

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency  
Washington, DC 20250

---

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

**Amendment 22**

---

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



---

**Amendment Transmittal**

**A Reasons for Amendment**

Subparagraphs 21 A, 41 A, 41 B, and 41 D are being amended to provide that eligible livestock must have died as a direct result of an eligible adverse weather event that occurred not later than 60 calendar days from the ending date of the applicable adverse weather event but before November 30, 2011.

Subparagraphs 23 A and 41 E are being amended to provide that **ineligible** livestock includes all animals that die before January 1, 2008, or after November 29, 2011.

Subparagraph 40 B is being amended to provide that for 2011 calendar year losses, livestock owners and contract growers who suffer a loss of livestock shall file a notice of loss the earlier of 30 calendar days of when the loss of livestock is apparent to the participant or December 29, 2011.

Subparagraphs 71 A and 72 A are being amended to provide that for 2011 calendar year losses, the participant must provide a notice of loss on FSA-914 in the FSA administrative County Office the earlier of 30 calendar days of when the loss of livestock was apparent to the participant or December 29, 2011.

Subparagraph 75 A is being amended to provide that COC or CED must be satisfied before approving FSA-914 that claimed livestock deaths occurred on or after January 1, 2008, and before November 30, 2011.

## Amendment Transmittal (Continued)

### A Reasons for Amendment (Continued)

Subparagraph 76 A is being amended to clarify in:

- item 16, that livestock must have died on or after January 1, 2008, and before November 30, 2011
- item 17:
  - for calendar years 2008 through 2010, enter the number of livestock that died during the calendar year benefits are being requested because of normal mortality before, on, or after the date of the first adverse weather event referenced in item 12
  - for calendar year 2011, enter the number of livestock that died before November 30, 2011, because of normal mortality before, on, or after the first adverse weather event referenced in item 12
  - for 2011 losses, the adverse weather event causing the loss must have occurred before October 1, 2011
  - the producer shall provide documentation to the County Office to support livestock deaths because of normal mortality according to subparagraphs 73 E, F, or G.

Subparagraphs 171 P and 171 Q have been amended to provide that it is the participant's responsibility to provide evidence to the satisfaction of FSA that the failure to meet RMPR was unintentional.

Subparagraph 241 C has been amended to provide that for 2011 calendar year losses, producers that suffer eligible livestock, honeybee, or farm-raised fish losses shall file a notice of loss the earlier of:

- 30 calendar days of when the loss is apparent to the participant
- for:
  - livestock death losses, December 29, 2011
  - livestock grazing and feed losses and honey bee and farm-raised fish losses, January 30, 2012.

Subparagraph 242 B has been amended to provide that to be considered an eligible loss for ELAP, the loss must have occurred because of an eligible adverse weather event or loss condition that occurred on or after January 1, 2008, and before October 1, 2011.

Subparagraphs 242 P and Q have been amended to provide that it is the participant's responsibility to provide evidence to the satisfaction of FSA that the failure to meet RMPR was unintentional.

## Amendment Transmittal (Continued)

### A Reasons for Amendment (Continued)

Subparagraph 251 B has been amended to provide that for death losses for livestock owners to be eligible, the livestock must have died:

- as a direct result of an eligible loss condition that occurs on or after January 1, 2008 and before October 1, 2011
- on or after January 1, 2008, and no later than 60 calendar days from the ending date of the eligible loss condition, but before November 30, 2011.

Subparagraph 261 F has been amended to delete the reference to subparagraph A.

Subparagraph 294 A has been amended to provide that for 2011 losses, a notice of loss must be filed the earlier of 30 calendar days of when the loss is apparent to the participant or December 29, 2011.

Page Control Chart		
TC	Text	Exhibit
	2-1, 2-2	
	2-11, 2-12	
	2-31 through 2-34	
	2-34.5, 2-34.6 (add)	
	2-35, 2-36	
	2-39, 2-40	
	2-71, 2-72	
	2-95, 2-96	
	2-107, 2-108	
	4-45, 4-46	
	4-46.5, 4-46.6 (add)	
	4-47, 4-48	
	5-21 through 5-24	
	5-35 through 5-38	
	5-57, 5-58	
	5-105, 5-106	
	5-195, 5-196	



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

This part provides instructions for administering LIP.

