

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

**Livestock Disaster Assistance Programs
For 2011 and Subsequent Years
1-LDAP (Revision 1)**

Amendment 22

Approved by: Deputy Administrator, Farm Programs



Amendment Transmittal

A Reasons for Amendment

The following subparagraphs have been amended to provide that an eligible adverse weather event, or attack by eligible animals or avian predators, must occur in the calendar year for which benefits are requested.

- 21 A
- 23 A
- 41 D
- 73 A through C
- 74 A
- 76 A.

Subparagraphs 21 A, 41 A, 41 B, 41 D 41 E, 75 A and 76 A have been amended to remove the requirement that livestock must die in the calendar year for which benefits are requested to be considered eligible livestock under LIP.

Subparagraphs 21 D, 22 B, 22 D, and 41 E have been amended to include the Special Programs Manager.

Subparagraph 40 A, has been amended, and subparagraph 40 D has been added to clarify provisions for late-filed CCC-852's.

Subparagraph 40 B has been amended to only apply to calendar year 2015 signup.

Amendment Transmittal (Continued)

A Reasons for Amendment (Continued)

Subparagraph 40 C has been added and 73 A has been amended to provide that for 2016 and subsequent calendar years, eligible livestock owners and contract growers must file:

- a notice of loss within 30 calendar days of when the loss of livestock is first apparent to the participant
- an application for payment no later than 90 calendar days after the end of the calendar year in which the eligible adverse weather event or attack by eligible animals or avian predators occurred.

Subparagraphs 41 B, D, and E have been amended to remove the requirement for a livestock owner to own or lease a farm to be considered an eligible livestock owner or contract grower under LIP.

Subparagraph 42 E has been amended update the 2016 payment rate for adult dairy bulls.

Subparagraph 71 A has been amended to remove repetitive handbook provisions and provide a note about associating a producer to a feedlot's farm number, when applicable.

Paragraph 72 has been withdrawn and the procedure moved to paragraph 71.

Subparagraph 73:

- A has been amended to provide a note about associating a producer to a feedlot's farm number, when applicable
- I has been amended to provide that livestock inventory reports must be submitted to the County Office by the applicable signup deadlines
- O has amended to provide that supporting documents must be submitted to the County Office by the applicable signup deadlines.

Subparagraph 75:

- A has been amended to provide an example of a livestock producer that has a farm administratively located in one county (or State) and owns livestock that are physically located in another county (or State)
- B has been amended to provide reference for late-filled provisions.

Amendment Transmittal (Continued)

A Reasons for Amendment

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Part 2 Livestock Indemnity Program (LIP)

Section 1 Basic LIP Provisions

21 General Information

A Purpose

This part provides instructions for administering LIP.

LIP provides monetary assistance to eligible livestock owners and livestock contract growers, *--for eligible livestock deaths in excess of normal mortality as a direct result of an eligible adverse weather event, or attacks by animals reintroduced into the wild by the Federal Government or protected by Federal law, including wolves and avian predators that occurred in the calendar year for which benefits are being requested. An eligible weather event--* includes 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 or eligible attack by animals or avian predators that occurred on or after October 1, 2011
- no later than 60 calendar days from the ending date of the applicable adverse weather event or eligible attack by animals or avian predator.

* * *

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 is authorized by the Agricultural Act of 2014 using CCC funds.

The regulations for LIP are provided in 7 CFR Part 1416, Subparts A and D.

C Public Information

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

D Modifying Provisions

*--Provisions in this handbook **must not** be revised without prior approval from the National Office. Requests for revisions shall be addressed to the Special Programs 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 1416, Subparts A and D, STC's shall:

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

22 Responsibilities (Continued)

A STC Responsibilities (Continued)

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

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

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

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

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

22 Responsibilities (Continued)

B SED Responsibilities

--Within the authority and limitation in this handbook and 7 CFR Part 1416, Subparts A and D, SED's will:--

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

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

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

23 Definitions for LIP (Continued)

A Definitions (Continued)

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

Eligible adverse weather event means an extreme or abnormal damaging weather event that is not expected to occur during the loss period for which it occurred, which directly results in *--eligible livestock death losses in excess of normal mortality. Eligible adverse weather events must occur in the calendar year for which benefits are requested. Eligible adverse weather--* events include, but are not limited to, as determined by the Deputy Administrator or designee, earthquake; hail; lightning; tornado; tropical storm; typhoon; vog, if directly related to a volcanic eruption; winter storm if the winter storm lasts for 3 consecutive days and is accompanied by high winds, freezing rain or sleet, heavy snowfall, and extremely cold temperatures; hurricanes; floods, blizzards; wild fires; extreme heat; extreme cold; anthrax; straight-line winds; cyanobacteria (beginning in 2015 calendar year); larkspur poisoning (beginning in 2015 calendar year); and disease if exacerbated by another eligible adverse weather event that directly results in the death of eligible livestock in excess of normal mortality.

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

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 U.S. A partnership of citizens of the U.S. 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.

Section 2 Policy and Procedure

40 Signup Period

A 2011-2014 LIP Signup

Livestock owners or contract growers who suffered livestock losses beginning October 1, 2011, through calendar year 2014 can sign up for LIP beginning April 14, 2014.

Livestock owners or contract growers who suffered livestock losses beginning October 1, 2011, through calendar year 2014 shall provide a notice of loss and file an application for payment in their administrative County Office no later than January 30, 2015.

