

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency  
Washington, DC 20250

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**Livestock Disaster Assistance Programs**  
**1-LDAP**

**Amendment 17**

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



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**Amendment Transmittal**

**A Reason for Amendment**

Subparagraph 41 A has been amended to clarify that eligible livestock under LIP must have died in excess of normal mortality as a direct result of an eligible adverse weather event no later than 60 calendar days from the ending date of the eligible adverse weather event, but **before** October 1, 2011.

Subparagraphs 42 F and G have been amended to provide the 2011 LIP per head payment rates for eligible livestock owners and contract growers, respectively.

Subparagraphs 71 A and 72 A have been amended to clarify that for 2011, the participant must file a notice of loss in the FSA administrative County Office the earlier of:

- 30 calendar days of when the loss of livestock is apparent to the participant
- September 30, 2011.

Subparagraph 72 B is being added to grant authority to STC's to accept and approve late-filed notices of loss under LIP under equitable relief provisions in certain situations.

Subparagraph 171 B has been amended to:

- clarify using the LFP Eligible Counties Report
- provide the table from Notice-LDAP-15 that explains how to determine the drought intensity level applicable to each pasture type listed on the LFP Eligible Counties Report.

Subparagraph 171 J has been amended to provide that for 2011, a producer that purchases VI-PRF policy for any of the grazing land acres in the NAP unit is eligible:

- to participate in NAP on all of the acreage intended for grazing in the unit
- for LFP on all grazing land acres covered by NAP and VI-PRF policy.

## Amendment Transmittal (Continued)

### A Reason for Amendment (Continued)

Subparagraph 171 K has been amended to provide that for 2011, a producer that purchases RI-PRF policy for any of the grazing land acres in the NAP unit is eligible:

- to participate in NAP on all of the acreage intended for grazing in the unit
- for LFP on all grazing land acres covered by NAP and RI-PRF policy.

Subparagraph 171 L has been amended to clarify RMA insurance exceptions.

Subparagraph 171 M has been added to provide guidelines for SBI exceptions.

Subparagraph 171 Q has been amended for clarity.

Subparagraph 182 C has been amended to provide the 2011 LFP monthly payment rate per head by covered livestock category.

Subparagraphs 184 B and 251 J have been amended to update subparagraph references.

Subparagraph 200 A has been amended to provide that FSA-925 shall be completed in the web-based software according to Part 7.

Subparagraph 203 B, items 47 and 55 have been amended to include the 2011 AUD payment rate of \$1.1523.

Subparagraph 241 B has been amended to reference 2010 livestock, honeybees, and farm-raised fish calendar year losses **only**.

Subparagraph 241 C has been added to provide that for the 2011 calendar year losses, producers shall file a notice of loss, the earlier of:

- 30 calendar days of when the loss is apparent to the participant
- October 31, 2011.

Subparagraph 252 A has been amended to provide the 2011 daily livestock payment rate per head.

Subparagraph 261 G has been amended to provide the 2011 average fair market values for honeybee colonies and hives.

Subparagraph 271 H has been amended to remove the requirement for producers to provide documentation to verify the type and cost of game or sport fish that are purchased to replace death losses.

**Amendment Transmittal (Continued)**

<b>Page Control Chart</b>		
<b>TC</b>	<b>Text</b>	<b>Exhibit</b>
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## 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 defined according to subparagraph 23 A \* \* \*
- 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, but before October 1, 2011--\*
- 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

**Exception:** Poultry and swine livestock confinement operations shall follow good management practices and the confinement facility's operating equipment shall meet industry standards to be eligible for LIP.

Poultry and/or swine death losses that are attributed to an adverse weather event causing the confinement operation's equipment to malfunction shall not be eligible for compensation under LIP if:

- good management practices are not followed
- the confined livestock operation's facilities do not possess all the equipment that meets industry standards such as, but not limited to, backup generators, alarm systems, fans, etc.
- management decisions were made not to take the necessary measures that could have prevented the loss.
- the extreme heat or extreme cold was such an abnormality that it could reasonably cause the deaths.

## 41 Eligibility Criteria (Continued)

## A Eligible Adverse Weather Event (Continued)

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.

\*--FSA has the authority to determine eligibility of livestock losses caused by other adverse weather types, including disease caused by this weather. Participants who 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. Diseases that can be prevented by implementing and following acceptable management practices, such as vaccination, shall not be considered an eligible cause of livestock death loss under LIP. For example, cattle can be vaccinated to prevent anaplasmosis, pneumonia, infectious bovine rhinotracheitis, and parainfluenza. Vaccination is an acceptable management practice to prevent anaplasmosis, pneumonia, infectious bovine rhinotracheitis, and parainfluenza in cattle and these diseases are not considered an eligible \*--cause of loss under LIP. Even if such acceptable management practices are implemented to prevent anaplasmosis, pneumonia, infectious bovine rhinotracheitis, and parainfluenza, and the cattle contract 1 of the applicable diseases, the applicable disease is still **not** an eligible cause of loss under LIP.--\*

**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.

\*--Currently, anthrax is the only eligible disease under LIP for which losses are compensated.--\*

The eligible adverse weather events have been further defined to include anthrax, blizzards, disease, if accelerated or exacerbated by another eligible adverse weather event, earthquake, extreme cold, extreme heat, floods, hail, hurricanes, lightning, tornado, tropical storm, typhoon, vog, if directly related to a volcanic eruption, volcanic eruption, wild fire, and winter storm.

