

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

Notice CM-857

For: State and County Offices

**Emergency Procedures and Administrative Policies for
Tropical Storms, Typhoons, and Hurricanes**

Approved by: Acting Deputy Administrator, Farm Programs



1 Overview

A Background

The most recent hurricane, Idalia, has caused significant damage and loss to crops in the Southeastern States. During severe weather events, producers may be unable to communicate with FSA Service Centers because of destruction of communication lines and limited ability to travel in the impacted areas.

As the storm season continues, FSA recognizes the need for authorizing emergency procedures that will streamline determinations and accelerate the adjustment of losses and issuance of payments to livestock owners and crop producers in the impacted areas.

B Purpose

This notice announces authorization of the use of these emergency procedures for counties impacted by a National Oceanic and Atmospheric Administration-determined tropical storm, typhoon, or hurricane (all conditions hereafter referred to as “named storm”) as specified in paragraph 2.

2 Using Registers and Authorized Emergency Procedures and Administrative Policies

A Registers

Regarding any program deadlines, SED’s are reminded to authorize the use of registers, wherever it is deemed appropriate according to 1-CM, to facilitate servicing producers and customers.

Disposal Date	Distribution
September 1, 2024 9-28-23	State Offices; State Offices relay to County Offices

2 Using Registers and Authorized Emergency Procedures and Administrative Policies (Continued)

B Area of Authorized Emergency Procedures and Administrative Policies Under This Notice

The provisions of this notice apply only to counties that:

- have received a Primary Presidential Declaration or Secretarial Disaster Designation because of a named storm
- are contiguous to disaster-declared counties.

A list of emergency disaster-declared counties is available at the following locations:

- FSA website at <https://www.fsa.usda.gov/programs-and-services/disaster-assistance-program/disaster-designation-information/index>
- Tableau dashboard at <https://cxodashboard.dl.usda.gov/#/site/FPAC/views/FSA-DAFP-DisasterDesignations/OverviewMap?:iid=1>.

C Authorized Emergency Procedures by Program

FSA is authorizing the following emergency procedures for counties identified in subparagraph B to assist impacted livestock owners and contract growers, producers, owners, and NAP participants.

Note: Deviating from policy or the exceptions provided in this notice is not permitted.

Program	Emergency Procedures and/or Authorization or Administrative Policy
Marketing Assistance Loan (MAL)	<p>[7 U.S.C. 9033(b)] Statute does not permit the Secretary to extend the term of MAL for any commodity. Law does not permit extending MAL for any commodity. However, the following are authorized on a case-by-case basis for a duration determined appropriate by STC.</p> <ul style="list-style-type: none"> • Provide additional delivery time on CCC-691 for MAL farm-stored commodities being delivered to CCC. • Provide additional time for producers to deliver MAL commodity to a buyer to repay MAL with sales proceeds. • Postpone for up to 90 calendar days issuing MAL foreclosure letters applicable to losses or damage mentioned in this notice.

2 Using Registers and Authorized Emergency Procedures and Administrative Policies (Continued)

C Authorized Emergency Procedures by Program (Continued)

Program	Emergency Procedures and/or Authorization or Administrative Policy
Farm Storage Facility Loan (FSFL)	<p>FSFL borrowers experiencing financial hardship may request an annual installment deferral that will extend the next installment due date by 1 year.</p> <p>Current FSFL policy allows for short-term relief, where borrowers who cannot pay on the due date may request up to an additional 120 calendar days to pay an annual installment payment.</p>
Conservation Reserve Program (CRP)	<p>DAFP authorizes emergency haying for up to 60 calendar days or emergency grazing for up to 90 calendar days to provide feed sources for livestock. 2-CRP emergency haying and grazing provisions will be followed.</p> <p>Note: Emergency haying and grazing is not permitted during the primary nesting season.</p> <p>Land enrolled in CRP is not eligible for ECP or EFRP assistance. 2-CRP, subparagraph 492 B provides COC authority to authorize cost share to re-establish practices damaged by a natural disaster. COC's must determine whether the cost of restoring the practice outweighs the benefits resulting in possible termination of the CRP contract.</p>
Emergency Conservation Program (ECP)	<p>Generally, ECP enrollment periods are conducted for 30 to 60 calendar days, with the possibility of an extension. COC may accept late-filed requests according to 1-ECP (Rev. 7). To be eligible for cost share assistance before beginning restoration activities, certain activities must be conducted by FSA unless the need for emergency actions exist. Emergency actions include:</p> <ul style="list-style-type: none"> • repairing or replacing a fence to contain livestock • repairing an irrigation pond dam or berm that poses an immediate threat to life and property.
Emergency Forest Restoration Program (EFRP)	<p>Generally, EFRP enrollment periods are conducted for 30 to 180 calendar days, with the possibility of an extension. COC may accept late-filed requests according to 1-EFRP (Rev. 1). COC will review applications and refer them to the technical agency for an onsite review and restoration plan development. The applicant must receive written approval of the application before beginning restoration activities unless a waiver is granted to address emergency activities necessary to prevent further loss of life or property.</p>

