

For: State and County Offices

Additional Guidance for 2021 ELAP Livestock Transportation

Approved by: Deputy Administrator, Farm Programs



1 Overview

A Background

On September 8, 2021, the Secretary announced that USDA was updating ELAP to immediately cover feed transportation costs for drought-impacted ranchers.

Notice ELAP-7 notified State and County Offices that starting in 2021, livestock feed transportation losses are covered under ELAP for identified and approved drought conditions.

Further data provided that because of drought conditions, many producers haul livestock to different areas of the country rather than haul feed or feedstuffs because it is often easier and more financially sound.

Notice ELAP-9 notified State and County Offices that ELAP will cover livestock transportation, under the same rules as feed transportation, retroactive to 2021.

As of April 6, 2022, FSA Service Centers began accepting ELAP applications based on the revised policy.

Because of the revised policy, the National Office has received inquiries about how to handle livestock transportation and forage hauling under ELAP because of drought when the losses occurred in 2021, but the hauling occurred in 2022. This notice provides additional guidance for processing applications for producers who may not have filed 2021 or 2022 notice of loss for 2021 drought because of the lack of clarity in previous policy.

Disposal Date	Distribution
May 1, 2023	State Offices; State Offices relay to County Offices

Notice ELAP-10

1 Overview (Continued)

B Purpose

This notice:

- provides authority to accept ELAP applications for livestock transportation because of drought losses
- provides a deadline of June 30, 2022, for notices of loss for livestock transportation because of eligible drought occurring on or after January 1, 2021, through December 30, 2021
- provides clarity that a notice of loss for livestock transportation because of eligible drought is eligible beginning in 2022
- provides policy for handling applications for forage transportation that were filed for 2021 drought in 2022 and the extension for those applications
- provides policy for handling applications for forage transportation that were filed in 2022 for 2021 drought when no notice of loss was filed in 2021
- obsoletes Notice ELAP-9 because this notice revises or clarifies the policy.

2 Eligible Drought

A Overview

For ELAP, eligible drought means that any area of the county has been rated by the U.S. Drought Monitor as having either of the following:

- D2 (severe drought) intensity in any area of the county for at least 8 consecutive weeks for the specific type of eligible grazing land or pastureland for the county
- D3 (extreme drought) or D4 (exceptional drought) intensity for the specific type of eligible grazing land or pastureland for the county, as determined by the Secretary.

This definition previously applied to honeybee feed losses, water transportation, and livestock feed transportation. It will also now include livestock transportation.

As of April 6, 2022, all FSA Service Centers may accept 2021 and 2022 ELAP applications based on the above definition that now includes authority for livestock transportation because of drought.

These revisions are only retroactive for the 2021 program year for the livestock transportation because of drought. The program deadline to apply for:

- 2021 is June 30, 2022
- 2022 is January 30, 2023, according to 1-ELAP, subparagraph 6 A.

Notice ELAP-10

2 Eligible Drought (Continued)

B Livestock Transportation Because of Drought Losses

For producers who are applying for livestock transportation because of drought losses and previously applied for any type of 2021 livestock assistance (grazing, feed, or water transportation) on CCC-851, the County Office must:

- have the producer complete the revised CCC-851 (11-01-21) for livestock transportation because of drought losses
- re-enter **all** livestock losses (grazing, feed, and/or water transportation) in Version 6.0 of the ELAP Excel Workbook
- have the producer sign the ELAP application generated by Version 6.0 of the ELAP Excel Workbook
- update the ELAP payment software with payment data for livestock transportation because of drought loss
- have the producer sign the ELAP application generated by the most recent version of the ELAP Excel Workbook for 2022. Version 1.0 for 2022 was posted.

3 Updated Policy for 2022 NOL for 2021 Drought and Forage Transportation

A Updated Policy

County Offices that do not have 365-calendar-day grazing periods but suffered drought loss in 2021 and were eligible for forage transportation under ELAP in 2021, are also eligible to apply for forage and livestock transportation in program year 2022 for the drought loss in 2021.

For producers applying for forage transportation because of 2021 drought losses in the 2022 program year, the County Office must:

- have the producer complete CCC-851 for livestock forage transportation because of drought losses in 2021 for the 2022 program year
- allow producers to use eligible current year mileage and eligible normal year mileage from January 1, 2022, until the beginning of the new grazing season to calculate the eligible payment if they file CCC-851 because of drought losses in 2021 for the 2022 program year
- allow producers to use the same date for the drought loss on CCC-851 (Part B) for 2022 program year applications as was used for a 2021 drought loss for forage transportation

Notice ELAP-10

3 Updated Policy for 2022 NOL for 2021 Drought and Forage Transportation (Continued)

A Updated Policy (Continued)

- allow producers submitting a 2022 program year application for 2021 drought loss for forage transportation, until June 30, 2022, to submit the application because of the update in policy
- determine whether a producer who did not file a 2021 program year CCC-851 for forage transportation because of drought loss, but filed a 2022 program year CCC-851 for 2021 drought loss, suffered drought loss in 2021 before approving the 2022 application according to 1-ELAP, subparagraph 57 A
- verify that an acreage report (FSA-578) is on file for 2021 for those acres that were affected by eligible drought when a 2022 application for payment is submitted.

4 Action

A State Office Action

State Offices must:

- ensure that County Offices are aware of the contents of this notice
- assist County Offices with questions about this notice
- contact Seth Cross with any questions about this notice.

B County Office Action

County Offices must:

- review the contents of this notice
- accept 2021 and 2022 ELAP applications according to this notice
- contact DD or State Office, as applicable, with questions about this notice.