**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.

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Kind	Type	Weight Range	Payment Rate Per Head			
			2008	2009	2010	2011
Alpacas			\$262.50	\$262.50	\$240.29	\$280.53
Beef	Adult	Bull	\$886.11	\$903.48	\$820.84	\$971.03
		Cow	\$681.62	\$694.98	\$631.41	\$746.95
	Nonadult	Less than 400 pounds	\$343.83	\$319.44	\$302.58	\$336.04
		400 to 799 pounds	\$487.04	\$463.41	\$432.59	\$490.68
800 pounds or more		\$749.76	\$722.13	\$654.60	\$766.03	
Buffalo/ Beefalo	Adult	Bull	\$1,125.00	\$1,147.05	\$1,042.13	\$1,232.82
		Cow	\$600.00	\$611.76	\$555.80	\$657.50
	Nonadult	Less than 400 pounds	\$326.64	\$303.47	\$287.45	\$319.24
		400 to 799 pounds	\$462.68	\$440.24	\$410.96	\$466.15
800 pounds or more		\$712.27	\$686.03	\$621.87	\$727.73	
Chickens	Broilers/Pullets		\$1.81	\$1.92	\$1.87	
	Broilers/Pullets (Regular Size)					\$2.39
	Chicks		\$0.19	\$0.20	\$0.18	\$0.23
	Layers					\$11.42
	Layers/Roasters		\$10.45	\$13.66	\$9.23	
	Pullets/Cornish Hens (Small Size)					\$1.72
	Roasters					\$2.81
Dairy	Adult	Bull	\$1,380.00	\$1,464.38	\$1,038.75	\$997.50
		Cow	\$1,380.00	\$1,464.38	\$1,038.75	\$997.50
	Nonadult	Less than 400 pounds	\$345.00	\$366.09	\$259.69	\$249.38
		400 to 799 pounds	\$690.00	\$732.19	\$519.38	\$498.75
		800 pounds or more	\$749.76	\$722.13	\$654.60	\$766.03
Deer			\$412.50	\$412.50	\$377.60	\$440.83
Ducks	Ducklings		\$0.44	\$0.53	\$0.60	\$0.61
	Ducks		\$2.73	\$3.33	\$3.74	\$3.82
Elk			\$572.59	\$572.59	\$524.15	\$611.91
Emus			\$150.00	\$150.00	\$137.31	\$160.30
Equine			\$637.50	\$637.50	\$583.57	\$681.28
Geese	Goose		\$11.88	\$21.05	\$20.66	\$19.35
	Gosling		\$2.50	\$4.42	\$4.34	\$4.06
Goats	Bucks		\$73.66	\$65.28	\$78.44	\$89.91
	Nannies		\$73.66	\$65.28	\$57.93	\$68.15
	Slaughter Goats/Kids		\$47.36	\$48.56	\$48.74	\$58.89

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

**F Payment Rates for Eligible Livestock for Livestock Owners (Continued)**

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Kind	Type	Weight Range	Payment Rate Per Head			
			2008	2009	2010	2011
Llamas			\$210.00	\$210.00	\$192.23	\$224.42
Reindeer			\$412.50	\$412.50	\$377.60	\$440.83
Sheep	Ewes		\$82.49	\$82.49	\$81.14	\$117.39
	Lambs		\$102.02	\$104.58	\$104.98	\$126.84
	Rams		\$107.24	\$107.24	\$105.49	\$116.04
Swine	Feeder Pigs	Less than 50 pounds	\$37.75	\$29.74	\$31.00	\$48.12
	Lightweight Barrows/Gilts	50 to 150 pounds	\$56.18	\$52.59	\$48.70	\$67.73
	Sows/Boars/Barrows/Gilts	151 to 450 pounds	\$74.62	\$75.44	\$66.40	\$87.33
	Boars/Sows	450 pounds or more	\$124.20	\$114.98	\$139.75	\$201.03
Turkeys	Poults		\$0.99	\$1.08	\$1.00	\$1.14
	Toms/Fryers/Roasters		\$10.24	\$12.30	\$11.23	\$12.20

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**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.

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Kind	Type	Weight Range	Payment Rate Per Head			
			2008	2009	2010	2011
Chickens	Broilers/Pullets		\$0.20	\$0.21	\$0.21	
	Broilers/Pullets (Regular Size)					\$0.26
	Layers					\$0.69
	Layers/Roasters		\$0.63	\$0.82	\$0.55	
	Pullets/Cornish Hens (Small Size)					\$0.19
	Roasters					\$0.31
Ducks	Ducks		\$0.30	\$0.37	\$0.41	\$0.42
Geese	Goose		\$1.31	\$2.32	\$2.27	\$2.84
Swine	Feeder Pigs	Less than 50 pounds	\$4.29	\$3.38	\$3.52	\$5.47
	Lightweight Barrows/Gilts	50 to 150 pounds	\$8.44	\$7.90	\$7.31	\$10.17
	Sows/Boars/Barrows/Gilts	151 to 450 pounds	\$11.21	\$11.33	\$9.97	\$13.11
	Boars/Sows	450 pounds or more	\$51.04	\$47.25	\$57.43	\$82.61
Turkeys	Toms/Fryers/Roasters		\$1.13	\$1.35	\$1.24	\$1.34

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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. Other source refers to the amount the participant received for the same or any similar loss from any Federal disaster assistance program.--\*

## 71 Applying for Benefits

### A Application Process

\*--To apply for LIP, the participant must provide a notice of loss on FSA-914, Parts A and B,--\* 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.

\*--**Exceptions:** 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.

\*--For 2011 calendar year livestock death losses, the participant must provide a notice of loss on FSA-914, Parts A and B, 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
- September 30, 2011.--\*

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.

## 71 Applying for Benefits (Continued)

### A Application Process (Continued)

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

- Winter Storm: March 27, 2009, through March 30, 2009
- Flood: August 15, 2009, through August 21, 2009.

Producer A suffered livestock losses because of winter storms and a flood during the calendar year. Five adult beef cows died as a direct result of the winter storm that occurred during March 27 through 30, 2009.

Producer A telephoned County A and reported the loss of 5 adult beef cows. The winter storm was recorded as adverse weather event number 1 on the notice of loss. Producer A lost 4 nonadult beef cows because of a flood during August 15 through 21, 2009. Producer A FAXed a notice of loss to County A. The flood was 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.

**\*--Exceptions:** 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.

For 2011 calendar year livestock death losses, the participant must provide a notice of loss on FSA-914 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
- September 30, 2011.--\*

## 72 Notice of Loss (Continued)

**A Filing Notice of Loss (Continued)**

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.

## 72 Notice of Loss (Continued)

**\*--B Late-Filed Notice of Loss – Equitable Relief**

A participant must provide a notice of loss in the FSA administrative County Office the earlier of the following unless 1 of the exceptions in subparagraph A applies:

- 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.