2 Using Registers and Authorized Emergency Procedures and Administrative Policies
(Continued)

C Authorized Emergency Procedures by Program (Continued)

Program	Emergency Procedures and/or Authorization or Administrative Policy
Noninsured Crop Disaster Assistance Program (NAP)	<ul style="list-style-type: none"> • The 72-hour notification requirement for hand-harvested and other applicable crops is waived. • STC may grant an additional 15 calendar days from the date of loss or damage to the crop is first apparent for CCC-576, Part B to be filed. STC may grant up to 30 additional calendar days (not to exceed 60 calendar days) for instances where the administrative County Office remains closed beyond the additional 15 calendar days, or there is excessive workload. Requests for timeframes beyond the additional 60 calendar days may be sent to DAFP according to 1-NAP (Rev. 2), paragraph 11. • STC may waive field inspections for impacted acreage on a case-by-case basis when CCC-576, Part B is filed beyond the extended timeframe if the cause of loss can be verified through other means. • Acreage certified on FSA-578 may be used as determined acreage for NAP purposes when measurement by LA is not feasible or the field inspection was waived by STC. <p>Note: If there is a conflict between NAP CCC-860 policy and this notice, the less restrictive policy will apply.</p> <ul style="list-style-type: none"> • For crops where the entire unit acreage is destroyed or damaged to the extent the acreage will never be harvested and appraisal by LA is waived, consider the production to count for the unit to be zero and apply the unharvested (UH) payment factor. • For crop acreage where appraisal by LA is waived by STC and a portion of the acreage is harvested, production evidence must be provided by the producer for the harvested acreage. The remaining UH acres will have zero production to count and the UH factor will apply only to the UH acreage. • COC may approve an application for payment submitted beyond 60 calendar days, not to exceed 180 calendar days, without a written request from the producer. STC is authorized to grant an extension in cases where the application for payment is submitted beyond 180 calendar days, not to exceed 360 calendar days, where a written request from the producer is required.

2 Using Registers and Authorized Emergency Procedures and Administrative Policies
(Continued)

C Authorized Emergency Procedures by Program (Continued)

Program	Emergency Procedures and/or Authorization or Administrative Policy
Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish Program (ELAP)	<p>The deadline to file a 2023 notice of loss has been extended for ELAP to January 30, 2024.</p> <p>The application for payment deadline is not extended and remains January 30, 2024.</p> <p>Participants must provide acceptable documentation of losses according to 1-ELAP.</p>
Livestock Indemnity Program (LIP)	<p>The deadline to file a 2023 notice of loss has been extended for LIP to January 30, 2024.</p> <p>The application for payment deadline is not extended and remains January 30, 2024.</p> <p>Participants must provide acceptable documentation of:</p> <ul style="list-style-type: none"> livestock deaths or injuries claimed, including livestock that the participant claims died because of normal mortality <p>Note: See 1-LIP, paragraph 26 for acceptable proof of death or injury of livestock claimed.</p> <ul style="list-style-type: none"> their livestock beginning inventory according to 1-LIP, subparagraph 28 A.
Tree Assistance Program (TAP)	<p>The reporting deadlines for the notice of loss will be extended through January 30, 2024, providing owners with additional time to report a loss. In addition, the individual STC's are delegated authority to determine whether site visits are needed.</p>

3 Action

A State Office Action

State Offices will ensure that:

- STC establishes appropriate use of any emergency procedures they authorize according to subparagraph 2 C
- County Offices are aware of the contents of this notice and any policies established by STC
- the applicable program manager or program specialist is contacted with questions associated with the specific program flexibilities.

B County Office Action

County Offices will review and follow the guidance provided in this notice.