Livestock owners or contract growers who suffered livestock losses October 1, 2011, through December 31, 2011, shall file a manual notice of loss and application for payment. These applications will be processed at a later date than the 2012 to 2014 calendar year applications.

Note: For notice of loss, complete CCC-852, Parts A and B.
For application for payment, complete CCC-852, Parts C through H.

* * *

40 Signup Period (Continued)***--B 2015 Calendar Year Signup**

For 2015 calendar year losses, eligible livestock owners and eligible contract growers who suffer a loss of livestock must file a notice of loss the earlier of:

- 30 calendar days of when the loss of livestock is apparent to the participant
- 30 calendar days after the end of the calendar year in which the loss occurs.--*

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.

* * *

***--C 2016 and Subsequent Calendar Years Signup**

For 2016 and subsequent calendar years, eligible livestock owners and eligible contract growers who suffer a loss of livestock must file a notice of loss within 30 calendar days of when the loss of livestock is first apparent to the participant.

An application for payment must be filed no later than 90 calendar days after the end of the calendar year in which the eligible loss condition occurred.

Note: See 1-CM, paragraph 2 whenever the signup deadline falls on a Saturday, Sunday, national holiday, State holiday, or any other day on which the cognizant office is not open.--*

40 Signup Period (Continued)

***--D Late-Filed Provisions**

The COC and STC do not have authority to approve programmatic relief for late-filed CCC-852's. However, a late-filed CCC-852 will be reviewed according to the following table:

Note: Neither COC nor STC are under any obligation to recommend relief. COC is not required to submit cases to STC that COC believes do not warrant relief, nor is STC required to submit cases to DAFP that STC believes do not warrant relief. If relief is not recommended by either COC or STC, the late-file application will be disapproved and the County Office will notify the participant in writing of the decision on the participant's request for late-filed CCC-852 with appropriate appeal rights according to 1-APP (based on the reviewing authority's decision that the CCC-852 was late and that relief was not appropriate). Cases do not have to be submitted to STC or DAFP for disapproval of relief.

If CCC-852 is submitted...	THEN do the following...
after the deadline but it is not accompanied by a written request of the participant for late-filing	County Office will issue a letter to the participant explaining that FSA cannot process CCC-852 because it was filed after the deadline. The letter must advise the participant that the participant may, within 30 days of the receipt of the letter advising that CCC-852 was filed late, file a written appeal with COC of the notification by County Office according to 1-APP.
after the application deadline and is either accompanied by a written request for late-filing or the participant has filed a timely appeal of the county FSA office's notification that the application cannot be processed	<p>COC will review and make a determination of whether relief is appropriate and, if so, forward a recommendation to STC for final action. STC will review the participant's request and COC recommendation.</p> <p>*--Notes: If the matter comes to COC by appeal, follow 1-APP for acknowledging and scheduling an appeal.</p> <p>Neither COC nor STC are under any obligation to recommend relief. COC or STC can disapprove CCC-852 and choose not to forward a recommendation for relief of approval of the late-filed CCC-852 to DAFP. STC will forward an appropriate recommendation to DAFP to grant programmatic relief.</p> <p>DAFP may:</p> <ul style="list-style-type: none"> • grant relief to approve the late-filed CCC-852 <p>Note: The FSA representative will sign and date CCC-852 with the effective DAFP decision date.</p> <ul style="list-style-type: none"> • deny relief and disapprove the CCC-852. <p>Note: State Offices will advise COC to notify the participant in writing that relief has been disapproved by DAFP. The letter must include appropriate appeal rights according to 1-APP.</p>

--*

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 or attacks by eligible animals or avian predators as defined according to subparagraph 23 A that occurred on or after October 1, 2011
- no later than 60 calendar days from the ending date of the applicable eligible adverse weather event or eligible attack by eligible animals or avian predators

Exceptions: Newborn livestock must have died no later than 7 calendar days from the ending date of the applicable eligible adverse weather event or attack by eligible animals or avian predators.

* * *

Note: 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 must ensure that COC thoroughly documents each case to ensure that:

- death of livestock was a direct result 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 is reasonable to attribute the direct death of livestock to it.

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 directly results in the death of eligible livestock.

The regulations at 7 CFR 1416.304(F)(1) provide that livestock that die as a direct result of disease that was not exacerbated by an eligible adverse weather event are not eligible for a LIP payment. FSA has the authority to determine eligibility of livestock losses caused by other adverse weather types, including disease caused by this weather. Livestock that die as a direct result of disease are not eligible for payment under LIP unless the disease has been determined to have been exacerbated by an eligible adverse weather event and vaccination or acceptable management practices are not available, whether or not they were or were not implemented. 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 exacerbated by an eligible adverse weather event and are not eligible causes of loss under LIP. Even if vaccination is done to prevent anaplasmosis, pneumonia, infectious bovine rhinotracheitis, and parainfluenza, and the livestock nonetheless die from 1 of these diseases, the disease is still **not** an eligible cause of loss under LIP.

Notes: Livestock deaths that are not directly the result of an eligible adverse weather event are not eligible for LIP.

LIP does not compensate for vaccination failures or death occurring despite vaccination.

