

**For:** State and County Offices

**2024 and Subsequent Year ELAP Normal Grazing Periods for Perennial Forages**

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



**1 Overview**

**A Background**

ELAP eligibility for livestock losses required producers to have both eligible grazing land or pastureland along with eligible livestock to receive program benefits. Policy requires normal grazing periods to be established for all pasture or grazing crop types established according to 1-LFP.

For 2023 and prior program years, livestock producers are not eligible for ELAP assistance for grazing losses outside of the normal grazing period on grazing land or pastureland. This includes land that, due to forage availability and possible land management decisions, is not normally grazed during the normal grazing period/growing season; leaving it idle so it may be available for grazing or use of cover for livestock during forage dormancy. Grazing periods vary in lengths across the nation due to climate, topography, altitude, land mix, etc. Counties with extended or 365-calendar-day grazing periods have expanded access to claim a grazing loss due to an eligible loss condition during their normal grazing period.

For 2024 and subsequent program years, ELAP policy has been updated to extend the normal grazing season to 365 days for all States and counties, for perennial forages only (for example, native grasses, improved grasses, mixed forages, etc.) for the purposes of livestock assistance eligibility.

**B Purpose**

This notice provides:

- authority to accept 2024 and subsequent year ELAP applications for livestock grazing losses for perennial forages as a 365-calendar-day grazing season
- policy update for normal grazing season being extended to 365 days for perennial forages.

<b>Disposal Date</b>	<b>Distribution</b>
January 1, 2025 3-5-24	State Offices; State Offices relay to County Offices

## Notice ELAP-19

### 2 ELAP Program Policy Update

#### A ELAP Normal Grazing Period Extended

For 2024 and subsequent program years, ELAP policy has been updated to extend the normal grazing season to 365 days for States and counties, for **perennial forages only** (for example, native grasses, improved grasses, mixed forages, etc.).

Producers must have risk in the eligible grazing land and the eligible livestock at the time the loss condition occurs, which means leases must be reviewed to make sure they have risk on the date of the event.

The following grazing crops and/or loss conditions are not eligible for grazing losses with the extended 365-day grazing.

- Small grains or other annually planted forage are not eligible for this update, they will follow the normal grazing period policy.
- Ineligible grazing losses for this updated policy are:
  - winter storm
  - blizzards.

**Note:** This is due to the normal weather patterns that can be expected in those states that are not currently 365-calendar-day grazing, and supplemental feeding during the winter months is a standard accepted practice.

#### B Multiple Livestock Losses

When a producer has both a grazing loss and a loss resulting from additional feed purchases above normal quantities, inside the normal grazing period, for the same eligible livestock, because of the same eligible loss condition, the producer will be compensated for the loss providing the larger payment to the producer.

Producers with perennial forage will always be inside the grazing season with the extension of the 365-day-grazing season. Producers with only annual forages with an intended use of grazing may continue to be inside or outside of the grazing season depending on when an eligible loss condition occurs.

#### C Eligible Grazing Land or Pastureland

Eligible producers must have eligible grazing land/pastureland at the time of the eligible loss condition. For grazing losses on leased acres, leases must be evaluated to determine if the producer had risk and control of the affected acres at the time of the eligible loss condition. Grazing losses that occur outside the grazing dates in a producer's lease may be ineligible for ELAP benefits if the producer does not have control and risk in the affected acres at the time of the eligible loss condition.

**Note:** For transportation losses, a producer must have risk and control in some eligible grazing land acres to be eligible for transportation loss benefits.

## Notice ELAP-19

### 2 ELAP Program Policy Update (Continued)

#### D Transportation Losses

Livestock feed, livestock, and water transportation required an eligible drought to occur during the grazing season for the producer respective type of forage. The extension of the 365-calendar-day grazing to all perennial forage expands the timeframe in which a county can trigger an eligible drought. Producers that have native or improved perennial grasses will be eligible for ELAP benefits the first time the county reached an eligible drought trigger level in that calendar year. Producers that only have annual forages will not be eligible for ELAP program benefits until an eligible drought intensity level is triggered for their respective annual forage.

#### E Program Year 2024 Drought Trigger Exception

Counties with a 2023 program year grazing season that was less than 365 calendar days on perennial forage will continue to follow drought policy for less than 365-calendar-day grazing season until the start of the first normal grazing season in 2024. Once the date is reached for their normal grazing season as established for LFP and NAP, the county will switch to a 365-calendar-day grazing season for ELAP purposes.

