

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 37

Approved by: Acting Deputy Administrator, Farm Programs

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Amendment Transmittal

A Reasons for Amendment

Paragraph 402 has been amended to update the nonadult beef cattle, beefalo, buffalo/bison, and dairy cattle definitions for LFP removing the requirement that weaned eligible livestock must weigh more than 500 pounds.

Subparagraph 411 F has been amended to:

- remove the reference that beef cattle, dairy cattle, buffalo/bison, and beefalo weighing less than 500 pounds are ineligible for LFP
- update that unweaned livestock or animals not meeting the definition of a grazing animal on or before the beginning date of a qualifying drought or fire are ineligible livestock for LFP
- clarify an example of eligible livestock.

Subparagraph 421 C has been amended to provide the 2019 LFP monthly feed cost payment rates for nonadult beef, dairy, beefalo, and buffalo/bison weighing less than 500 pounds.

Paragraph 802 has been amended to update the nonadult beef cattle, beefalo, buffalo/bison, and dairy cattle definitions for ELAP removing the requirement that weaned eligible livestock must weigh more than 500 pounds.

Subparagraph 830 A has been amended to update livestock eligibility of grazing animals, as defined, for ELAP.

Amendment Transmittal (Continued)

A Reasons for Amendment (Continued)

Subparagraph 830 D has been amended to:

- provide that unweaned livestock or animals that do not meet the definition of grazing animals on the beginning date of the eligible adverse weather or eligible loss condition are ineligible for ELAP
- clarify an example of eligible livestock.

Subparagraph 831 J has been amended to provide the daily water requirement for nonadult beef and dairy cattle weighing less than 500 pounds.

Exhibit 16 has been amended to:

- update with AU's consistent with ELAP and LFP
- add .5 AU for Dairy Cattle, Beef Cattle, Buffalo/Bison, or Beefalo less than 500 pounds.

Page Control Chart		
TC	Text	Exhibit
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402 Definitions for LFP (Continued)**A Definitions (Continued)**

*--Nonadult beef cattle means a weaned beef breed bovine animal that on or before the beginning date of a qualifying drought or fire does **not** meet the definition of adult beef cow or bull.

Nonadult beefalo means a weaned animal hybrid of beef and bison that on or before the beginning date of a qualifying drought or fire does not meet the definition of a beefalo cow or bull.

Nonadult buffalo/bison means a weaned animal of those breeds that on or before the beginning date of a qualifying drought or fire does **not** meet the definition of adult buffalo/bison cow or bull.

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

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

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

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

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

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

403-409 (Reserved)

411 Eligibility Criteria (Continued)

F Ineligible Covered Livestock (Continued)

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

Mrs. Black is in the business of selling deer as a means of livelihood for profit; therefore, the deer are maintained for commercial sale and are therefore eligible livestock.

* * *

- yaks
- ostriches

* * *

- unweaned livestock or animals not meeting the definition of a grazing animal on or before the beginning date of a qualifying drought or fire
- any wild free roaming livestock, including horses and deer
- any animals **not** included in subparagraph D.

411 Eligibility Criteria (Continued)

G Livestock Located in Feed Lots

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

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

Example 1: John Smith owns 500 head of nonadult beef cattle weighing an average of 750 pounds each. Mr. Smith's eligible grazing land is located in County A. County A was rated as having a D3 drought intensity level on the U.S. Drought Monitor for 1 day on January 1, 2012. Mr. Smith placed the 500 head of nonadult beef cattle in Lucky 7 Feedlot, Inc., located in County A, on January 1, 2012, for the purpose of fattening for slaughter. The 500 head of nonadult beef cattle owned by Mr. Smith are **not** eligible for LFP because the adult beef cattle were placed in the feedlot for the purpose of fattening for slaughter as part of his normal operation.

Example 2: Judy Jones owns 750 head of nonadult beef cattle weighing an average of 500 pounds each. Ms. Jones' eligible grazing land is located in County A. County A was rated as having a D2 drought intensity level for 8 consecutive weeks on the U.S. Drought Monitor on March 1, 2012. The normal grazing period for native pasture in County A is May 1 through November 15. Ms. Jones, as part of her normal business operation, placed the 750 head of nonadult beef cattle in Rafter 3 Feedlot, located in County A, on March 20, 2012. The 750 head of nonadult beef cattle owned by Ms. Jones are **not** eligible for LFP because nonadult beef cattle were placed in the feedlot as part of Ms. Jones' normal business operation and **not** because of an eligible qualifying drought or fire.