Heavy rainfall followed by prolonged periods of hot temperatures is **not** considered an eligible adverse weather event **except** when associated with cyanobacteria, a toxin that is exacerbated by heavy rainfall followed by prolonged periods of hot temperatures and results in the death of eligible livestock during the 2015 and subsequent calendar years.

Unusual cold and wet conditions is **not** considered an eligible adverse weather event **except** when associated with larkspur poisoning, a plant that becomes toxic after unusual cold and wet conditions and results in the death of eligible livestock during the 2015 and subsequent calendar years.--*

41 Eligibility Criteria (Continued)

A Eligible Adverse Weather Event (Continued)

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.

COC, before approving CCC-852 application for payment for disease, must, through STC, request a determination from the Deputy Administrator or designee whether the specific disease is a disease that is exacerbated by an eligible adverse weather event.

41 Eligibility Criteria (Continued)

B Eligible Livestock for Owners

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

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

* * *

- *--died in excess of normal mortality as a direct result of an eligible adverse weather event or attacked by eligible animals or avian predators that occurred on or after October 1, 2011
- died no later than 60 calendar days from the ending date of the applicable eligible adverse weather event or attack by eligible animals or avian predators--*

Exception: Newborn livestock must have died no later than 7 calendar days from the ending date of the applicable eligible adverse weather event or attack by eligible animals or avian predators.

* * *

- 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)

*--In the examples, the mention of an individual or legal entity is not intended to portray an actual person or entity. It's for illustration purposes and should be viewed as a fictitious person or entity.

Example 1: Jane Black owns and raises a deer herd. Mrs. Black sells the does to a local food market to be processed into meat products. She sells the bucks to hunting preserves nationwide. Mrs. Black is in the business of selling deer, including the bucks that are sold to hunting preserves, as a means of livelihood for profit.

The deer herd owned by Ms. Black meets the definition of eligible livestock because they are maintained for commercial use as part of a farming operation, as defined in subparagraph 23 A. Also Ms. Black meets the definition of an eligible livestock owner, as provided in subparagraph 41 B because she has legal ownership of the deer and is assuming the production and market risks associated with the agricultural production of livestock.

Example 2: Sally Johnson, President of ABC Bank, owns 50 percent interest in a pen of 100 head of nonadult beef cattle weighing more than 900 pounds located in Frank Feeders Feedlot. The livestock are being fattened in the feedlot. Ms. Johnson does not own or lease any land.

Ms. Johnson's nonadult beef cattle in Frank Feeders Feedlot meet the definition of eligible livestock because they are maintained for commercial use as part of a farming operation, as defined in subparagraph 23 A. Also, Ms. Johnson meets the definition of an eligible livestock owner, as provided in subparagraph 41 B because she has legal ownership of the livestock and is assuming the production and market risks associated with the agricultural production of livestock.

Example 3: John Feeders Feedlot owns 100 percent interest in multiple pens of nonadult beef cattle weighing more than 900 pounds located in John Feeders Feedlot. John Feeders Feedlot is fattening the cattle in the feedlot.

The livestock owned by John Feeders Feedlot meet the definition of eligible livestock because they are maintained for commercial use as part of a farming operation, as defined in subparagraph 23 A. Also, John Feeders Feedlot meets the definition of an eligible livestock owner, as provided in subparagraph 41 B because the feedlot has legal ownership of the livestock and is assuming the production and market risks associated with the agricultural production of livestock.--*

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.

41 Eligibility Criteria (Continued)

***--C Eligibility for Newborn Livestock**

Newborn livestock that were born at normal full-term or near full-term shall qualify for--* LIP if all of the following apply:

- the death was the direct cause of the eligible adverse weather event or attacks by animals reintroduced into the wild by the Federal Government or protected by Federal law, including wolves and avian predators
- *--were born before or during the eligible adverse weather event or attack by eligible animals or avian predators
- died no later than 7 calendar days from the ending date of the applicable eligible adverse weather event or attack by eligible animals or avian predators.

Note: Livestock 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
- * * *
- died because of an eligible adverse weather event or attacks by eligible animals or avian ~~predators~~ that occurred on or after October 1, 2011, and in the calendar year for which benefits are requested~~--~~*
 - died no later than 60 calendar days from the ending date of the applicable eligible adverse weather event or attack by eligible animals or avian predators

Exception: Newborn livestock must have died no later than 7 calendar days from the ending date of the applicable eligible adverse weather event or attack by eligible animals or avian predators.

* * *

- been 1 of the following, as defined in paragraph 23:
 - poultry, including egg-producing poultry
 - swine.

See paragraph:

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

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

41 Eligibility Criteria (Continued)

E Ineligible Livestock

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

- *--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:
 - consumption by owner
 - hunting
 - pets
 - pleasure
 - roping
 - show

In all the examples, the mention of any individual or legal entity is not intended to portray an actual person or entity. It's for illustration purposes only and should be viewed as a fictitious person or entity.--*

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

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

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

* * *

--Mr. Johnson's horses are being maintained for commercial use, but not as a business enterprise engaged in producing agricultural products. Therefore, the animals are not considered eligible livestock for LIP purposes.--

41 Eligibility Criteria (Continued)

E Ineligible Livestock (Continued)

* * *

- catfish
- crawfish
- ostriches
- pheasants
- quail
- stillborn livestock
- unborn livestock

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

41 Eligibility Criteria (Continued)

E Ineligible Livestock (Continued)

- yaks
- any wild free roaming livestock, including equine and deer
- any animals not included in subparagraphs A, B, C, or D
- *--all animals that died before October 1, 2011

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

- because of disease where the disease was not exacerbated by an eligible adverse weather event.