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

- as a direct result of an eligible adverse weather event that occurred on or after January 1, 2008, and before October 1, 2011
- no later than 60 calendar days from the ending date of the applicable adverse weather event, but before November 30, 2011--\*
- in the calendar year for which benefits are being requested.

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

**B Source of Authority**

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

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

**C Public Information**

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

**D Modifying Provisions**

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

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

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

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

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

**F Related Handbooks**

See Part 1 for handbooks related to LIP.

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

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

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

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

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

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

Ewe means a female sheep.

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

FSA means the Farm Service Agency.

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

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

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

Ineligible livestock means any of the following:

- any animal produced or maintained for reasons other than commercial use as part of a farming operation, as determined by FSA, including, but not limited to, recreational purposes, such as pleasure, hunting, pets, roping, or for show
- all wild free roaming animals, as determined by FSA
- any animal not meeting the definition of eligible livestock, as determined by FSA
- any animal owned or cash-leased by an ineligible livestock owner or contract grower
- all animals that died under all of the following conditions:
  - more than 60 calendar days from the end of the eligible adverse weather event
  - because of something other than an eligible adverse weather event
  - in a calendar year other than the calendar year for which benefits are being requested
  - \*--before January 1, 2008, or after November 29, 2011.--\*

## Section 2 Policy and Procedure

## 40 Signup Period

## A 2008-2009 LIP Signup

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

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

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

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

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

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

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

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

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

For 2010 calendar year losses, livestock owners and contract growers who suffer a loss of livestock shall file a notice of loss the earlier of:

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

For 2011 calendar year losses, livestock owners and contract growers who suffer a loss of livestock shall file a notice of loss the earlier of:

- 30 calendar days of when the loss of livestock is apparent to the participant
- \*--December 29, 2011.--\*

An application for payment is to be filed no later than 30 calendar days after the end of the calendar year in which the loss of livestock occurred.

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

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

## 41 Eligibility Criteria

### A Eligible Adverse Weather Event

To be considered eligible to receive benefits under LIP, livestock **must** have died:

- in excess of normal mortality as a direct result of an eligible adverse weather event as \*--defined according to subparagraph 23 A that occurred 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 November 30, 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.

## 41 Eligibility Criteria (Continued)

**B Eligible Livestock for Owners**

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

- been owned by an eligible livestock owner on the day the livestock died
- been maintained for commercial use as part of a farming operation on the day the livestock died

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

- \*--died as a direct result of an eligible adverse weather event that occurred on or after January 1, 2008, but before October 1, 2011
- died no later than 60 calendar days from the ending date of the applicable eligible adverse weather event, but before November 30, 2011
- died in the calendar year for which benefits are being requested--\*
- before dying, not have been produced or maintained for reasons other than commercial use as part of a farming operation, such as but not limited to, recreational purposes, pleasure, hunting, roping, pets, or for show



## 41 Eligibility Criteria (Continued)

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

- been 1 of the following, as defined in paragraph 23:
  - adult or nonadult beef cattle
  - adult or nonadult beefalo
  - adult or nonadult buffalo
  - adult or nonadult dairy cattle
  - elk
  - alpacas
  - deer
  - emus
  - equine animals
  - goats
  - llamas
  - poultry, including egg-producing poultry
  - reindeer
  - sheep
  - swine

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

See paragraph:

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

**C Eligibility for Newborn or Stillborn Animals**

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

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

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

## 41 Eligibility Criteria (Continued)

**D Eligible Livestock for Contract Growers**

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

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

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

- \*--died because of an eligible adverse weather event that occurred on or after January 1, 2008, but before October 1, 2011
- died no later than 60 calendar days from the ending date of the applicable eligible adverse weather event, but before November 30, 2011
- died in the calendar year benefits are being requested--\*
- been 1 of the following, as defined in paragraph 23:
  - poultry, including egg-producing poultry
  - swine.

See paragraph:

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

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

## 41 Eligibility Criteria (Continued)

## E Ineligible Livestock (Continued)

- all animals that died:
  - \*--before January 1, 2008, or after November 29, 2011--\*
  - in a calendar year other than the calendar year for which benefits are being requested.

