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## Note from the State Executive Director

Normally, at this point in the year, farmers would be assessing where they stand in relation to their needs to provide enough forage for their livestock. Or, as a vegetable or fruit farmer, what their final harvests would look like. This year will be different and require some careful decision making.

Vermont has been subjected, since the beginning of July right up to the end of August, to almost ceaseless rain, including damaging floods. The continual rain has made it nigh impossible to harvest feed for livestock, whether hay or silage, and has negatively impacted the corn crop by draining nutrients from the soil and reducing growth, particularly on heavier soils.

At FSA, we are working hard to implement the disaster programs for our producers. Farmers need to stay in communication with their county offices to make sure they don't miss out on any possible reimbursement for damage, feed losses or crop failures that may have occurred due to either the flooding, or excessive moisture. You may also qualify for assistance through our sister Agencies at USDA. There are other programs that may well help farmers to reimburse some of the costs of trucking feed from other parts of the country, even Canada.



The main thing is to work with your local FSA office, explain your situation, and the staff will help guide you as to what programs you may qualify for. Change is constant, so keep your eye on Farmers.gov for any new developments.

I hope that the rest of the year improves weather-wise so you can all do those final harvesting needs before winter.

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## USDA Offers Flood Impacted Vermont Farmers and Ranchers Immediate Disaster Assistance



Vermont Farm Service Agency (FSA) offers disaster assistance and low-interest loan programs to assist you in your recovery efforts following recent heavy rains and flooding. Available programs and loans include:

- **Non-Insured Crop Disaster Assistance Program (NAP)** - provides financial assistance to producers of non-insurable crops when low yields, loss of inventory, or prevented planting occur due to natural disasters including excessive wind and qualifying drought (includes native grass for grazing).
- **Livestock Indemnity Program (LIP)** - offers payments to eligible producers for livestock death losses in excess of normal mortality due to adverse weather.
- **Tree Assistance Program (TAP)** – provides assistance to eligible orchardists and nursery tree growers for qualifying tree, shrub and vine losses due to natural disaster
- **Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish Program (ELAP)** - provides emergency relief for losses due to feed or water shortages, disease, adverse weather, or other conditions, which are not adequately addressed by other disaster programs.
- **Emergency Loan Program** – available to producers with agriculture operations located in a county under a primary or contiguous Secretarial Disaster designation. These low interest loans help producers recover from production and physical losses due to flooding.
- **Emergency Conservation Program (ECP)** - provides emergency funding for farmers and ranchers to rehabilitate land severely damaged by natural disasters; includes fence loss.

To establish or retain FSA program eligibility, you must report prevented planting and failed acres (crops and grasses). Prevented planting acreage must be reported on form *FSA-576, Notice of Loss*, no later than 15 calendar days after the final planting date as established by FSA and Risk Management Agency (RMA).

For more information on these programs, contact your local USDA Service Center visit [fsa.usda.gov/disaster](https://fsa.usda.gov/disaster).

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## How to Document Flood Losses

If you've suffered excessive livestock death losses and grazing or feed losses due to recent floods, you may be eligible for disaster assistance programs through the USDA Farm Service Agency (FSA).

The Livestock Indemnity Program (LIP) offers payments to you for livestock death losses in excess of normal mortality due to adverse weather and the Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish Program (ELAP) provides emergency relief for losses due to feed or water shortages, disease, adverse weather, or other conditions, which are not adequately addressed by other disaster programs.

To participate in LIP, you will be required to provide verifiable documentation of death losses resulting from an eligible adverse weather event, and you must submit a notice of loss to your local FSA office within 30 calendar days of when the loss of livestock is apparent. To participate in ELAP, you must submit a notice of loss to your local FSA office within 30 calendar days of when the loss is apparent and should maintain documentation and receipts.

You should record all pertinent information regarding livestock losses due to the eligible adverse weather or loss condition, including:

- Documentation of the number, kind, type, and weight range of livestock that have died, supplemented if possible by photographs or video records of ownership and losses;
- Rendering truck receipts by kind, type and weight - important to document prior to disposal;
- Beginning inventory supported by birth recordings or purchase receipts;
- Documentation from Animal Plant Health Inspection Service, Department of Natural Resources, or other sources to substantiate eligible death losses due to an eligible loss condition;
- Documentation that livestock were removed from grazing pastures due to an eligible adverse weather or loss condition;
- Costs of transporting livestock feed to eligible livestock, such as receipts for equipment rental fees for hay lifts and snow removal;
- Feed purchase receipts if feed supplies or grazing pastures are destroyed

For more information on these programs and documentation requirements, visit [fsa.usda.gov/disaster](https://fsa.usda.gov/disaster).

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## Producers May be Eligible for Emergency Conservation Program Assistance

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The flooding this summer has caused severe damage in many areas of the state.

If you've suffered severe damage, you may be eligible for assistance under the Emergency Conservation Program (ECP) administered by the Farm Service Agency (FSA)

For land to be eligible, the natural disaster must create new conservation problems that, if untreated, would:

- be so costly to rehabilitate that Federal assistance is or will be needed to return the land to productive agricultural use
- is unusual and is not the type that would recur frequently in the same area
- affect the productive capacity of the farmland
- impair or endanger the land

If you qualify for ECP assistance, you may receive cost-share levels not to exceed 75 percent of the eligible cost of restoration measures. Eligible socially disadvantaged and beginning farmers and ranchers can receive up to 90 percent of the eligible cost of restoration. No one is eligible for more than \$500,000 cost sharing per natural disaster occurrence.