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

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

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

Note: Resident alien means “lawful alien”.

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

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

42 Payment Rates, Limitations, and Reductions (Continued)**C 2012 Payment Limitation**

For 2012 and subsequent program 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 \$125,000 per program year total under ELAP, LFP, and LIP 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.

Obtain CCC-902 from the participant, if not on file. Do not make a “person” determination or “actively engaged in farming” determination. Obtain CCC-901 for legal entities to determine individual members of legal entities for direct attribution.

D AGI Provisions

For losses incurred beginning on October 1, 2011, the average AGI limitation provisions in 7 CFR Part 1400 relating to limits on payments for persons or legal entities, excluding joint ventures and general partnerships, with certain levels average adjusted gross income that exceeds \$900,000 will not be eligible for benefits under LIP.

42 Payment Rates, Limitations, and Reductions (Continued)

E Payment Rates for Eligible Livestock for Livestock Owners

LIP provides separate payment rates for eligible livestock owners and eligible contract growers. See subparagraph F 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 CCC, for the specific livestock category. The following table provides LIP per head payment rates, by livestock category, for eligible livestock owners.

Kind	Type	Weight Range	Payment Rate Per Head					
			2011	2012	2013	2014	2015	*--2016
Alpacas			\$280.53	\$262.50	\$267.87	\$270.00	\$270.00	\$270.00
Beef	Adult	Bull	\$971.03	\$1,369.17	\$1,381.63	\$1,590.49	\$1,965.78	\$1,987.89
		Cow	\$746.95	\$1,053.21	\$1,062.79	\$1,223.45	\$1,512.14	\$1,529.14
	Nonadult	Less than 400 pounds	\$336.04	\$460.96	\$454.46	\$553.77	\$716.48	\$757.59
		400 to 799 pounds	\$490.68	\$669.14	\$641.18	\$748.34	\$1,136.61	\$819.65
800 pounds or more		\$766.03	\$972.47	\$967.99	\$1,149.39	\$1,375.41	\$1,120.38	
Buffalo/ Beefalo	Adult	Bull	\$1,232.82	\$1,738.30	\$1,754.12	\$2,019.28	\$2,495.75	\$2,523.82
		Cow	\$657.50	\$927.09	\$935.53	\$1,076.95	\$1,331.07	\$1,346.04
	Nonadult	Less than 400 pounds	\$319.24	\$437.91	\$431.73	\$526.08	\$680.66	\$719.71
		400 to 799 pounds	\$466.15	\$635.68	\$609.12	\$710.92	\$1,079.78	\$778.67
800 pounds or more		\$727.73	\$923.84	\$919.59	\$1,091.92	\$1,306.64	\$1,064.36	
Chickens	Broilers/ Pullets (Regular Size)		\$2.39	\$2.42	\$2.60	\$2.60	\$2.57	\$2.60
	Chicks		\$0.23	\$0.21	\$0.22	\$0.22	\$0.22	\$0.23
	Layers		\$11.42	\$13.63	\$14.49	\$15.14	\$19.61	\$21.40
	Pullets/ Cornish Hens (Small Size)		\$1.72	\$1.70	\$1.83	\$1.83	\$1.65	\$1.69
	Roasters		\$2.81	\$3.15	\$3.41	\$3.41	\$3.32	\$3.43
Dairy	Adult	Bull	\$997.50	\$1,087.50	\$1,035.00	\$1,080.00	\$1,475.00	\$1,503.75
		Cow	\$997.50	\$1,087.50	\$1,035.00	\$1,080.00	\$1,475.00	\$1,503.75
	Nonadult	Less than 400 pounds	\$249.38	\$271.88	\$258.75	\$270.00	\$368.75	\$375.94
		400 to 799 pounds	\$498.75	\$543.75	\$517.50	\$540.00	\$737.50	\$751.88
800 pounds or more		\$766.03	\$878.37	\$835.96	\$872.31	\$1,191.35	\$1,214.57	
Deer			\$412.50	\$412.50	\$420.93	\$429.53	\$518.11	\$624.96
Ducks	Ducklings		\$0.61	\$0.66	\$0.66	\$0.66	\$0.67	\$0.67
	Ducks		\$3.82	\$4.15	\$4.12	\$4.12	\$4.19	\$4.21
Elk			\$572.59	\$572.59	\$584.29	\$596.23	\$719.19	\$867.50
Emus			\$150.00	\$150.00	\$153.07	\$171.34	\$206.67	\$249.29
Equine			\$637.50	\$637.50	\$650.53	\$728.18	\$878.34	\$1,059.47
Geese	Goose		\$19.35	\$12.88	\$21.31	\$21.31	\$15.78	\$21.84
	Gosling		\$4.06	\$2.70	\$4.47	\$4.47	\$3.31	\$4.59
Goats	Bucks		\$89.91	\$121.17	\$121.97	\$125.58	\$136.35	\$165.12
	Nannies		\$68.15	\$98.51	\$98.54	\$105.55	\$110.45	\$144.80
	Slaughter Goats/Kids		\$58.89	\$66.72	\$46.72	\$80.25	\$78.58	\$71.05--*

71 *--Notice of Loss

A Filing Notice of Loss

To apply for LIP, the participant must provide a notice of loss on CCC-852, Parts A and B, in the FSA administrative County Office for the farm by the dates provided in paragraph 40.