**Important:** Contact the National Office Livestock Assistance Program Manager, through the State Office, when the reason for livestock death is questionable.

## F Eligible Livestock Owners

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

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

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

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

## 41 Eligibility Criteria (Continued)

**G Eligible Livestock Contract Growers**

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

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

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

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

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

\* \* \*

## 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
- \*--December 29, 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
- \*--December 29, 2011.--\*

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

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

- ensure that **all** program eligibility requirements are met
- be satisfied with **all** the following:
  - claimed livestock deaths occurred as follows:
    - because of an adverse weather event
    - \*--on or after January 1, 2008, and before November 30, 2011--\*
    - in the calendar year benefits are being requested
  - reasonableness of the claimed livestock deaths
  - proof of death provided is verifiable
  - documentation of livestock inventory when the deaths occurred, if applicable, is verifiable
  - reliable records along with beginning and ending inventory records, if applicable, provide adequate proof of death
  - third party certifications, if applicable, meet all requirements according to subparagraph 73 G
  - all signature requirements are met.

**Note:** See subparagraph B when:

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

## 75 Acting on FSA-914 (Continued)

**B Disapproving FSA-914**

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

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

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

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

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

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

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

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

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

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

A Completing Manual FSA-914 (Continued)

Item	Instruction
16	<p>Enter the number of head of livestock by kind/type and weight range that died because of the adverse weather event referenced in item 12.</p> <p>An entry in this field is always required when there is a loss in a particular kind, type, and weight range of livestock.</p> <p><b>Notes:</b> Livestock must have died on or after January 1, 2008, and before *--November 30, 2011, but no later than 60 calendar days from the ending--* date of the adverse weather events in item 7. The livestock must have also died during the calendar year for which benefits are being requested.</p> <p>If a producer does not have a 100 percent ownership or contract grower share interest in a particular kind/type and weight range of livestock that was lost because of an eligible adverse weather event, the livestock for which the producer does not have a 100 percent ownership or contract grower share shall be prorated based on the producer's percent share interest.</p> <p><b>Example 1:</b> Producer A has a 100 percent ownership share in 200 head of adult beef cows located on farm 1 and a 50 percent ownership share in 200 head of adult beef cows located on farm 2.</p> <p>10 adult beef cows are lost because of an eligible adverse weather event on farm 1 and 10 adult beef cows are lost because of the same eligible adverse weather event on farm 2. Determine the number of eligible livestock to be entered as lost in item 16 for Producer A according to the following:</p> <p>10 head lost x 100 percent share = 10 head  10 head lost x 50 percent share = 5 head</p> <p>10 head lost + 5 head lost = <b>15 head</b> (number of adult beef cows lost to enter for Producer A in item 16).</p>

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

A Completing Manual FSA-914 (Continued)

Item	Instruction
17	<p>*--For calendar years 2008 through 2010, enter the number of livestock that died during the calendar year benefits are being requested because of normal mortality before, on, or after the date of the first adverse weather event referenced in item 12.</p> <p>For calendar year 2011, enter the number of livestock that died before November 30, 2011, because of normal mortality before, on, or after the first adverse weather event referenced in item 12.</p> <p><b>Notes:</b> For 2011 losses, the adverse weather event causing the loss must have occurred before October 1, 2011.</p> <p>The producer shall provide documentation to the County Office to support livestock deaths because of normal mortality according to subparagraph 73 E, F, or G.--*</p> <p><b>Example:</b> Producer A has a 100 percent ownership interest in 100 head of adult beef cows that are lost because of a hurricane. The producer had not previously incurred a loss of adult beef cows in inventory for this particular kind/type and weight range of livestock because of an eligible adverse weather event. On October 11, 2009, Producer A enters “100” in item 15 and “10” in item 16. No entry would be made in item 17 because this is the first loss for this kind/type and weight range of livestock for which a loss in normal mortality has not occurred on or after the date of the first adverse weather event.</p> <p>On October 15, 2009, Producer A loses 2 adult beef cows to normal mortality. Producer A revises FSA-914 by entering “2” in item 17 and provides documentation to the County Office to support livestock deaths because of normal mortality.</p>
18	<p>COC shall enter the adjusted inventory, if applicable.</p> <p><b>Notes:</b> An entry is only required when COC determines an inventory different than the inventory certified to by the producer.</p> <p>The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 18.</p>
19	<p>COC shall enter the adjusted number of livestock lost because of an eligible adverse weather event, if applicable.</p> <p><b>Notes:</b> An entry is only required when COC determines the number of eligible livestock lost because of an eligible adverse weather event is different than the number of livestock certified to by the producer as lost because of the eligible adverse weather event.</p> <p>The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 19.</p>
20	<p>COC shall enter the adjusted number of livestock lost because of normal mortality, if applicable.</p> <p><b>Notes:</b> An entry is only required when COC determines the number of livestock lost because of normal mortality is different than the number of livestock certified to by the producer as lost because of normal mortality.</p> <p>The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 20.</p>