There have been extenuating circumstances where a livestock producer has failed to provide a notice of loss within the prescribed timeframe, as follows:

- producer was hospitalized for several months during the time when he/she had lost livestock because of the blizzard, but was unable to provide a notice of loss within 30 calendar days of when the blizzard occurred because he/she was ill
- widespread adverse weather event occurred, such as a flood, resulting in a large number of livestock producers suffering livestock losses and a producer missed providing a notice of loss with the prescribed timeframe by 1 or 2 calendar days.

In these types of situations, DAFP is granting STC's authority to accept and approve late-filed notices of loss under equitable relief provisions. All other requests for equitable relief under LIP **must** be submitted to DAFP.

**Note:** Late-filed applications for payment require DAFP approval.--\*

## 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. The National Office will notify State and County Offices of counties eligible for LFP by posting a list of eligible counties, by State, by pasture type, every Thursday at <http://fsaintranet.sc.egov.usda.gov/ffas/farmbill/ccc/> under "LFP Eligible Counties". COC will use the LFP Eligible Counties Report to determine the beginning date of each qualifying drought to determine the eligibility of covered livestock.

The LFP Eligible Counties Report contains the following columns:

- State
- County
- Program Year
- Pasture Type
- D2 Qualifying Date
- D3a Qualifying Date
- D3b Qualifying Date
- D4 Qualifying Date.

**Note:** The report only contains counties that are eligible for 1 or more pasture types. If a county is not listed, that county is not eligible for any pasture types.--\*

171 Eligibility Criteria (Continued)

**B Determining Beginning Date of Qualifying Drought (Continued)**

\*--The following table explains how to determine the drought intensity level applicable to each pasture type listed on the LFP Eligible Counties Report.

<b>IF a date is present for...</b>	<b>AND there are no dates present for...</b>	<b>THEN the county is eligible for a drought intensity rating of...</b>
D2 Qualifying Date	<ul style="list-style-type: none"> <li>• D3a Qualifying Date</li> <li>• D3b Qualifying Date</li> <li>• D4 Qualifying Date</li> </ul>	D2.  <b>Note:</b> All or a portion of the county was rated a D2 drought intensity for 8 consecutive weeks during the normal grazing period for the specific type of grazing land. This equates to a drought intensity payment factor of 1.
D3a Qualifying Date  <b>Note:</b> A date may also be present for D2 Qualifying Date.	<ul style="list-style-type: none"> <li>• D3b Qualifying Date</li> <li>• D4 Qualifying Date</li> </ul>	D3.  <b>Note:</b> All or a portion of the county was rated a D3 drought intensity for 1 day during the normal grazing period for the specific type of grazing land. This equates to a drought intensity payment factor of 2.
D3b Qualifying Date  <b>Note:</b> A date may also be present for a D2 and/or a D3a Qualifying Date.	D4 Qualifying Date	D4.  <b>Note:</b> All or a portion of the county was rated a D3 drought intensity for 4 weeks (nonconsecutive weeks) during the normal grazing period for the specific type of grazing land. This equates to a drought intensity payment factor of 3.
D4 Qualifying Date  <b>Note:</b> A date may also be present for a D2, D3a, and/or D3b Qualifying Date.		D4.  <b>Note:</b> All or a portion of the county was rated a D4 drought intensity for 1 calendar day during the normal grazing period for the type of grazing land. This equates to a drought intensity payment factor of 3.

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## 171 Eligibility Criteria (Continued)

**B Determining Beginning Date of Qualifying Drought (Continued)**

\*--The beginning date of a qualifying drought is used to determine eligible livestock under LFP. Eligible livestock are livestock that the eligible livestock producer owned, leased, purchased, entered into a contract to purchase, or was a contract grower of at anytime during the 60 calendar days before the beginning date of a qualifying drought.--\*

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 1:** 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. The producer would file a 2008 year FSA-925 for payment.

**\*--Example 2:** A fire occurred on Federally managed rangeland on July 24, 2009, and the producer was prohibited from grazing the permitted number of livestock because of the fire. The producer was prohibited from grazing the rangeland beginning July 24, 2009, through December 31, 2009. The grazing loss occurred during the 2009 calendar year. The producer would file a 2009 year FSA-925 for payment. The producer is also prohibited from grazing the permitted number of livestock during the 2010 calendar year because of the July 24, 2009, fire. The grazing loss occurred during the 2010 calendar year. The producer would file a 2010 year FSA-925 for payment.--\*

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

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

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

## \*--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 VI-PRF Pilot Program Coverage**

The VI-PRF pilot program policy, offered in only selected States and counties, covers multiple perils and is based on a measure of vegetation greenness that correlates to forage condition and productive capacity. For 2008 through 2010, a producer who elected coverage under a VI-PRF policy on any acreage of the crop in a unit was not eligible to obtain NAP coverage for the same intended use on any of the acreage of the crop not covered under a VI-PRF policy, because the same perils were considered covered by both products.

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

Therefore, a producer that purchased a VI-PRF policy in 2008 through 2010 for any of the grazing land acres in the NAP unit was:

- **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 VI-PRF policy.

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

**Example:** In 2008, producer has 500 acres of native grass intended for grazing. The producer has VI-PRF 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 VI-PRF policy.

Further analysis was conducted to determine whether VI-PRF pilot policies cover the same crop loss as is covered under NAP. VI-PRF losses are a measure of vegetation greenness against the norm used to estimate plant condition and not a direct measure of production. NAP covers production losses; therefore, VI-PRF pilot policies and NAP do not cover the same crop losses on the same acres for the same intended use.

For 2011, a producer that purchases a VI-PRF policy for any of the grazing land acres in the NAP unit is eligible:

- to participate in NAP on all acreage intended for grazing in the unit
- for LFP on all grazing land acres covered by NAP and a VI-PRF policy.--\*

## 171 Eligibility Criteria (Continued)

**K Producers With RMA RI-PRF Pilot Program Coverage**

\*--In 2008 through 2010, the RI-PRF pilot program policy, offered in only selected States and counties, only covered losses because of drought. Because RI-PRF did not cover all perils, NAP was available to producers on the same acres covered by the RI-PRF policy to provide coverage for losses resulting from other eligible NAP conditions, such as flood, fire, and freeze.