Note: If an eligible livestock owner does not own or lease land but owns eligible livestock located in a feedlot and the eligible livestock die because of an eligible adverse weather event or loss condition, the eligible livestock owner must be associated to the feedlot's farm number in farm records according to 10-CM.

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 or attacks by eligible animal or avian predators. Producers that suffer multiple livestock losses during the calendar year because of eligible adverse weather events 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 or attacks by eligible animal or avian predators that occur during the calendar year, livestock deaths shall be reported and a notice of loss filed for each separate eligible adverse weather event or attack by eligible animal or avian predators. Each eligible adverse weather event or attack by eligible animal or avian predators will be sequentially numbered in the notice of loss section of the application.

***--71 Notice of Loss (Continued)**

A Filing Notice of Loss (Continued)

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

- Winter Storm: March 27, 2014, through March 30, 2014
- Flood: August 15, 2014, through August 21, 2014.

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, 2014. Producer A telephoned County Office 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, 2014. Producer A FAXed a notice of loss to County Office. The flood was recorded as adverse weather--* event number 2 on the notice of loss.

* * *

--71 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 CCC-852, 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, 2015. Producer A telephones County Office on January 25, 2015, and reports that he/she lost 5 adult beef cows because of a blizzard that occurred on January 15, 2015. 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, 2015. Producer A e-mails County Office on May 31, 2015, 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.

--71 Notice of Loss (Continued)--

B Late-Filed Notice of Loss – Equitable Relief

* * *

There have been extenuating circumstances where a livestock producer has failed to provide a notice of loss within the prescribed timeframe, such as, but not limited to, the following examples:

- 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.

72 (Withdrawn--Amend. 22)

73 Application for Payment**A Filing Application for Payment**

*--To apply for LIP benefits, in addition to the notice of loss required in paragraph 71, eligible livestock owners and livestock contract growers must file an automated application for payment on CCC-852, according to paragraph 76, in **the administrative County Office** for the farm.

Notes: If an eligible livestock owner does not own or lease land but owns eligible livestock located in a feedlot and the eligible livestock die because of an eligible adverse weather event or loss condition, the eligible livestock owner must be associated to the feedlot's farm number in farm records according to 10-CM.

A minor child is eligible to file CCC-852, if all eligibility requirements are met.

See paragraph 40 for signup deadlines for filing an application for payment.

The application for payment must be signed and dated by the participant no later than the signup deadlines for filing provided in paragraph 40.

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

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

Complete CCC-852 in the web-based software according to Part 3.

Exception: CCC-852's for 2011 death losses that occurred on or after October 1, 2011, and before January 1, 2012, shall be taken on a manual application.

State and County Offices shall not use unapproved forms, worksheets, applications, or other documents to obtain or collect the data required from participants to complete CCC-852 (subparagraph 21 E).

73 Application for Payment (Continued)

A Filing Application for Payment (Continued)

For CCC-852's filed for livestock death losses because of attack of eligible animal or eligible avian predators, the County Offices shall:

- add the following certification statement to all CCC-852's

“I certify that I have not and will not receive combined program benefits totaling more than 95 percent of the value of the eligible livestock that I lost because of attacks by animals reintroduced into the wild by the Federal Government or protected by Federal law, including wolves and avian predators, in a calendar year, from all sources providing compensation for livestock death losses because of attacks by animals reintroduced into the wild by the Federal Government or protected by Federal law, including wolves and avian predators, including benefits from any Federal, State and/or privately-established program.”
- staple the certification statement to all CCC-852's filed for livestock death losses because of attacks by eligible animal or eligible avian predators
- ensure that all livestock producers that file CCC-852's for livestock death losses because of attacks by eligible animal or eligible avian predators initial and date the certification statement stapled to CCC-852.

CCC-852's for LIP will be based on the following:

- administrative county
- *--calendar year in which the eligible adverse weather event or attack by eligible animal or avian predator occurred--*
- participant.

At any point when 1 of these items is different, it will require a separate CCC-852 to be filed.

73 Application for Payment (Continued)**B Signing and Certifying CCC-852**

When signing CCC-852, item 25A, the participant is:

- *--applying for LIP benefits as the participant listed on CCC-852, item 5--*
- certifying **all** of the following:
 - information provided on CCC-852 is true and correct
 - *--claimed livestock died as a direct result of an eligible adverse weather event or attack by eligible animals or avian predators that occurred in the calendar year for which benefits are requested
 - livestock claimed on CCC-852 are eligible livestock according to subparagraph 41 B, C, or D as applicable--*
 - the physical location of the:
 - claimed livestock on the day they died
 - participant's current livestock inventory
 - the names of all other producers that had an interest in the claimed livestock
 - all supporting documentation provided are true and correct copies of the transaction reported
 - no compensation has been received for livestock losses listed on CCC-852 pursuant to section 10407(d) of the Animal Health Inspection Protection Act (7 U.S.C. 8306(d))

73 Application for Payment (Continued)**B Signing and Certifying CCC-852 (Continued)**

- authorizing FSA officials to:
 - enter upon, inspect, and verify all applicable livestock, and livestock deaths, in which the participant has an interest for the purpose of confirming the accuracy of the information provided
 - review, verify, and authenticate all information provided on CCC-852 and supporting documents provided
 - contact other agencies, organizations, or facilities to verify data provided by a participant or third party from such agencies, organizations, or facilities
- acknowledging that:
 - failure to provide information requested by FSA is cause for disapproval of CCC-852
 - providing a false certification to FSA is cause for disapproval of CCC-852, and is punishable by imprisonment, fines, and other penalties.