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

421 Drought Payment Calculation (Continued)**B LFP Monthly Payment Rate**

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

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

Total LFP payments to an eligible livestock producer in a calendar year for grazing losses because of qualifying drought will **not** exceed 5 monthly payments for the same livestock; that is, the maximum payment a producer can receive under LFP in a calendar year **cannot** exceed 5 times the same covered livestock's feed cost times 60 percent.

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

421 Drought Payment Calculation (Continued)

C Monthly Feed Cost Payment Rates for Covered Livestock

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

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

Kind of Livestock	Type	Weight Range	Payment Rate Per Head			
			2016	2017	2018	2019
Beef	Adult	Cows and Bulls	\$32.36	\$30.00	\$28.07	\$29.34
	Nonadult	500 pounds or more	\$24.27	\$22.50	\$21.05	\$22.01
	--Nonadult	Less than 500 pounds				\$14.67--
Dairy	Adult	Cows and Bulls	\$84.14	\$78.00	\$72.98	\$76.29
	Nonadult	500 pounds or more	\$24.27	\$22.50	\$21.05	\$22.01
	--Nonadult	Less than 500 pounds				\$14.67--
Beefalo	Adult	Cows and Bulls		\$30.00	\$28.07	\$29.34
	Nonadult	500 pounds or more		\$22.50	\$21.05	\$22.01
	--Nonadult	Less than 500 pounds				\$14.67--
Buffalo/Bison	Adult	Cows and Bulls	\$32.36	\$30.00	\$28.07	\$29.34
	Nonadult	500 pounds or more	\$24.27	\$22.50	\$21.05	\$22.01
	--Nonadult	Less than 500 pounds				\$14.67--
Sheep	All		\$8.09	\$7.50	\$7.02	\$7.34
Goats	All		\$8.09	\$7.50	\$7.02	\$7.34
Deer	All		\$8.09	\$7.50	\$7.02	\$7.34
Equine	All		\$23.95	\$22.20	\$20.77	\$21.71
Elk	All					\$15.85
Elk		Less than 400 pounds	\$7.12	\$6.60	\$6.18	
		400 pounds to 799 pounds	\$13.27	\$12.30	\$11.51	
		800 pounds or more	\$17.47	\$16.20	\$15.16	
Reindeer	All		\$7.12	\$6.60	\$6.18	\$6.46
Alpacas	All		\$26.65	\$24.71	\$23.12	\$24.17
Emus	All		\$16.56	\$15.36	\$14.37	\$15.02
Llamas	All		\$11.81	\$10.95	\$10.25	\$10.71

Note: A grazing animal is defined as those species of livestock that, from a nutritional and physiological perspective, satisfy more than 50 percent of their net energy requirement through the consumption of growing forage grasses and legumes, regardless whether or not they are grazing or are present on grazing land or pastureland. **Unweaned livestock are not considered a grazing animal and are ineligible for LFP.**

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

Example: Participant A has 100 head of adult beef cattle that suffer a 2012 grazing loss because of a qualifying drought. The monthly feed cost for the 100 head of adult beef cattle equals the monthly payment rate, from the table for adult beef cattle, times 100 head.

100 head adult beef cattle x \$51.81 (monthly payment rate for adult beef cattle) = \$5,181 (monthly feed cost for adult beef cattle).

802 Definitions for ELAP (Continued)

A Definitions (Continued)

Grazing loss means the value, as calculated in subparagraph 831 C, D, or E, of eligible grazing lost because of an eligible adverse weather or eligible loss condition based on the number of days that the eligible livestock were **not** able to graze the eligible grazing land during the normal grazing period.

EHD means a disease of white-tailed deer caused by an infection of a virus from the genus Orbivirus.

Kid means a goat less than 1 year old.

Lamb means a sheep less than 1 year old.

Limited resource farmer or rancher means a producer who is both:

(1) A producer whose direct or indirect gross farm sales do **not** exceed \$176,800 (2014 program year) in each of the 2 calendar years that preceded the most immediately preceding complete taxable year before the relevant program year, (for example, for the 2014 program year, the 2 years would be 2012 and 2011), adjusted upwards in later years for any general inflation, and

(2) A producer whose total household income was at or below the national poverty level for a family of 4 in each of the same 2 previous years referenced in paragraph (1) of this definition. (Limited resource farmer or rancher status can be determined using a web site available through the Limited Resource Farmer and Rancher Online Self Determination Tool through National Resource and Conservation Service at <http://www.lrftool.sc.egov.usda.gov/tool.aspx>.)

