Deposit		1
CCC-502	Farm Operating Plan for Payment Eligibility Review		42, 45, 75, Part 4, Part 5
CCC-526	Payment Eligibility Average Adjusted Gross Income Certification		73, 200, 296
CCC-901	Members Information 2009 and Subsequent Years		42, 75, Part 4, Part 5
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, 296, 297
FSA-325	Application for Payment of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent		41, 45, 171, 184, 242, 282
FSA-578	Report of Acreage		242
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-918	Emergency Loss Assistance for Livestock Application	298	Part 5
FSA-925	Livestock Forage Disaster Program Application	202	Part 4
FSA-926	Livestock Indemnity Program Third Party Certification	74	73
FSA-930	Emergency Loss Assistance for Farm-Raised Fish/Honey Bees Application	299	Part 5

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, 252, 298, Ex. 16
AUD	animal unit day	183
AUM	animal unit months	171, 202, 251, 252, 298
ELAP	Honey Bees and Farm-Raised Fish Program	Text
FCIA	Federal Crop Insurance Act	171
IPIA	Improper Payments Information Act of 2002	22, 161, 184, 232, 282, Ex. 9
LFP	Livestock Forage Disaster Program	Part 4
NTE	not to exceed	183
RMPR	Risk Management Purchase Requirement	171, 242
PRF-VI	Pasture, Rangeland, Forage Rainfall Index	171
SURE	Supplemental Revenue Assistance Payment Program	Text

Redelegations 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.

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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.

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***--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.

Item	Instructions
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	**Important:** This item will be completed if FSA-770 LIP is selected for spot check. If FSA-770 LIP is selected for spot check, CED or designated representative shall certify: • item 24A by checking "Concur" or "Do Not Concur" accordingly if FSA-770 LIP items have been verified and completed • item 24B by signing • item 24C by entering date of signature.
25A, B, and C	**Important:** This item will be completed if FSA-770 LIP is selected for spot check. If FSA-770 LIP is selected for spot check, STC designee shall certify: • item 25A by checking "Concur" or "Do Not Concur" accordingly if FSA-770 LIP items have been verified and completed • item 25B by signing • item 25C by entering date of signature.

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*--FSA-770 LIP, Livestock Indemnity Program Checklist (Continued)

F Example of FSA-770 LIP

This form is available electronically.

FSA-770 LIP (07-22-09) U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency	1. Producer Name: Sam Jones	2. State Name: Texas
LIVESTOCK INDEMNITY PROGRAM CHECKLIST	3. County Office Name: Knox	4. Calendar Year: 2009

NOTE: 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.

Office Staff Actions	Handbook or Other Applicable Reference	YES	NO	N/A
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 3rd 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 3rd 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

Certification

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: ☐ Concur ☐ 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: ☐ Concur ☐ Do Not Concur

25B. STC Designee Signature for Spot Check	25C. Date *(MM-DD-YYYY)*

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***--Standard AU Conversion Chart**

The following provides the Standard AU Conversion Chart for converting AU's for specific animal types to an AU equivalent.

Animal Type	Unit
Dairy Cow	2.00
All Bulls 2 years or more	2.00
Cattle, buffalo, or beefalo 1 year old or more	1.00
Adult Cow with nursing calf	1.00
Horses or mules 1 year old or more	1.00
Cattle, horses, mules, buffalo, or beefalo 6 months to 1 year old	.50
Deer	.25
Sheep or Goats	.25
Lambs or kids	.14
Reindeer	.22
Alpaca	.82
Llama	.36
Emu	.51

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