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

73 Application for Payment (Continued)

C Signature Requirements

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

- January 30, 2015, for losses occurring on or after October 1, 2011, and before January 1, 2015
- 30 calendar days after the end of the calendar year in which the loss of livestock occurred for 2015 calendar year applications for payment
- *--90 calendar days after the end of the calendar year in which the eligible adverse weather event or attack by eligible animals or avian predators.--*

Neither STC nor COC has authority to approve late-filed CCC-852.

Follow 1-CM for signature requirements.

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

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

CCC payments may be issued to:

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

D Printing and Reviewing Automated CCC-852

After all information is entered into the automated system, County Offices shall:

- print an automated CCC-852
- if a manual CCC-852 was submitted:
 - attach the manual CCC-852 to the automated CCC-852
 - conduct a second party review of all data on the automated CCC-852 to ensure that all data is the same on both the manual and automated CCC-852.

73 Application for Payment (Continued)

D Printing and Reviewing Automated CCC-852 (Continued)

Important: The individual conducting the second party review shall:

- not be the same individual who entered the data into the automated system
- initial and date automated CCC-852 to indicate second party review has been completed.

Note: Manual CCC-852's shall only be taken if the automated system is not operational or available at the time of application. DD's shall conduct second party reviews for all manual CCC-852's submitted to ensure that manual CCC-852's are loaded in the automated system within 5 workdays from the date the participant signs.

73 Application for Payment (Continued)**I Determining Livestock Beginning Inventory History for Calf and Lamb Open Range Livestock Operations Only (Continued)**

For purposes of determining beginning livestock inventory, livestock inventory reports may require adjustment by COC, not to exceed normal mortality, for when loss occurs at different points during the growing season (for example, inventories from docking may need little to no adjustment, but sales records at the end of the growing season may require an adjustment to account for a full year of normal mortality). The open range livestock operation must certify to the accuracy of the information.

The open range livestock operation is solely responsible for the timely submission and certification of accurate, complete livestock beginning inventory to the County FSA Office. Livestock beginning inventory records must be provided for all livestock type/kind. Records may be requested by the applicable COC and/or STC, on behalf of FSA. The open range livestock operation must provide such records upon request.

--Livestock inventory reports must be submitted to the County Office by the applicable signup deadlines provided in paragraph 40.--

COC will determine if the livestock beginning inventory records are acceptable and calculate the approved livestock beginning inventory history using CCC-856 according to paragraph 77.

The livestock beginning inventory history is calculated using a minimum of 4 years of transitional livestock beginning inventory history and will be updated each subsequent inventory year.

The transitional livestock beginning inventory history may:

- contain a maximum of the 4 most recent calendar years
- include actual and transitional livestock beginning inventories
- will only be used when less than 4 years of actual inventory records are available.

Appropriate adjustments to livestock beginning inventory history may be made to account for variations in ewe/cow stocking levels during the period covered by the history.

73 Application for Payment (Continued)**I Determining Livestock Beginning Inventory History for Calf and Lamb Open Range Livestock Operations Only (Continued)**

If no acceptable livestock beginning inventory records are available for either calves or lambs, calculate the 4 transitional livestock beginning inventory histories by multiplying the approved birthing rate/drop rate percentage for the open range livestock operation times the applicable cow or ewe livestock beginning inventory history times 65 percent.

If acceptable livestock beginning inventory records are provided for only 1 of the most recent 5 calendar years, calculate the 3 transitional livestock beginning inventory histories by multiplying the approved birthing rate/drop rate percentage for the open range livestock operation times the applicable cow or ewe livestock beginning inventory history times 80 percent.

If acceptable livestock beginning inventory records are provided for only 2 of the most recent 5 calendar years, calculate the 2 transitional livestock beginning inventory histories by multiplying the approved birthing rate/drop rate percentage for the open range livestock operation times the applicable cow or ewe livestock beginning inventory history times 90 percent.

If acceptable livestock beginning inventory records are provided for only 3 of the most recent 5 calendar years, calculate the 1 transitional livestock beginning inventory histories by multiplying the approved birthing rate/drop rate percentage for the open range livestock operation times the applicable cow or ewe livestock beginning inventory history times 100 percent.

If acceptable livestock beginning inventory history records containing information for 4 or more of the most recent calendar years are provided, calculate the livestock beginning inventory history by taking a simple average of the actual livestock beginning inventory histories.

73 Application for Payment (Continued)

N Calculating Payment Reduction for Livestock Death Loss Payment Because of Attacks by Wolf Depredation

Example: Calculating producer’s payment reduction:

Producer A previously received \$3,525 from DNR for the same 17 head of non-adult beef cattle lost for which the producer was eligible for a LIP payment of \$7,836.