For legal entities requesting to be considered Limited Resource Farmer or Rancher, the sum of gross sales and household income **must** be considered for all members.

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

Loss period means the period of time the loss occurs for the adverse weather event the producer is claiming caused the loss.

Nanny means a female goat.

--Newborn livestock means livestock that are within 10 calendar days of the date of birth.--

802 Definitions for ELAP (Continued)

A Definitions (Continued)

*--Nonadult beef cattle means a weaned beef breed bovine animal that on or before the beginning date of the eligible adverse weather or eligible loss condition does not meet the definition of adult beef cow or bull.

Nonadult beefalo means a weaned animal hybrid of beef and bison that on or before the beginning date of the eligible adverse weather or loss condition does not meet the definition of a beefalo cow or bull.

Nonadult buffalo/bison means a weaned animal of those breeds that on or before the beginning date of the eligible adverse weather or loss condition does **not** meet the definition of adult buffalo or bison cow or bull.

Nonadult dairy cattle means a weaned bovine animal of a breed used for the purpose of providing milk for human consumption that on or before the beginning date of the eligible adverse weather or loss condition does **not** meet the definition of adult dairy cow or bull.--*

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

Normal mortality means the numerical amount, computed by a percentage of expected livestock, honeybee colony and farm-raised fish deaths, by category, that normally occur during a program year for a producer, as established for the area by STC for livestock and farm-raised fish, and as established nationwide by the Deputy Administrator for honeybee colonies.

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

Program year means from October 1 through September 30 of the fiscal year in which the loss occurred.

Ram means a male sheep.

Reliable record means any non-verifiable record available that reasonably supports the eligible loss, as determined acceptable by COC.

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

Section 3 Livestock Eligibility Criteria

830 Livestock Eligibility

A Eligible Livestock for Feed Losses, Grazing Losses, Water Transporting, and Cattle Tick Fever

To be considered eligible livestock for livestock feed and grazing losses and losses resulting from water transporting and cattle tick fever, livestock **must** meet **all** of the following conditions:

- **--be grazing animals, as defined, such as adult and nonadult beef cattle, adult and--*** nonadult beefalo, adult and nonadult buffalo/bison, adult and nonadult dairy cattle, alpacas, deer, elk, emus, equine, goats, llamas, reindeer, or sheep
- except for losses resulting from gathering livestock for cattle tick fever, 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 for the county where the eligible adverse weather or eligible loss condition occurred

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 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 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.

830 Livestock Eligibility (Continued)

B Eligible Livestock for Death Losses

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

- *--be adult and nonadult beef cattle, adult and nonadult beefalo, adult and nonadult buffalo/bison, adult and nonadult dairy cattle, alpacas, deer, elk, emus, equine, goats,--* llamas, poultry, reindeer, sheep, or swine
- been owned by an eligible livestock owner on the day the livestock died
- died:
 - on or after October 1, 2011
 - on or after the beginning date of the eligible loss condition
 - *--no later than 30 calendar days from the ending date of the eligible loss condition--*
 - in the program 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, for show or for sport.

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

See:

- subparagraph K for acceptable documentation of livestock deaths
- paragraph 802 for definitions of eligible livestock, eligible loss condition, commercial use, and farming operation
- subparagraph 831 G for further delineation of eligible livestock by payment rate.

830 Livestock Eligibility (Continued)

D Ineligible Livestock (Continued)

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

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

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

Mrs. Black is in the business of selling deer as a means of livelihood for profit; therefore, the deer are maintained for commercial sale and are therefore eligible livestock.

* * *

- yaks
- ostriches
- any wild free roaming livestock, including horses, hogs, and deer
- ~~any~~ unweaned livestock or animals that do not meet the definition of grazing animals on the beginning date of the eligible adverse weather or eligible loss condition
- any animals **not** included in subparagraph A, B, or C.