**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.

\*--It is the participant's responsibility to provide evidence, to the satisfaction of FSA, that the failure to meet RMPR was unintentional. It is not FSA's responsibility to provide documentation that a failure to meet RMPR was or was not intentional. It is the participant who has failed to meet RMPR and who is seeking relief for that failure who must provide evidence as to intent, to the satisfaction of FSA.--\*

171 Eligibility Criteria (Continued)

**P 2008 Equitable Relief (Continued)**

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. It is the participant's responsibility to provide evidence, to the satisfaction of FSA, that the failure to meet RMPR was unintentional. It is not FSA's responsibility to provide documentation that a failure to meet RMPR was or was not intentional.

It is the participant who has failed to meet RMPR and who is seeking relief for that failure who must provide evidence as to intent, to the satisfaction of FSA.--\*

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.

## 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
  - \*--for:
    - livestock death losses, December 29, 2011
    - livestock grazing and feed losses and honeybee and farm-raised fish losses, January 30, 2012--\*
- 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.

## 242 Eligibility Criteria

### A General Eligibility Criteria

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

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

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

- \*--timely file FSA-918 or FSA-930, as applicable, for payment
- timely file FSA-578 of all cropland and grazing land acres, honeybee colonies, and farm-raised fish pond acres on FSA-578 according to 2-CP.

**Note:** For 2008 and 2009 calendar year, late-filed FSA-578's will be accepted without requiring the producer to pay a late-filed fee. All other requirements for late-filed FSA-578's must be met according to 2-CP.--\*

242 Eligibility Criteria (Continued)

**B Eligible Loss**

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

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

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

- during the calendar year for which payment is being requested
- \*--because of an eligible adverse weather event or loss condition that occurred on or--\* after January 1, 2008, and before October 1, 2011.

**C Eligible Livestock Losses**

The following provides the eligible livestock losses and corresponding eligibility criteria that **must** be met to be considered eligible livestock losses under ELAP.

Eligible Livestock Losses	Eligibility Criteria
Grazing loss	<ul style="list-style-type: none"> <li>• Incurred on eligible grazing lands physically located in the county where the eligible adverse weather or loss condition occurred.</li> <li>• Because of an eligible adverse weather or loss condition including, but not limited to, blizzards/winter storms, flood, freeze, hurricane, hail, insects, lightning, tornados, excessive winds, tidal surge, volcanic eruption, and wildfire on non-Federal land.</li> </ul> <p><b>Important:</b> A grazing loss will <b>not</b> be considered an eligible loss if:</p> <ul style="list-style-type: none"> <li>• because of an adverse weather condition covered by LFP, such as drought or wildfire on Federally managed land</li> <li>• the producer is receiving compensation under ELAP for additional livestock feed purchases for the same eligible livestock during the same eligible adverse weather or loss condition.</li> </ul>
Purchased forage or feed stuffs	<ul style="list-style-type: none"> <li>• Destroyed because of an eligible adverse weather or loss condition including, but not limited to, blizzard, flood, hurricane, tidal surge, tornado, volcanic eruption, wildfire on non-Federal land, or lightning.</li> </ul>
Mechanically harvested forage or feed stuffs	<p><b>Note:</b> Mechanically harvested forage or feed stuffs must be destroyed <b>after</b> harvest to be considered an eligible loss.</p> <ul style="list-style-type: none"> <li>• Intended for use as feed for the participant’s eligible livestock.</li> <li>• Physically located in the county where the eligible adverse weather or loss condition occurred on the beginning date of the eligible adverse weather or loss condition.</li> </ul>

## 242 Eligibility Criteria (Continued)

**P Equitable Relief for 2008 (Continued)**

- actual use of the crop that differs from IU was uninsurable.