Step	Action
1	\$3,525 in benefits received from DNR.
2	\$9,926 - \$3,525 DNR payment = \$6,401 Maximum amount of LIP benefits Producer A is eligible to receive.
3	\$7,836 = Producer A’s net calculated LIP payment for livestock death losses under LIP.
4	<p>\$7,836 net calculated LIP payment for livestock death losses under LIP - \$6401, maximum amount of LIP benefits Producer A is eligible to receive = \$1,435 livestock payment reduction to be applied to Producer A’s livestock death losses under LIP.</p> <p>\$1,435 is entered on CCC-852, Item 24.</p> <p>Producer A’s final death loss payment under LIP for the 17 head of nonadult beef cattle, less than 400 pounds, equals \$6,401 (\$7,836 minus \$1,435).</p>

73 Application for Payment (Continued)

O Supporting Documents

All supporting documents must be completed by the participant and on file in the County Office before CCC-852 may be approved.

--The participant must have provided the following to the County Office by no later than the applicable application for payment signup deadline provided in paragraph 40:--

- proof of death documentation, including documentation from APHIS, Federal and State DNR's, or other sources as determined by the Deputy Administrator, to document eligible attacks by animals and avian predators
- copy of contract growers contracts
- proof of normal mortality documentation
- livestock inventory reports for open range operations.

* * *

73 Application for Payment (Continued)

O Supporting Documents (Continued)

Additional supporting documents including, but not limited to, the following must be completed by the participant and be on file in the County Office before CCC-852 can be approved:

- *--CCC-902 on file for the applicant according to 5-PL
- CCC-901 on file for legal entities according to 5-PL
- AD-1026 on file according to 6-CP--*
- CCC-941 and other acceptable document according to 5-PL to determine compliance with average AGI provisions for 2011 and subsequent years.

74 CCC-854, Livestock Indemnity Program Third Party Certification

A Completing CCC-854

Complete CCC-854 according to the following table:

Item	Instruction
1	Enter State and County Code. This is the administrative County Office where the participant’s farm records are maintained.
2	*--Enter the calendar year the eligible adverse weather event or attack by eligible animals or avian predators occurred that caused the livestock death loss.--* * * *
3	Enter County Office name and address. This is the administrative County Office where the participant’s farm records are maintained.
Part A – Livestock Producer Information	
4	Enter the participant’s name and address, including city, State and ZIP code.
Part B – Livestock Producer Certification of Livestock and Losses	
5	Enter the adverse weather events number from CCC-852, item 12.
6	Enter “YES” if the producer in item 4 is a contract grower. Otherwise, enter “NO”.
7	Enter livestock kind/type and weight range for which loss occurred, for which no other proof of death is available. An entry in this field is always required when there is a loss in a particular kind/type and weight range of livestock for which no other proof of death is available. Note: Livestock by kind, type, and weight range can be obtained from the local FSA office or LIP Fact Sheet located at http://disaster.fsa.usda.gov .

75 Acting on CCC-852

A Approving CCC-852

COC or CED must act on all completed and signed CCC-852's submitted.

Exception: Only COC has authority to act on (approve or disapprove) CCC-852's submitted that use producer records, third party certification, livestock beginning inventory history for calf/lamb open range operations, or acceptable proof of livestock death and inventory loss as proof of loss.

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

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

- disapprove any CCC-852
- approve any CCC-852 where producer records, third party certification, livestock beginning inventory history for calf/lamb open range operations, or acceptable proof of livestock death and inventory loss is used to prove loss.

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

CCC-852 shall be approved or disapproved as certified by the participant. When more than 1 type of livestock is claimed, CCC-852 shall be approved or disapproved based on all livestock claimed. However, COC does have authority to make adjustments to certain information reported on CCC-852 when documentation warrants making adjustments.

Example: Jim Brown files CCC-852 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/Animal Attack" field of CCC-852 for horses and then approve CCC-852 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 a participant's farm is administratively located in 1 State and the participant suffers livestock death losses that are physically located in another State, both the administrative County Office, and the County Office where the livestock are physically located must review the CCC-852. The County Office where the livestock were physically located at the time of death must verify that the eligible adverse weather event, disease, or attack did occur and, when applicable, that the adverse weather event meets the STC established criteria for the event.--

75 Acting on CCC-852 (Continued)

A Approving CCC-852 (Continued)

***--Example:** Producer A has a farm administratively located in County B, Kansas. Producer A owns 100 head of adult beef cattle located in a feedlot in County C, Nebraska. Producer A losses 50 head of adult beef cattle in the feedlot in County C, Nebraska because of extreme cold. The Nebraska State Office determines that the extreme cold event listed on Producer A's CCC-852 does meet Nebraska's eligibility criteria for livestock deaths because of extreme cold. In addition, County C thoroughly documents that Producer A's 50 head of adult beef cattle died as a direct result of extreme cold. County C, must provide this information to County B, Kansas, before County B acts on the CCC-852.--*

Before approving CCC-852, 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 or attack by an eligible animal or avian predator
 - *--on or after October 1, 2011--*
 - * * *
 - 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
 - livestock beginning inventory history for calf and lamb open range operations, if applicable, meet all the requirements according to subparagraph 73 I
 - acceptable proof of livestock death and inventory for livestock losses occurring October 1, 2011, through December 31, 2014, if applicable, meet all requirements according to subparagraph 73 J

75 Acting on CCC-852 (Continued)

A Approving CCC-852 (Continued)

- all signature requirements are met.