830 Livestock Eligibility (Continued)

E Eligible Grazing Types

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

- *--annual crabgrass planted specifically for providing grazing for eligible livestock--*
- annual ryegrass that is specifically for providing grazing for eligible livestock
- forage sorghum crops planted specifically for providing grazing for eligible livestock
- improved pasture with permanent vegetative cover
- native pasture with permanent vegetative cover
- small grain crops planted specifically for providing grazing for eligible livestock.

F Eligible Grazing Lands

The following are eligible grazing lands:

- State and Federal lands, if either of the following apply:
 - the land is leased on a long-term basis that COC determines requires lessee contribution including, but **not** limited to, wells, fences, or other maintenance and upkeep inputs
 - pasture or grazing land is leased for cash or fixed amount for an established grazing period
- privately owned, cash or share leased pasture, rangeland or cropland that is used to provide grazing for eligible livestock.

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

831 Livestock Payment Rates, National Payment Factors, and Payment Calculations (Continued)

J Payment Calculations for Water Transporting (Continued)

The following table provides the established national average prices per gallon to transport water, based on the method the producer uses to transport water in the applicable program year.

Method of Transporting Water	National Average Price/Gallon
Personal labor/equipment	\$0.035
Hired labor/rented equipment	\$0.05
Contracted water transportation	\$0.07

Note: Personal labor includes those laborers normally involved in the farming or ranching operation.

DAFP may establish higher average prices per gallon to transport water for a State or region of a State, based on a recommendation from STC, if the State can document a higher rate for transporting water exists.

The daily water requirements for livestock, per head and AU, to be used in the calculations in this subparagraph are provided in the following table.

Kind	Type	Weight Range	Daily Water Requirement Per Head (Gallons Per Day)	Daily Water Requirement Per AU (Gallons Per Day)
Beef	Adult	Cows and Bulls	18	18
	Nonadult	500 pounds or more	9	18
	--Nonadult	Less than 500 pounds	9	18--
Dairy	Adult	Cows and Bulls	30	15
	Nonadult	500 pounds or more	15	15
	--Nonadult	Less than 500 pounds	15	15--
Equine	All		12	12
Goats	All		4	16
Sheep	All		4	16

Important: Calculating benefits for eligible livestock will be on an AU basis and will require different types of livestock to be converted to an AU basis according to Exhibit 16.

831 Livestock Payment Rates, National Payment Factors, and Payment Calculations (Continued)

J Payment Calculations for Water Transporting (Continued)

Example: Producer A suffers additional cost for transporting water to eligible livestock in County A because of an eligible drought that occurred on March 1, 2014. Producer A had to transport water to 1,000 head of eligible sheep that were grazing an eligible native pasture. A total of 15,000 gallons of water was transported from March 3, 2014 to April 15, 2014. Producer A used personal labor and equipment to transport the water. Producer A did **not** complete CCC-860 so Producer A's payment will be calculated based on 60 percent of the smaller of:

--1,000 (head of sheep) x 0.25 (AU conversion factor) x 16 (daily water requirement for sheep/AU) x \$0.035 (per gallon) x 150 (days) = \$21,000--

15,000 (gallons of water) x \$0.035 (per gallon) = \$525

\$525 (the lesser value of 150 days of water transporting or actual number of gallons transported) x 60 percent = \$315

K Payment Calculations for Cattle Tick Fever

Eligible producers **must** certify that they have suffered additional cost related to gathering livestock to treat for cattle tick fever. Payment for Cattle Tick Fever is equal to the sum of the result of multiplying the following for each treatment:

- national payment factor, as determined in subparagraph B, times
- number of eligible livestock treated by APHIS for cattle tick fever, times
- the average cost to gather livestock, per head.

STC, with DAFP approval, will establish the average cost to gather livestock per head.

STC **must** determine the average cost, per head, to gather livestock, and submit the recommendation to DAFP for approval.

Standard AU Conversion Chart

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

Animal Type	Unit
Dairy Cow or Bull	*--2.6
Beef, Buffalo/Bison, or Beefalo Adult Cow or Bull	1.00
Equine	.74
Dairy Cattle, Beef Cattle, Buffalo/Bison, or Beefalo 500 lbs. or more	.75
Dairy Cattle, Beef Cattle, Buffalo/Bison, or Beefalo less than 500 lbs.	.50--*
Deer	.25
Sheep or Goats	.25
* * *	* * *
Reindeer or Elk	.22
Alpaca	.82
Llama	.36
Emu	.51
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