

For: State and County Offices

Obtaining and Documenting Two Independent Assessments of Grazed Forage Acreage Conditions

Approved by: Acting Deputy Administrator, Farm Programs



1 Overview

A Background

1-NAP, subparagraph 195 E provides that:

- grazing losses shall be established on the basis of either of the following:
 - when approved yields have been calculated to determine loss, the percentage of loss of similar mechanically harvested forage acreage on the farm or similar farms in the area
 - when there is no similar mechanically harvested forage acreage on the farm or similar farms in the area, the percentage of loss as determined by 2 independent assessments of grazed forage acreage conditions completed by forage specialists in Federal, State, or local government agencies, educational institutions, or private companies not having a financial interest in the outcome of the assessment
- the percentage of loss determined must be reviewed by an STC representative to determine both of the following:
 - proper method was used to determine the percentage of loss in the area
 - percentage of loss accurately reflects the loss of grazing potential in the area

Important: COC must obtain STC concurrence on the method and percentage of loss determined.

Disposal Date	Distribution
October 1, 2006	State Offices; State Offices relay to County Offices

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1 Overview (Continued)

A Background (Continued)

- independent assessments:
 - must be documented and included as an attachment to the COC minutes
 - documentation should include, at a minimum, the following:
 - identification of the assessor, such as name, address, telephone number, and affiliated institution, agency, or company
 - statement or chronological narration of the basis for the assessor's determinations, including statements or chronologies addressing spontaneous or progressive changes in grazing conditions.

The National Office has:

- received several questions about the procedure for obtaining 2 independent assessments
- become aware of situations where:
 - 2 independent assessments were not completed for grazed forage when there is no similar mechanically harvested forage acreage on the farm or similar farms in the area
 - independent assessment or assessments completed did not meet the minimum documentation requirements to be accepted according to 1-NAP
 - independent assessments were completed by individuals other than forage specialists or by individuals with a financial interest in the outcome of the assessment
 - the percentage of loss for grazed forage acreage was determined on the basis of criteria other than those provided in 1-NAP.

B Purpose

This notice:

- ensures that State and County Offices are aware of the:
 - procedure for determining percentage of loss for grazed forage acreage
 - importance of obtaining and documenting 2 independent assessments of grazed forage acreage conditions in the area according to 1-NAP
- provides answers to some general questions about independent assessments of grazed forage acreage conditions.

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2 Procedure and Regulations

A Handbook Procedure

1-NAP, paragraph 195 provides the grazed forage provisions for NAP. The procedure about establishing grazing losses, including the procedure relating to 2 independent assessments, is provided in 1-NAP, subparagraph 195 E.

B Regulations

The regulation governing NAP forage is provided in 7 CFR 1437.401.

3 Independent Assessments

A Importance of Obtaining Two Independent Assessments

When there is no similar mechanically harvested forage acreage on the farm or similar farms in the area, obtaining 2 independent assessments of the grazed forage acreage conditions is the only authorized method for determining a percentage of grazing loss in the area.

FSA has no authority to establish a grazing loss by any means other than 1 of the 2 options provided in 1-NAP, subparagraph 195 E. Accordingly, if there is no similar mechanically harvested forage acreage on the farm or similar farms in the area, and 2 independent assessments of the grazed forage acreage conditions in the area are not obtained according to 1-NAP:

- FSA will not be able to determine a percentage of grazing loss in the area
- producers in the area will not be eligible for NAP benefits on grazed forage.

B Importance of Assessments Completed by Two Independent Forage Specialists

To be acceptable, the 2 independent assessments of grazed forage acreage conditions in the area must be completed by forage specialists.

Assessments of grazed forage acreage conditions completed by anyone other than a forage specialist not having a financial interest in the outcome of the assessment cannot be:

- accepted by FSA
- used to determine a percentage of grazing loss in the area.

