

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

Notice SP-115

For: IA, IL, KY, MN, MO, ND, SD, and TN State and County Offices

Additional Emergency Grain Storage Facility Assistance Program (EGSFP) Guidance

Approved by: Acting Deputy Administrator, Farm Programs



1 Overview

A Background

On August 8, 2023, FSA facilitated EGSFP training with EGSFP State Offices and began issuing EGSFP payments to approved applicants. County Offices are required to complete the FSA-414, EGSFP Checklist, for all EGSFP requests before issuing partial and final payments through the payment process, according to SP-103, subparagraph 2 D. If an EGSFP applicant is considered ineligible for payment, then FSA-412, EGSFP Adverse Determination of Ineligibility Notification Letter, must be sent to the applicant.

During the EGSFP training, State Offices were advised that a forthcoming notice would address frequently asked questions and additional policy would be provided on the EGSFP project completion deadline.

B Purpose

This notice provides State and County Offices:

- policy for disapproving FSA-413 when the EGSFP application must be disapproved
- EGSFP completion deadline
- FSA-412, EGSFP Adverse Determination of Ineligibility Notification Letter (Exhibit 1)
- Frequently Asked Questions (Exhibit 2).

Disposal Date	Distribution
October 1, 2024	Above State Offices; State Offices relay to County Offices

1 Overview (Continued)

C Contact

State Offices may contact the following for additional information.

IF the question is about EGSFP...	THEN contact...
policy	Toni Williams by e-mail to toni.williams@usda.gov .
calculation workbook	Jeannette Matetzschk by e-mail to jeannette.matetzschk@usda.gov .
automated payment process	Danielle Roder by e-mail to danielle.roder@usda.gov .
producer eligibility policy	Rebecca Csutoras by e-mail to rebecca.csutoras@usda.gov .
conservation compliance	Joe Fuchtman by e-mail to joseph.fuchtman@usda.gov .

2 EGSFP Disapprovals

A Disapproving FSA-413

When an EGSFP applicant is no longer eligible for EGSFP assistance, COF's must use FSA--412 to notify the applicant of the disapproval for any of the following reasons when the applicant:

- does not market or produce grain
- no longer needs additional on-farm grain storage capacity
- is not located in an affected county or will not build the on-farm grain storage capacity in an affected county.

COC or STC must disapprove FSA-413 and document the disapproval reason in both of the following:

- FSA-413 remarks section
- executive COC or STC meeting minutes.

STO's must contact the National Office if the EGSFP disapproval is because of, but not limited to:

- FSA-850, Environmental Screening Worksheet concerns
- incorrect EGSFP Approval Authority.

2 EGSFP Disapprovals (Continued)

A Disapproving FSA-413 (Continued)

The appropriate FSA-413 approving official must also:

- select “Disapproved” in item 17 A
- disapprove EGSFP by signing and dating in items 17 B and 17 D
- ENTER “0” in items 18 and/or 21.

When STC is the approval authority, after disapproval STC will return the case file to the County Office for disapproval processing.

Note: Initials and dates are required for all information changed on FSA-413.

B Processing EGSFP Disapproval

EGSFP approving authorities making adverse determinations against EGSFP applicants will:

- mail or e-mail the producer the disapproved FSA-413, FSA-413-1, and FSA-412
- provide mediation, reconsideration, and appeal rights according to 1-APP
- follow procedure in 1-APP to process and act on appeals
- retain a copy the disapproved FSA-413 and FSA-412 in the producer’s EGSFP folder
- e-mail a copy of FSA-412 to **EGSFPpolicy@usda.gov**.

Notes: National Office will update the COC/STC Determination in the calculation workbook from approval to disapproval and revise the COC determination date to reflect the FSA-413 date.

State Offices will receive a revised authorized approval listing for EGSFP payments.

The FSA-420 Tracker is available in Teams to document when an approved applicant is found to be ineligible:

- **KY EGSFP FSA-420 TRACKER.xlsx**
- **MN EGSFP FSA-420 TRACKER.xlsx**
- **SD EGSFP FSA-420 TRACKER.xlsx**.