A producer that obtained RI-PRF on their grazing lands in 2008 through 2010, on some or all acres to cover drought, and NAP coverage on the same acres to cover all other perils, were eligible for a NAP payment and PRF indemnity payment on the same acres.

For calendar year 2008, if a producer purchased a RI-PRF 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 RI-PRF policy in the unit eligible for LFP.

**Example:** RI-PRF 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 RI-PRF. 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 RI-PRF policy eligible for LFP.

Further analysis was conducted to determine whether RI-PRF pilot policies cover the same crop losses as are covered under NAP. RI-PRF losses are determined based on a lack of rainfall, measured by a reduction in moisture from the norm. NAP covers production losses; therefore, RI-PRF pilot policies and NAP do not cover the same crop losses on the same acres for the same intended use.

For 2011, a producer that purchases an RI-PRF policy for any of the grazing land acres in the NAP unit is eligible:

- to participate in NAP on all acreage intended for grazing in the unit
- for LFP on all grazing land acres covered by NAP and a RI-PRF policy.--\*

**L RMA Insurance Exceptions**

Producers will be considered in compliance with the RMPR requirement if their share in a crop is insured based on 1 of the following RMA crop policy rules:

- **Husband/Wife** – Either spouse insures all interest in the crop under 1 policy.
- **Landlord/Tenant** – Either the landlord or tenant may insure both parties’ share with permission of the other party.

## 171 Eligibility Criteria (Continued)

**L RMA Insurance Exceptions (Continued)**

- **Landlord Undivided Interest** – Land is jointly and severally owned with 1 person being the responsible person.
- **Joint Ventures** – One of the member's TIN is used to insure the entire interest of the \*--joint venture with all members agreeing and signing the policy, even if their SBI is less than 10 percent share.--\*

**Note:** The exception on joint ventures does **not** apply to corporations or any other entities with members.

- **Revocable Trusts** – An individual beneficiary's or grantor's TIN is used to insure the entire interest of the revocable trust. Documentation may include a copy of the statement advising where the authority can be found.
- **DBA** – A producer with TIN for DBA with only the individual as sole proprietor can insure using either DBA's TIN or the individual's TIN. If DBA has SBI other than the individual, then DBA is **not** eligible for the exception.

**Note:** A producer is considered to have met RMPR only if documentation is provided by insured to substantiate that the insured has met 1 of the RMA crop policy rules.

- \*--**Transfer of Coverage and Right to an Indemnity** – A producer's share is insured under a policy purchased by another individual that transfers the insurance coverage to the producer. The original insured individual (transferor) transfers the insurance coverage to another person (transferee). RMA may provide FSA with the original\*--\* insured's TIN because only the crop insurance companies maintain transfer information. The producer must provide proof of transfer from their crop insurance agent.

**\*--M SBI Exceptions**

In the following 2 situations, RMA does not require producers to be listed on the SBI file:

- marriage occurring after the sales closing date
- producers that have less than 10 percent interest in the crop.

In both situations, County Offices have the authority to use the shares recorded by FSA.

**Note:** For marriages, acceptable evidence must be available to prove the marriage occurred after the sales closing date.--\*

**171 Eligibility Criteria (Continued)****N 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.

**O 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.

Producers who meet the requirements of a socially disadvantaged, limited resource, or beginning farmer or rancher shall complete FSA-217 according to 1-CM, paragraph 950.

## 171 Eligibility Criteria (Continued)

**P 2008 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 and the livestock producer made a good faith effort to comply.

**Note:** See 7-CP, paragraph 63 to determine whether a producer made a good faith effort to comply.

Equitable relief shall 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
- lack of good faith in reporting acreage
- sanctions placed on the producer by RMA or FSA
- the producer was prohibited from insuring acreage because the producer did not timely pay the crop insurance premiums in a prior year
- violations of HEL and WC provisions
- violations of controlled substance provisions.

Equitable relief requests must be initiated by the participant.

Producers granted relief for **not** meeting 2008 RMPR must pay an administrative fee in an amount of \$100 per crop.

**Note:** The administrative fee is \$100 per crop, but not more than either of the following:

- \$300 per producer per administrative county
- \$900 total per producer for all counties less any previously paid fees for NAP.

Producers must visit their administrative county to pay the appropriate administrative fees and complete CCC-752 and/or CCC-753.

## 171 Eligibility Criteria (Continued)

**P 2008 Equitable Relief (Continued)**

STC shall:

- review each request for equitable relief and clearly document in the STC minutes the justification for granting or denying equitable relief
- include the following information in the STC minutes when granting or denying equitable relief:
  - producer's name
  - program year
  - program
  - action taken by the producer.

COC shall:

- review each equitable relief request and clearly document the justification for recommending equitable relief, along with all supporting documentation to STC
- document the justification for recommending equitable relief in the COC minutes according to 7-CP, subparagraph 82 C before submitting equitable relief cases to STC.

**Note:** FSA-321 shall **not** be completed according to 7-CP.

**Q 2009 and Subsequent Years Equitable Relief**

\*--STC's may, on a case-by-case basis, provide equitable to an eligible livestock producer that is otherwise ineligible or unintentionally fails to meet 2009 and subsequent year RMPR for the grazing land incurring loss when the determination has been made that the producer made a good faith effort to comply.

**Note:** See 7-CP, paragraph 63 to determine whether a producer made a good faith effort to comply.

STC's shall not grant equitable relief to a producer that failed to meet 2009 and subsequent year RMPR because of any of the following reasons:

- scheme or device
- producer intentionally chose not to insure a covered crop under a policy or plan of insurance or under NAP
- a lack of good faith in reporting acreage or production--\*
- sanctions placed on the producer by RMA or FSA

## 171 Eligibility Criteria (Continued)

**Q 2009 and Subsequent Years Equitable Relief (Continued)**

- violations of HEL and WC provisions
- violations of controlled substance provisions.

Equitable relief requests must be initiated by the participant.

\*--Producers granted relief for **not** meeting 2009 and subsequent year RMPR must pay an--\* administrative fee of \$250 per crop.