**Example:** Certain insurance policies, such as Crop Revenue Coverage, insure corn **only** intended as grain. If the corn is intended for silage, the coverage will **not** attach.

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

Equitable relief shall **not** be granted by STC to a producer who failed to meet 2008 RMPR because of 1 of the following reasons:

- producer intentionally chose **not** to insure a covered crop under RMA or NAP
- a lack of good faith in reporting acreage or production
- ineligibility determinations rendered under RMA or NAP regulations
- producer was prohibited from insuring acreage because the producer did **not** timely pay the crop insurance premiums in a prior year
- relief request was after May 18, 2009.

\*--Equitable relief requests must be initiated by the participant. It is the participant's responsibility to provide evidence to the satisfaction of FSA, that the failure to meet RMPR was unintentional. It is not FSA's responsibility to provide documentation that a failure to meet RMPR was or was not intentional. It is the participant who has failed to meet RMPR and who is seeking relief for that failure who must provide evidence as to intent, to the satisfaction of FSA.--\*

Producers granted relief by STC for **not** meeting 2008 RMPR must pay a \$100 per crop administrative fee.

**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 CAT and/or NAP.

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

## 242 Eligibility Criteria (Continued)

**\*--P Equitable Relief for 2008 (Continued)**

STC's shall do the following for 2008 relief cases acted on by STC:

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

COC shall do the following for relief cases to be submitted to STC:

- 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 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.

The American Recovery and Reinvestment Act authorized an additional waiver for a second buy-in. This waiver allowed producers another opportunity to pay a buy-in fee to be eligible for ELAP.

Since producers were given a second opportunity to pay a buy-in fee to meet 2008 RMPR, all STC relief provisions were suspended.

**Important:** For requests for relief cases submitted after May 18, 2009, State and County Offices shall follow 7-CP for submitting equitable relief cases to DAFP.--\*

## 242 Eligibility Criteria (Continued)

**\*--Q Equitable Relief for 2009 and Subsequent Years--\***

The 2009 crop year sales closing dates for crop insurance and application closing dates for NAP coverage had occurred **before** enactment of the Food, Conservation, and Energy Act of 2008 for some crops. Pub. L. 110-398 amended the Food, Conservation, and Energy Act of 2008 to allow a waiver of RMPR for producers who did **not** meet RMPR.

Producers were given the opportunity to buy-in until January 12, 2009, for crops that had a sales closing date before August 14, 2008, and for which crop insurance was not purchased.

**Note:** The application closing date for NAP was extended until December 1, 2008; therefore, this provision did **not** apply to NAP crops.

Equitable relief may be granted by STC on a case-by-case basis, to an eligible producer that **\*--failed to meet 2009 and subsequent years RMPR 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 shall **not** grant equitable relief to a producer that failed to meet 2009 and subsequent years RMPR because of any of the following reasons:--\*

- producer intentionally chose **not** to insure a covered crop under RMA or NAP
- a lack of good faith in reporting acreage or production
- ineligibility determinations rendered under RMA or NAP regulations
- producer's inability to insure acreage because of **not** paying premiums with crop insurance in a prior year
- **\*--violations of HEL and WC provisions**
- violations of controlled substance provisions.--\*

## 242 Eligibility Criteria (Continued)

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

Equitable relief requests **must** be initiated by the participant.

Producers granted relief for **not** meeting 2009 and subsequent years RMPR shall pay a \$250 per crop administrative fee.

**Note:** There is **no** limit on the amount of administrative fees that can be collected from a producer 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 STC minutes the justification for granting or denying equitable relief
- include the following information in STC minutes when granting or denying equitable relief:
  - producer's name
  - program year
  - program
  - action taken by 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.