3 EGSFP Completion Deadline and Extensions

A Completion Deadline

Approved EGSFP FSA-413 projects must be completed on or before September 30, 2025. See subparagraph 3 B for EGSFP deadline extension policy.

Note: A forthcoming notice will provide guidance for status updates from producers who have not requested an EGSFP partial by August 8, 2024, or final payment by August 8, 2025.

B EGSFP Completion Deadline Extensions

EGSFP deadline extensions may be approved for up to 6 months after September 30, 2025. The extension deadline request must be in writing and received from the producer no later than September 15, 2025.

STC must request DAFP approval to extend the EGSFP deadline beyond September 30, 2025.

C EGSFP Expiration Reminder Notification to Applicants

County Offices must establish a follow-up system to remind applicants of the EGSFP completion deadline.

County Offices must notify applicants 30-calendar days before the completion deadline of September 30, 2025, by telephone, e-mail, or letter. If necessary, the applicant must request a deadline extension in writing, according to subparagraph 3 B.

FSA-412, EGSFP Adverse Determination of Ineligibility Notification Letter**ADVERSE DETERMINATION OF INELIGIBILITY NOTIFICATION LETTER**

(Use Agency Letterhead format with local return address.)

(Date of Letter)

(EGSFP Applicant's Name)

(Address Line 1)

(Address Line 2)

Dear (EGSFP Applicant),

Your request for the Emergency Grain Storage Facility Assistance Program (EGSFP) with the Farm Service Agency on (insert date of application) has been reviewed by the County/State FSA Committee. The EGSFP request was previously approved on March XX, 2023. After a recent review of the EGSFP request, the request is disapproved. The reason we cannot approve your EGSFP request is:

(Insert specific reasons for not approving the EGSFP in plain language. Notice SP-115 subparagraph 2A provides authorized reasons for EGSFP disapproval)

If you disagree with the County/State FSA Committee's decision, you may request reconsideration, mediation, or an appeal. (Insert rights for reconsideration, mediation, and appeal according to 1-APP.)

The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age (provided the applicant has the capacity to enter a binding contract); because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The Federal agency that administers compliance with this law is the Federal Trade Commission, Equal Credit Opportunity, Washington, D.C. 20580.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal of programs. Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov. USDA is an equal opportunity provider, employer, and lender.

Thank you for your interest in the program.

Sincerely,

County Executive Director
For the (County Name) FSA County Committee
FSA-412 (10-31-23)

EGSFP Frequently Asked Questions (FAQ)

Q1: Can information on the FSA-413 be revised or corrected if an error is discovered after approval?

A1: Contact the National Office for additional guidance. The National Office may request the case details and make a determination on a case-by-case basis.

Q2: Can an EGSFP FSA-850 waiver be approved using the authority in 1-FSFL, paragraph 11?

A2: No. DAFP and NEPA request that all cases involving FSA-850 concerns be submitted to the National Office for an approval or disapproval determination.

Q3: Can applicants receive an EGSFP payment and a RD REAP grant or another Federal grant for the same project?

A3: Yes. Applicants may receive an EGSFP payment and a REAP grant or another Federal grant for the same project. The EGSFP storage capacity need must be reduced to account for the REAP grant storage capacity need. All changes on the FSA-413 must be initialed and dated. The CED must send a letter to the approved EGSFP applicant explaining the change in the EGSFP storage capacity need, if necessary.

Q4: Is there a payment eligibility checklist for EGSFP for compliance with 6-PL rules?

A4: No. The only checklist available for EGSFP is the FSA-414 Payment Checklist. Notice SP-94, paragraph 9 provides Payment Limitation, Payment Eligibility, and Other Compliance Requirements for EGSFP. The 2023 subsidiary flags for all approved EGSFP applicants should be checked in the Subsidiary system before issuing an EGSFP payment to avoid a non-payment situation. Additionally, State and County offices must manually check the applicant's CCC-860 certification.