**Note:** There is **no** limit on the amount of administrative fees that can be collected from producers for equitable relief.

Producers must visit their administrative county to pay the appropriate fees and complete FSA-754 and/or FSA-755.

STC shall:

- review each request for equitable relief and clearly document in the STC minutes the justification for granting or denying equitable relief
- include the following information in the STC minutes when granting or denying equitable relief:
  - producer's name
  - program year
  - program
  - action taken by the producer.

COC shall:

- \*--review each equitable relief request and clearly document the basis for recommending equitable relief, along with all supporting documentation to STC
- document the basis for recommending equitable relief in COC minutes according to--\* 7-CP, subparagraph 82 C before submitting equitable relief cases to STC.

**Note:** FSA-321 shall **not** be completed according to 7-CP.

## 171 Eligibility Criteria (Continued)

**R 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).

**S 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)

**T 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 stalks 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.

**U 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)

V 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 Q for each county in their State. Only 1 grazing period per pasture or grazing crop type shall be established per county. The normal grazing period established for each pasture or grazing crop type shall be consistent with those established for NAP purposes.

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

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

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

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

171 Eligibility Criteria (Continued)

V Establishing Normal Grazing Periods for LFP (Continued)

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

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

STC’s shall ensure that normal grazing periods are:

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

W 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)

**W 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)



## 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	Type	Weight Range	Payment Rate Per Head			
			2008	2009	2010	2011
Alpacas	All		\$24.67	\$32.98	\$29.14	\$28.48
Beef	Adult	Cows and Bulls	\$29.96	\$40.04	\$35.37	\$34.57
	Nonadult	500 pounds or more	\$22.47	\$30.03	\$26.53	\$25.93
Buffalo/ Beefalo	Adult	Cows and Bulls	\$29.96	\$40.04	\$35.37	\$34.57
	Nonadult	500 pounds or more	\$22.47	\$30.03	\$26.53	\$25.93
Dairy	Adult	Cows and Bulls	\$77.88	\$104.09	\$91.97	\$89.89
	Nonadult	500 pounds or more	\$22.47	\$30.03	\$26.53	\$25.93
Deer	All		\$7.49	\$10.01	\$8.84	\$8.64
Elk		Less than 400 pounds	\$6.60	\$8.82	\$7.79	\$7.61
		400 pounds to 799 pounds	\$12.29	\$16.42	\$14.51	\$14.18
		800 pounds or more	\$16.18	\$21.62	\$19.10	\$18.67
Emus	All		\$15.33	\$20.49	\$18.10	\$17.69
Equine	All		\$22.17	\$29.63	\$26.18	\$25.58
Goats	All		\$7.49	\$10.01	\$8.84	\$8.64
Llamas	All		\$10.93	\$14.61	\$12.91	\$12.62
Poultry		Less than 3 pounds	\$0.19	\$0.25	\$0.22	\$0.22
		3 pounds to 7.9 pounds	\$0.38	\$0.50	\$0.45	\$0.44
		8 pounds or more	\$0.86	\$1.15	\$1.01	\$0.99
Reindeer	All		\$6.60	\$8.82	\$7.79	\$7.61
Sheep	All		\$7.49	\$10.01	\$8.84	\$8.64
Swine		Less than 45 pounds	\$0.89	\$1.19	\$1.05	\$1.03
		45 to 124 pounds	\$2.09	\$2.79	\$2.47	\$2.41
		125 to 234 pounds	\$3.60	\$4.81	\$4.25	\$4.15
	Boar	235 pounds or more	\$7.20	\$9.62	\$8.50	\$8.31
	Sow	235 pounds or more	\$12.29	\$16.42	\$14.51	\$14.18

--\*

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.

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

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

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

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

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

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; that is, the maximum payment a producer can receive under LFP in a calendar year cannot exceed 3 times the same covered livestock’s feed cost times 60 percent.

**Example:** Producer A owns 100 head of adult beef cattle. The maximum payment amount Producer A can receive under LFP during the calendar year for the 100 head of adult beef is:

$$\text{Livestock Monthly Feed Cost for the 100 Head of Adult Beef Cattle} \times 3 \times 60\% \text{---*}$$

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

**A Payment Calculation under Fire**

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

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

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

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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 W	to any of the following, as applicable, using the ID number of the participant: <ul style="list-style-type: none"> <li>• the deceased individual</li> <li>• the individual’s estate</li> <li>• the heirs, based on OGC determination, according to 1-CM, Part 26.</li> </ul>
estate that closed before FSA-925 was filed	estate according to subparagraph 171 W	
entity that dissolved before FSA-925 was filed	dissolved entity according to subparagraph 171 W--*	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.

## 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.

\*--Complete FSA-925 in the web-based software according to Part 7.--\*

**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.--\*

203 FSA-925-1, Estimated Livestock Forage Disaster Program Payment Calculation Worksheet (Continued)

B Completing FSA-925-1 (Continued)

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Item	Instruction
39	<p>Enter the maximum calculated maximum payment amount for all covered livestock by multiplying (item 11 plus item 19) times 3 months times 60 percent.</p> <p><b>Example:</b> (\$5,243, item 11 entry + \$1,000, item 19 entry) x 3 months x 60% = \$11,237.</p>
40	<p>Enter the adjusted maximum payment amount for each specific pasture type. This calculation is obtained for each specific pasture type as follows:</p> <ul style="list-style-type: none"> <li>• 40a. Small grains = (item 39)</li> <li>• 40b. Native pasture = (item 39 – item 41a)</li> <li>• 40c. Improved pasture = (item 39 – item 41a – item 41b)</li> <li>• 40d. Forage sorghum = (item 39 – item 41a – item 41b – item 41c).</li> </ul> <p><b>Example:</b> County A was rated a D2 drought intensity for small grains during the normal grazing period for small grains. County A was rated a D4 drought intensity for native pasture, improved pasture, and forage sorghum during the normal grazing periods for native pasture, improved pasture, and sorghum. Producer A’s maximum payment amount for all covered livestock (item 39) is \$50,000. The calculated payment amount for small grains, item 38 is \$3,000; for native pasture is \$10,000; for improved pasture is \$5,000; and for forage sorghum is \$2,000. Item 40a for small grains, item 40b for native pasture, item 40c for improved pasture, and item 40d for forage sorghum shall be calculated as follows:</p> <ul style="list-style-type: none"> <li>• 40a. Small Grains = (item 39) = \$50,000</li> <li>• 40b. Native Pasture = (item 39 – item 41a) = \$50,000 - \$3,000 = \$47,000</li> <li>• 40c. Improved Pasture = (item 39 – item 41a – item 41b) = \$50,000 – 3,000 – \$10,000 = \$37,000</li> <li>• 40d. Forage Sorghum = (item 39 – item 41a – item 41b – item 41c) = \$50,000 – \$3,000- \$10,000 - \$5,000 = \$32,000.</li> </ul>
41	<p>Enter smaller of item 38 or item 40. This is the net calculated payment amount for the specific type of pasture.</p>
42	<p>Enter total of all item 41 line entries. This is the total net calculated payment amounts for all pasture types for drought.</p>