\*--It is the participant's responsibility to provide evidence to the satisfaction of FSA, that the failure to meet RMPR was unintentional. It is not FSA's responsibility to provide documentation that a failure to meet RMPR was or was not intentional. It is the participant who has failed to meet RMPR and who is seeking relief for that failure who must provide evidence as to intent, to the satisfaction of FSA.--\*

### Section 3 Livestock Eligibility Criteria

#### 251 Livestock Eligibility

##### A Eligible Livestock for Feed Losses and Grazing Losses

To be considered eligible livestock for livestock feed losses and grazing losses, livestock must meet **all** of the following conditions:

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

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

- be livestock that is owned, leased, purchased, under contract for purchase, or been raised by a contract grower or an eligible livestock producer, during the 60 calendar days before the beginning date of the eligible adverse weather or eligible loss condition
- been maintained for commercial use as part of the producer's farming operation on the beginning date of the eligible adverse weather or eligible loss condition
- not have been produced or maintained for reasons other than commercial use as part of the producer's farming operation
- not have been livestock that were or would have been in a feedlot, on the beginning date of the eligible adverse weather or eligible loss condition, as part of the normal business operation of the producer.

##### B Eligible Livestock for Death Losses

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

- be alpacas, adult or nonadult dairy cattle, beef cattle, buffalo/beefalo, deer, elk, emus, equine, goats, llamas, poultry, reindeer, sheep, or swine
- been owned by an eligible livestock owner on the day the livestock died

## 251 Livestock Eligibility (Continued)

**B Eligible Livestock for Death Losses (Continued)**

- died:
  - \*--as a direct result of an eligible loss condition that occurs on or after January 1, 2008, and before October 1, 2011
  - on or after the beginning date of the eligible loss condition
  - on or after January 1, 2008, and no later than 60 calendar days from the ending date of the eligible loss condition, but before November 30, 2011--\*
- \* \* \*
- in the calendar year for which payment is being requested
- been maintained for commercial use as part of a farming operation on the day the livestock died
- before dying, not have been produced or maintained for reasons other than commercial use as part of a farming operation such as, but not limited to, recreational purposes, pleasure, hunting, roping, pets, or for show-eligible.

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

- be poultry or swine
- been in the possession of an eligible contract grower on the day the livestock died
- died:
  - \*--as a direct result of an eligible loss condition that occurs on or after January 1, 2008, and before October 1, 2011
  - on or after the beginning date of the eligible loss condition
  - on or after January 1, 2008, and no later than 60 calendar days from the ending date of the eligible loss condition, but before November 30, 2011--\*
- \* \* \*
- in the calendar year for which payment is being requested

## 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 nosema 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 \* \* \*.

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.

## 294 Applying for Benefits

### A Application Process

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

- during calendar years 2008 and 2009 before September 11, 2009, no later than December 10, 2009
- during calendar year 2009, on or after September 11, 2009, or calendar year 2010, the earlier of 30 calendar days:
  - of when the loss is apparent to the participant
  - after the end of the calendar year in which the loss occurred.
- during calendar year 2011, the earlier of:
  - 30 calendar days of when the loss is apparent to the participant
  - \*--for:
    - livestock death losses, December 29, 2011
    - livestock grazing and feed losses and honeybee and farm-raised fish losses, January 30, 2012.--\*

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

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

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

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

**294 Applying for Benefits (Continued)****A Application Process (Continued)**

Eligible producers will file the applicable FSA-918 or FSA-930 based on the type of livestock, honeybees, or farm-raised fish losses suffered by the eligible producer in the calendar year in which benefits are being requested.

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

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

**295 Notice of Loss****A Filing Notice of Loss**

Participants must file a notice of loss on FSA-918 for eligible livestock losses or FSA-930 for eligible losses of honeybees or farm-raised fish in their administrative County Office by \*--the dates provided in subparagraph 294 A.--\*

\* \* \*

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

- telephone
- FAX
- e-mail.

**Note:** The participant is not required to sign the notice of loss if 1 of the alternative methods is used. However, the employee accepting the "notice of loss" shall enter the method by which the "notice of loss" was filed in FSA-918, item 10A or FSA-930, item 8A if the participant or participant's representative did not sign.

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