**Example:** The start of the normal grazing season for native grass established for LFP and NAP is April 15<sup>th</sup>. For 2024, producers are eligible for transportation losses when the drought trigger occurred in 2023 until April 15<sup>th</sup>. Starting April 15<sup>th</sup>, the county must meet one of the drought intensity levels before additional transportation losses are eligible. The 2024 drought trigger would only be applicable until December 31, 2024. For 2025, the county must meet one of the drought triggers after January 1, 2025, before the county would be eligible for transportation loss.

#### F Scenario for ELAP 365-Calendar-Day Period Feed Transportation

**Loss Event:** On June 1, 2024, Lynn County, Texas, received a D2 rating on the U.S. Drought Monitor for 8 consecutive weeks, meeting the definition of eligible drought in 1-ELAP, Exhibit 2. At the time of drought, Mary Farmer had 60 adult cows, 2 bulls, and 45 calves over 500 pounds grazing native and improved grasses on FSN 1345 and 1223. For ELAP 2024 and subsequent years there are 365-calendar-day grazing periods for native and improved pastures. Because of drought on her perennial forage, Mary had to purchase additional loads of hay to help mitigate the feed loss from the drought. Mary purchased and hauled hay until March 15, 2025. Mary went to the Lynn County, Texas, FSA office on July 1, 2024. Mary will need to file a notice of loss that provides the date for which the drought was first apparent (June 1, 2024), provide her normal hauling from the previous years including mileage, and provide her current hauls and mileage for 2024. Mary can provide that information for hauls through December 31, 2024. At the end of the 365-calendar-day grazing period, Mary would no longer be eligible for hauling because of the ELAP qualifying drought designation on June 1, 2024. If Lynn County, Texas, was already in a qualifying drought on January 1, 2025, Mary can file a 2025 notice of loss with the loss apparent date as far back as the qualifying drought begins.

## Notice ELAP-19

### 2 ELAP Program Policy Update (Continued)

#### F Scenario for ELAP 365-Calendar-Day Period Feed Transportation (Continued)

For 2024, in a normal year, Mary purchases and hauls 10 loads of hay for 150 miles to her cattle during the 365-calendar-day grazing period. Through December 31, 2024, Mary hauled 30 loads of hay at 250 miles per load. Mary certified as an underserved producer, and she maintains a 100 percent share in the hay that is hauled in the normal and current year. This information would be used for the normal mileage on the ELAP calculation for 2025.

#### G Scenarios for ELAP Non-365-Calendar Day Grazing Period

**Loss Event 1:** The normal grazing period for short season spring small grains in Phelps County, Nebraska, is March 16 through May 15. On May 20, 2024, Phelps County, Nebraska, received a D2 rating on the U.S. Drought Monitor. Bob Farmer only has short season spring small grains to graze his livestock. Bob Farmer hauls hay through April 2025. Bob suffered a grazing loss outside of the grazing period for Phelps County, Nebraska. He is not eligible for feed transportation in excess of normal for 2024 or 2025 before the start of the 2025 grazing period.

**Loss Event 2:** The normal grazing period for short season small grains in Callaway County, Missouri, is April 1 through June 1. On January 15, 2024, Callaway County, Missouri, received a D3 rating on the U.S. Drought Monitor. Jessie Farmer only has short season small grains to graze his livestock. Jessie Farmer begins purchasing and hauling hay in January and February 2024 when the producer needs to mitigate drought losses with extra feed. The drought is not considered eligible for ELAP forage and feed hauling because it is outside the grazing period. Callaway County, Missouri, still has a D3 drought designation on April 1, 2024. Producer Jessie files a notice of loss for feed and forage hauling under ELAP on April 1, 2024, with the loss apparent date of January 1, 2024. COC can accept the notice of loss with the loss apparent date; however, producer Jessie is only eligible for feed and forage hauling starting on the eligible date of the drought designation within the 2024 grazing season.

## Notice ELAP-19

### 3 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 questions on ELAP policy by either of the following:
  - email to **seth.cross@usda.gov**
  - telephone at 402-437-5888.

#### B County Office Action

County Offices must:

- review the contents of this notice
- accept 2024 applications according to this notice
- contact DD or State Office, as applicable, with questions about this notice.