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203 FSA-925-1, Estimated Livestock Forage Disaster Program Payment Calculation Worksheet (Continued)

B Completing FSA-925-1 (Continued)

Item	Instruction
<b>Part F – Fire – Federally Managed Lands – Maximum Calculated Payment by Federal Lease</b>	
<b>Note:</b> This Part F calculation shall be completed for each fire event number listed on FSA-925, item 30.	
43	Enter the fire event number from FSA-925, item 30.
44	<p>Enter the participant’s permitted AU’s from FSA-925, item 33 for the specific fire event number.</p> <p><b>Notes:</b> If an entry is entered in FSA-925, item 37, then item 37 shall be used instead of item 33.</p> <p>The permitted AU’s will be listed on the producer’s Federal grazing lease. If AUM’s are listed on the lease, AU’s can be calculated by dividing the AUM’s by the number of months in the grazing lease.</p> <p><b>Example:</b> Federal permit allows grazing 500 AUM’s for 5 months.</p> <p style="text-align: center;">500 AUM’s/5 months = 100 AU’s.</p> <p>Ensure that AU’s for each specific animal type is converted to an AU equivalent. Round to the nearest whole number. See Exhibit 16.</p> <p><b>Example:</b> 100 sheep x .25 AU’s = 25 AU’s</p>
45	<p>Enter the permitted grazing days from FSA-925, item 34, not to exceed 180 calendar days per calendar year. The permitted grazing days will be listed on the Federal grazing permit. The statute limits the grazing days to a maximum of 180 calendar days.</p> <p><b>Note:</b> If an entry is entered in FSA-925, item 38, then item 38 shall be used instead of item 34.</p>
46	<p>Enter the total permitted AUD’s by multiplying:</p> <ul style="list-style-type: none"> <li>• item 44, times</li> <li>• item 45, not to exceed 180 calendar days.</li> </ul>
47	<p>Enter the AUD payment rate. The AUD payment rate for:</p> <ul style="list-style-type: none"> <li>• 2008 is \$.9985</li> <li>• 2009 is \$1.3345</li> <li>• 2010 is \$1.1791</li> <li>•*-2011 is \$1.1523.--*</li> </ul>
48	National payment factor of 50 percent.
49	<p>Enter the calculated maximum payment amount for each specific fire event by multiplying:</p> <ul style="list-style-type: none"> <li>• item 46, times</li> <li>• item 47, times</li> <li>• item 48.</li> </ul> <p>Round to the nearest whole dollar.</p>

203 FSA-925-1, Estimated Livestock Forage Disaster Program Payment Calculation Worksheet (Continued)

B Completing FSA-925-1 (Continued)

Item	Instruction
50	Enter the total of all entries in item 49. This is the total maximum calculated payments from Federal leases.
<b>Part G - Fire - Federally Managed Lands - Calculated Value of Reduced AUD's by Federal Lease</b>	
<b>Note:</b> This Part G calculation shall be completed for each fire event number listed on FSA-925, item 30.	
51	Enter the fire event number from FSA-925, item 30.
52	Enter the number of AU's the producer is prohibited from grazing on the managed rangeland by the Federal agency because of fire from FSA-925, item 35.  <b>Note:</b> If an entry is entered in FSA-925, item 39, then item 39 shall be used instead of item 35.
53	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 from FSA-925, item 36.  <b>Note:</b> If an entry is entered in FSA-925, item 40, then item 40 shall be used instead of item 36.
54	Enter the total reduced AUD's for the specific fire event number, which is the result of multiplying:  <ul style="list-style-type: none"> <li>• item 52, times</li> <li>• item 53.</li> </ul>
55	Enter the AUD payment rate. The AUD payment rate for:  <ul style="list-style-type: none"> <li>• 2008 is \$.9985</li> <li>• 2009 is \$1.334</li> <li>• 2010 is \$1.1791</li> <li>•*-2011 is \$1.1523.--*</li> </ul>
56	National payment factor is 50 percent.
57	Enter the calculated value of the reduced AUD's for each specific fire event number by multiplying:  <ul style="list-style-type: none"> <li>• item 54, times</li> <li>• item 55, times</li> <li>• item 56.</li> </ul> <p>Round to the nearest whole dollar.</p>
58	Enter the total of all entries in item 57. This is the total value of reduced AUD's from Federal leases.

203 FSA-925-1, Estimated Livestock Forage Disaster Program Payment Calculation Worksheet (Continued)

B Completing FSA-925-1 (Continued)

\*--

Item	Instruction
<b>Part H - Fire - Federally Managed Lands - Total Net Calculated Payment Amount of Reduced AUD's</b>	
59	Enter the smaller of item 50 or item 58. This is the calculated payment due the producer because of fire before reductions.
<b>Part I - Total Net Calculated Payment Amount After Reductions - Drought and/or Fire</b>	
60	Enter total net calculated payment amount before reduction by adding: <ul style="list-style-type: none"> <li>• item 42, plus</li> <li>• item 59.</li> </ul> This is the total net calculated payment amounts <b>before</b> reduction for drought and/or fire.
61	Enter amount of compensation received from other disaster assistance programs for the same grazing losses because of drought and/or fire from FSA-925, item 41.
62	Enter result of item 60 minus item 61. This is the LFP calculated payment amount due the participant for grazing losses because of drought and/or fire on Federally managed land.
<b>Part J - Calculated Payment Amount After Reduction for Previous Payments Issued</b>	
63	Enter the total amount of previous calendar year LFP payments issued to the participant.
64	Enter result of item 62 minus item 63. This is the LFP estimated payment to be issued.
65A	Preparer of form shall sign.
65B	Preparer of form shall enter title.
65C	Preparer of form shall enter date form is prepared.