3 Independent Assessments (Continued)

B Importance of Assessments Completed by Two Independent Forage Specialists (Continued)

When there is no similar mechanically harvested forage acreage on the farm or similar farms in the area, assessments of the grazed forage acreage conditions in the area must be obtained from 2 independent forage specialists who have no financial interest in the outcome of the assessment. The following do not meet the requirements of 1-NAP and shall not be used to establish a percentage of grazing loss in the area:

- assessments completed by anyone who is not a forage specialist
- opinions and input from a group of representatives from agencies or institutions that may have some knowledge of the grazing conditions in the area
- obtaining only 1 assessment from a forage specialist
- assessments that do not meet the minimum level of documentation to support the assessment, including attachment of assessments to the COC minutes
- any method for establishing a grazing loss other than similar mechanically harvested forage acreage on the farm or similar farms in the area, or 2 independent assessments completed by forage specialists with no financial interest in the outcome of the assessment.

C Sources for Obtaining Two Independent Assessments From Forage Specialists

Federal and State agencies and institutions, such as NRCS, BLM, CSREES, State Land Departments, and State Land Grant Colleges, are a good source to contact to locate forage specialists to conduct independent assessments of the grazed forage acreage conditions in the area.

It is imperative that State and County Offices establish and maintain an effective and cooperative working relationship with other Federal and State agencies and institutions to ensure that all programs are administered in an efficient manner according to statutory and regulatory requirements.

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4 Action

A State Office Action

State Offices shall:

- thoroughly review all COC determinations about establishment of grazing losses
- ensure all of the following:
 - percentage of grazing losses are established on the basis of 1 of the approved methods according to 1-NAP, subparagraph 195 E
 - all independent assessments provided are from forage specialists not having a financial interest in the outcome of the assessment
 - all independent assessments are documented according to 1-NAP, subparagraph 195 E and attached to the COC minutes
 - 2 independent assessments meeting the requirements of 1-NAP are obtained when there is no similar mechanically harvested forage acreage on the farm or similar farms in the area
 - an effective and cooperative working relationship with other Federal and State agencies and institutions is maintained
 - each County Office has access to sources that can provide 2 independent assessments of the grazed forage acreage conditions in the area that meet the requirements in 1-NAP.

Questions and Answers

1. May COC establish a percentage of grazing loss based on its knowledge of the grazed forage acreage conditions in the area?

No. Grazing losses shall be established on the basis of either of the following:

- the percentage of loss of similar mechanically harvested forage acreage on the farm or similar farms in the area, when approved yields have been calculated to determine loss
- when there is no similar mechanically harvested forage acreage on the farm or similar farms in the area, the percentage of loss as determined by 2 independent assessments of grazed forage acreage conditions completed by forage specialists in Federal, State, or local government agencies, educational institutions, or private companies not having a financial interest in the outcome of the assessment.

2. Must each forage specialist complete their own assessment or can 1 forage specialist complete an assessment and the other specialist document that they agree with the assessment completed by the other specialist?

Handbook and regulatory provisions require the completion of 2 independent assessments of the grazed forage acreage conditions completed by forage specialists. To be acceptable for NAP purposes, each assessor must complete their own assessment of the grazed forage acreage conditions in the area. Accordingly, 1 assessor agreeing with the assessment of another assessor without completing their own assessment is not acceptable, and does not meet the requirement of obtaining 2 independent assessments.

3. May COC establish a percentage of grazing loss based on the input, opinions, and recommendations of a group of representatives of other agencies, such as NRCS, FS, and BLM?

No. See answer to question 1. Assessments of the grazed forage acreage conditions in the area must be completed by 2 independent assessments. We recognize that obtaining the input, opinions, and recommendations from representatives of other agencies may provide valuable information; however, this information does not meet the applicable handbook and regulatory provisions for establishing a grazing loss for NAP purposes.

4. May COC establish a percentage of grazing loss based on whether the land owner or manager requires producers to remove livestock or reduce the number of livestock on the acreage?

No. See answer to question 1. Requiring the removal or reduction of numbers of livestock from grazing acres may provide an indication of a grazing loss; however, this information does not meet the applicable handbook and regulatory provisions for establishing a grazing loss for NAP purposes.

Questions and Answers (Continued)

- 5. May COC establish a percentage of grazing loss based on an assessment of the grazed forage acreage conditions in the area completed by a forage specialist paid for by producers in the area?**

No. To be acceptable for NAP purposes, the independent assessments must be completed by forage specialists not having a financial interest in the outcome of the assessment. An assessor paid by a producer has a financial interest in the outcome of the assessment.