Note: See subparagraph B when:

- COC or CED questions any data provided by participant
- disapproving CCC-852.

B Disapproving CCC-852

COC or CED must act on all completed and signed CCC-852's submitted. See subparagraph A when approving CCC-852.

Exception: Only COC has authority to act on (approve or disapprove) CCC-852's submitted that use producer records or third party certification as proof of loss, livestock beginning inventory for calf/lamb open range operations or acceptable proof of livestock death or inventory loss is acceptable according to subparagraph 73 J.

Note: Program technicians shall **not** be delegated authority to disapprove CCC-852's.

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

CCC-852 shall be approved or disapproved as certified by the participant. When more than 1 type of livestock is claimed, CCC-852 shall be approved or disapproved based on all livestock claimed. However, COC does have authority to make adjustments to certain information reported on CCC-852 when documentation warrants making adjustments.

Example: Jim Brown files CCC-852 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/Animal Attack" field of CCC-852 for horses and then approve CCC-852 for the 10 eligible adult beef cows. Jim Brown would be provided appeal rights according to 1-APP for the 5 horses not paid.

75 Acting on CCC-852 (Continued)

B Disapproving CCC-852 (Continued)

If it is determined that any information provided on CCC-852 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.

If all program eligibility requirements are **not** met, or it is determined that the information on CCC-852, or any additional supporting documentation provided by the participant, is **not** accurate or reasonable, then the following actions shall be taken:

- disapprove CCC-852
- notify participant of disapproval
- provide participant applicable appeal rights according to 1-APP
- thoroughly document reason for disapproval in the COC minutes.

--Note: See paragraph 40 for late-file payments.--

C Verifying Data With Other Agencies, Organizations, or Facilities

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

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

D DD Review and Report of Initial CCC-852's

DD shall review the first five CCC-852's for calendar years October 1, 2011, through calendar year 2014 approval where:

- proof of death is provided according to subparagraph 73 E, before COC or CED may approve any such CCC-852
- reliable records are provided along with verifiable beginning and ending inventory records as proof of death according to subparagraph 73 F, before COC may approve CCC-852

75 Acting on CCC-852 (Continued)

D DD Review and Report of Initial CCC-852's (Continued)

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

DD review of the initial CCC-852's and supporting documentation submitted is critical to ensuring that LIP is being administered according to the procedures provided in this handbook and the regulations in 7 CFR Part 1416, Subparts A and D.

Reviewing the initial CCC-852's and supporting documentation in a timely manner:

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

76 CCC-852, Livestock Indemnity Program Application

A Completing Manual CCC-852

Complete CCC-852 according to the following table.

Item	Instruction
1	Enter State and County Code. This is the administrative County Office where the producer's farm records are maintained.
2	*--Enter the calendar year the eligible adverse weather event or attack by eligible animals or avian predators occurred that caused the livestock death losses.--* * * *
3	Enter County Office Name. This is the administrative County Office where the producer's farm records are maintained.
4	Enter the application number. Note: This is an automated system assigned number.
Part A - Producer Information	
5	Enter the producer's name and address.
Part B - Notice of Loss	
6	*--Enter the date of the eligible adverse weather event or attacks by eligible animals or avian predators that caused the livestock death losses claimed in item 16.--* Notes: A number should be assigned to each date of occurrence/when loss was apparent. This number will be used to tie the adverse weather events entered in item 7. * * * Example: For a freeze and blizzard that occurred on March 1, 2014, and hurricane that occurred on August 1, 2014, item 6 should be completed as follows: <u>Item 6:</u> 1. March 1, 2014 2. August 1, 2014 Multiple dates may be entered if livestock deaths resulted from more than 1 eligible adverse weather event during the calendar year. Dates can be a range of dates.

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A Completing Manual CCC-852 (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>Notes: Livestock must have died on or after October 1, 2011, but no later than 60 calendar days from the ending date of the adverse weather events in item 7. * * *</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>Example 1: Producer A has a 100 percent ownership share in 200 head of adult beef cows located on farm 1 and a 50 percent ownership share in 200 head of adult beef cows located on farm 2.</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 = 15 head (number of adult beef cows lost to enter for Producer A in item 16).</p>

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A Completing Manual CCC-852 (Continued)

Item	Instruction
17	<p>For calendar year 2011, enter the number of livestock that died on or after October 1, 2011, and before January 1, 2012, because of normal mortality before, on, or after the first adverse weather event referenced in item 12.</p> <p>For 2012 and subsequent calendar years, 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>Notes: For 2011 losses, the adverse weather event causing the loss must have occurred on or after before October 1, 2011, and before January 1, 2012.</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>Example: Producer A has a 100 percent ownership interest in 100 head of adult beef cows that are lost because of a hurricane. The producer had not previously incurred a loss of adult beef cows in inventory for this particular kind/type and weight range of livestock because of an eligible adverse weather event. On October 11, 2014, 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, 2014, Producer A loses 2 adult beef cows to normal mortality. Producer A revises CCC-852 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>Notes: 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>Notes: An entry is only required when COC determines the number of eligible livestock lost because of an eligible adverse weather event is different than the number of livestock certified to by the producer as lost because of the eligible adverse weather event.</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>Notes: An entry is only required when COC determines the number of livestock lost because of normal mortality is different than the number of livestock certified to by the producer as lost because of normal mortality.</p> <p>The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 20.</p>