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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, honeybee, or farm-raised fish losses during:
  - 2008 and 2009 calendar year can signup for ELAP beginning September 14, 2009
  - \*--2008 calendar year must have provided 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, honeybee, or farm-raised fish losses during
  - \*--September 11, 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
- honeybees 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 honeybee or farm-raised fish losses, complete only those parts of FSA-930, Parts D through L that are applicable.

\*--FSA-918's and FSA-930's, for 2008 and 2009 calendar year losses shall be accepted no later than 14 calendar days after the technical correction to 7 CFR Part 760 is published in FR. 2008 and 2009 late-filed FSA-918's and FSA-930's will be accepted **without** requiring producers to pay a late-filed fee.--\*

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 \* \* \* Calendar Year ELAP Signup**

For 2010 \* \* \* calendar year losses, producers that suffer eligible livestock, honeybee, or farm-raised fish losses shall file the following:

- 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 \* \* \*
- an application for payment no later than 30 calendar days after the end of the calendar year in which the loss occurred.

**\*--C 2011 Calendar Year ELAP Signup**

For 2011 calendar year losses, producers that suffer eligible livestock, honeybee, or farm-raised fish losses shall file the following:

- a notice of loss, the earlier of:
  - 30 calendar days of when the loss is apparent to the participant
  - October 31, 2011
- an application for payment no later than January 30, 2012.--\*

**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.

## 251 Livestock Eligibility (Continued)

### I Establishing Grazing Loss Percentages

There is no requirement for a producer to suffer a certain percentage of grazing loss to be eligible for ELAP. 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 V.--\*

### K Proof of Death

Participants must provide verifiable documentation of livestock deaths, including livestock that the participant claims died because of normal mortality. Adequate documentation must be provided that proves the death of eligible livestock occurred as a direct result of an eligible loss condition in the calendar year for which benefits are being requested, including deaths because of normal mortality.

See subparagraph 73 E for types of acceptable verifiable evidence of livestock death losses under LIP that also applies to livestock death losses under ELAP.

If adequate verifiable proof of death documentation is **not** available, including proof of death for normal mortality, the participant may provide reliable records, along with verifiable beginning and ending inventory records, as proof of death.

See subparagraphs 73 F and H for types of reliable records and proof and reasonableness of livestock inventory under LIP that also apply to livestock death losses under ELAP.

For confirmed wolf kill, livestock producers must provide documentation showing confirmation of the wolf kill from a reliable source, such as, but not limited to, the following:

- APHIS
- Department of Natural Resources.

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	Type	Weight Range	Payment Rate Per Head			
			2008	2009	2010	2011
Alpacas	All		\$ .9985	\$ 1.3345	\$ 1.1791	\$ 1.1523
Beef	Adult	Cows and Bulls	\$ .9985	\$ 1.3345	\$ 1.1791	\$ 1.1523
	Nonadult	500 pounds or more	\$ .9985	\$ 1.3345	\$ 1.1791	\$ 1.1523
Buffalo/Beefalo	Adult	Cows and Bulls	\$ .9985	\$ 1.3345	\$ 1.1791	\$ 1.1523
	Nonadult	500 pounds or more	\$ .9985	\$ 1.3345	\$ 1.1791	\$ 1.1523
Dairy	Adult	Cows and Bulls	\$ .9985	\$ 1.3345	\$ 1.1791	\$ 1.1523
	Nonadult	500 pounds or more	\$ .9985	\$ 1.3345	\$ 1.1791	\$ 1.1523
Deer	All		\$ .9985	\$ 1.3345	\$ 1.1791	\$ 1.1523
Elk		Less than 400 pounds	\$ .9985	\$ 1.3345	\$ 1.1791	\$ 1.1523
		400 pounds to 799 pounds	\$ .9985	\$ 1.3345	\$ 1.1791	\$ 1.1523
		800 pounds or more	\$ .9985	\$ 1.3345	\$ 1.1791	\$ 1.1523
Emus	All		\$ .9985	\$ 1.3345	\$ 1.1791	\$ 1.1523
Equine	All		\$ .9985	\$ 1.3345	\$ 1.1791	\$ 1.1523
Goats	All		\$ .9985	\$ 1.3345	\$ 1.1791	\$ 1.1523
Llamas	All		\$ .9985	\$ 1.3345	\$ 1.1791	\$ 1.1523
Poultry		Less than 3 pounds	\$ .9985	\$ 1.3345	\$ 1.1791	\$ 1.1523
		3 pounds to 7.9 pounds	\$ .9985	\$ 1.3345	\$ 1.1791	\$ 1.1523
		8 pounds or more	\$ .9985	\$ 1.3345	\$ 1.1791	\$ 1.1523
Reindeer	All		\$ .9985	\$ 1.3345	\$ 1.1791	\$ 1.1523
Sheep	All		\$ .9985	\$ 1.3345	\$ 1.1791	\$ 1.1523
Swine		Less than 45 pounds	\$ .9985	\$ 1.3345	\$ 1.1791	\$ 1.1523
		45 to 124 pounds	\$ .9985	\$ 1.3345	\$ 1.1791	\$ 1.1523
		125 to 234 pounds	\$ .9985	\$ 1.3345	\$ 1.1791	\$ 1.1523
	Sow	235 pounds or more	\$ .9985	\$ 1.3345	\$ 1.1791	\$ 1.1523
	Boar	235 pounds or more	\$ .9985	\$ 1.3345	\$ 1.1791	\$ 1.1523

--\*

**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.

**Notes:** An eligible producer's payment for grazing losses will be reduced by the amount the producer has received under any other disaster program for the same loss.

## 252 Livestock Payment Rates, Payment Calculations (Continued)

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

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.

**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 1,000 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.

1,000 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) before any applicable reductions or national  
payment factor.

## 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 1,000 head of sheep are not able to graze 1,000 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 (1,000 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.

1,000 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) before any applicable reductions or  
national payment factor--\*

**Note:** The 1,000 head of sheep were converted to an animal unit basis using the conversion chart in Exhibit 16.

## 261 Honeybee Eligibility (Continued)

**\*--F CCD**

In addition to the documentation required in subparagraph E, to be eligible for honeybee colony losses because of CCD, the eligible producer must provide documentation to support that the loss was because of CCD. Acceptable documentation of proof of CCD includes:

- for 2008 and 2009 calendar year losses, the producer's self-certification that the loss of honeybees was because of CCD and documented by the existence of at least 3 of the following 5 identified symptoms of CCD:
  - loss of live adult bee populations in hives
  - rapid decline of adult bee population, leaving brood poorly or completely unattended
  - absence of dead adult bees inside the hive and outside the entrance of the hive
  - absence of robbing of collapsed colonies
  - at the time of collapse, varroa mite and noseema populations are **not** at levels known to cause economic injury or population decline
- for 2010 and 2011 calendar year losses, third party certification that the loss of honeybees was because of the existence of at least 3 of the 5 symptoms of CCD.

Third party certifications of 2010 and 2011 honeybee colony losses because of CCD may be acceptable when the third party certifies to **all** of the following:

- specific details about how the third party has knowledge of the honeybee colony loss
- the affiliation of the third party

**Note:** The third party must be an independent source who is **not** any of the following:

- affiliated with the farming operation
- hired hand
- "family member" defined as a person to whom a member in the farming operation or their spouse is related as lineal ancestor, lineal descendant, sibling, or spouse.--\*

**261 Honeybee Eligibility (Continued)****F CCD (Continued)**

- telephone number and address of the third party
- the loss of honeybees was because of the existence of at least 3 of the 5 symptoms of CCD provided in subparagraph A.

COC shall review third party certifications and determine **all** of the following:

- documents provided as evidence of honeybee inventory are acceptable
- honeybee 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.

**G Payment Rates**

The payment rates for honeybee colonies and hives are based on the average fair market values of honeybee colonies and/or hives in the calendar year in which the loss occurred.

\*--FSA has established the following average fair market values for 2008 through 2010--\*  
honeybee losses:

- \$60 per honeybee colony
- \$200 per honeybee hive.

\*--FSA has established the following average fair market values for 2011 honeybee losses:

- \$70 per honeybee colony
- \$200 per honeybee hive.--\*

**H Normal Mortality Rate for Honeybee Colony Losses**

ELAP compensates eligible honeybee producers for eligible honeybee colony losses that occur in excess of normal mortality because of an eligible adverse weather or loss condition during the calendar year. FSA has established a normal mortality rate for honeybee colony losses of 17.5 percent.

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

**H 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 or loss conditions, 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 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)**



## Reports, Forms, Abbreviations, and Delegations 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-36	Assignment of Payment		460
CCC-37	Joint Payment Authorization		460
CCC-257	Schedule of Deposit		1
CCC-502	Farm Operating Plan for Payment Eligibility Review		Text
CCC-526	Payment Eligibility Average Adjusted Gross Income Certification		Text
CCC-752	Supplemental Agricultural Disaster Assistance Buy-In for Insurable Crops		171, 242
CCC-753	2008 Supplemental Agricultural Disaster Assistance Buy-In for Noninsurable Crops		171, 242
CCC-770 ELIG 2002	Eligibility Checklist - 2002 Farm Bill		Ex. 9, 13
CCC-770 ELIG 2008	Eligibility Checklist - 2008 Farm Bill		Ex. 9, 13
CCC-901	Members Information 2009 and Subsequent Years		Text
CCC-926	Average Adjusted Gross Income (AGI) Statement		Text
FSA-217	Socially Disadvantaged, Limited Resource and Beginning Farmer or Rancher Certification		171
FSA-321	Finality Rule and Equitable Relief		171
FSA-325	Application for Payment of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent		Text
FSA-578	Report of Acreage		200, 242, 253
FSA-754	Supplemental Agricultural Disaster Assistance Relief for Insurable Crops		171, 242
FSA-755	Supplemental Agricultural Disaster Assistance Relief for Noninsurable Crops		171, 242
FSA-770 LFP	Livestock Forage Disaster Program Checklist	Ex. 13	184, 200

## Reports, Forms, Abbreviations, and Redelegations of Authority (Continued)

## Forms (Continued)

Number	Title	Display Reference	Reference
FSA-770 LIP	Livestock Indemnity Program Checklist	Ex. 9	43, 73
FSA-914	Livestock Indemnity Program Application	76	22, 40, 41, 42, 45, 71-73, 75, Parts 3 and 8, Ex. 7, 9
FSA-918	Emergency Loss Assistance for Livestock Application	298	Part 5
FSA-918-1	Emergency Loss Assistance for Livestock Payment Calculation Worksheet	300	242
FSA-925	Livestock Forage Disaster Program Application	202	Parts 4 and 7, Ex. 13
FSA-925-1	Estimated Livestock Forage Disaster Program Payment Calculation Worksheet	203	436
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	Text, Ex. 16
AUD	animal unit day	183, 203
AUM	animal unit months	Text, Ex. 16
CCD	Colony Collapse Disorder	261
DBA	doing business as	171
FCIA	Federal Crop Insurance Act	171
IPIA	Improper Payments Information Act of 2002	22, 161, 184, 232, 282, Ex. 9
MAU	maximum animal unit	203
NTE	not to exceed	183
RI-PRF	Rainfall Index Pasture, Rangeland, Forage	171
RMPR	Risk Management Purchase Requirement	171, 242
VI-PRF	Vegetation Index Pasture, Rangeland, Forage	171

### 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.

For LFP, CED may delegate authority to program technicians to approve routine FSA-925's. Program technicians shall **not** be delegated authority to disapprove any FSA-925.