If you've suffered a loss from a natural disaster please contact your local FSA County Office and request assistance from September 18<sup>th</sup> to November 17<sup>th</sup>.

To be eligible for assistance, practices must not be started until all the following are met:

- an application for cost-share assistance has been filed
- the local FSA County Committee (COC) or its representative has conducted an onsite inspection of the damaged area
- the Agency responsible for technical assistance, such as the Natural Resource Conservation Service (NRCS), has made a needs determination, which may include cubic yards of earthmoving, etc., required for rehabilitation

In accordance with the National Environmental Policy Act (NEPA), FSA must complete an environmental compliance review prior to producers taking any actions.

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## Producers in all Vermont Counties are Eligible for Emergency Loans



All Vermont Counties were declared a primary disaster area due to flooding that occurred from July 1 and continuing to present. Under this designation, if you have operations in any primary or contiguous county, you are eligible to apply for low interest emergency loans.

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Emergency loans help you recover from production and physical losses due to drought, flooding and other natural disasters or quarantine.

You have eight months from the date of the declaration to apply for emergency loan assistance. FSA will consider each loan application on its own merits, taking into account the extent of losses, security available and repayment ability. You can borrow up to 100 percent of actual production or physical losses, to a maximum amount of \$500,000.

For more information about emergency loans, contact your local county USDA Service Center or visit [fsa.usda.gov](https://fsa.usda.gov).

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## USDA Offers Disaster Program Flexibilities for Flood-Impacted Producers in the Northeast

The U.S. Department of Agriculture's (USDA) Farm Service Agency (FSA) and Risk Management Agency (RMA) have authorized policy flexibilities for key disaster assistance programs and crop insurance to aid Northeast agricultural operations that have been significantly impacted by recent flooding in 2023.

### Farm Service Agency Policy Flexibilities

FSA has authorized policy exceptions in all flood-impacted counties in **Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont**.

These flexibilities apply to the following commodity price support, crop and livestock disaster assistance and conservation programs:

- [Farm Storage Facility Loans \(FSFL\)](#) borrowers experiencing financial hardship can request an annual installment deferral which will extend the next installment due date by one year. FSFL provides eligible producers with financing to build or upgrade farm storage and handling facilities.
- For livestock producers in need of alternative feed sources, FSA is authorizing emergency haying for up to 60 calendar days or emergency grazing for up to 90 calendar days on [Conservation Reserve Program \(CRP\)](#) CRP participants enter 10 to 15-year contracts and agree to remove environmentally sensitive land from agricultural production and plant species that re-establish valuable land cover to help improve water quality, prevent soil erosion and reduce loss of wildlife habitat.
- For producers who have a [Noninsured Crop Disaster Assistance Program \(NAP\)](#) policy on crop for which federal crop insurance is not available, FSA has waived the 72-hour notification requirement for filing a notice of loss for hand-harvested and other applicable crops. NAP provides financial assistance to producers of noninsurable crops when low yields, loss of inventory or prevented planting occur due to natural disasters. FSA has waived the 72-hour notification requirements for notice of loss for hand-harvested and other applicable crops.

- The deadline to file a 2023 notice of loss for [Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish Program \(ELAP\)](#) assistance has been extended to Jan. 30, 2024. ELAP compensates eligible producers for hive loss, stored feed and grazing losses.
- The deadline for filing a notice of loss for the [Livestock Indemnity Program \(LIP\)](#) has been extended through Jan. 30, 2024. LIP provides benefits to eligible livestock owners and contract growers who experience livestock deaths in excess of normal mortality caused by specific adverse weather including floods.
- The deadline for qualifying orchardists and nursery tree growers to submit an application and supporting documentation for [Tree Assistance Program \(TAP\)](#) has been extended through Jan. 30, 2024. TAP provides financial cost-share assistance to replant or, where applicable, rehabilitate eligible trees, bushes and vines lost by natural disasters.

Additionally, Producers who are experiencing financial hardships and find themselves behind on their FSA [Marketing Assistance Loan \(MAL\)](#) repayment should contact their USDA Service Center to discuss repayment concerns with FSA staff. MALs provide interim financing at harvest time to help agricultural producers meet cash flow needs without having to sell their commodities when market prices are typically at harvest-time lows.

### **Exceptions for Acreage Reporting Requirements**

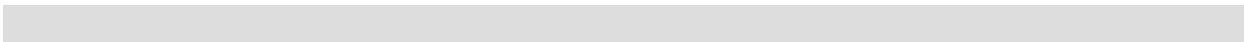
FSA uses annual acreage reports, as provided by producers for all cropland on a farm to determine program payment eligibility. The recent extreme flooding in the Northeast created challenges for producers needing to timely file their 2023 crop acreage report by the July 17 deadline. To ensure producers have adequate time to file, FSA is offering the following acreage reporting flexibilities for producers in flood-impacted counties:

- **2023 Crop Year** – All acreage reports filed within 30 days after the acreage reporting date will be considered timely filed. *This policy does not impact 2022 late-filed acreage reports which can only be accepted through the 2023 reporting date.*
- **2024 Crop Year** – For any crop that has an acreage reporting date before August 1, 2023, all acreage reports filed within 30 days after the reporting date will be considered timely.
- **Organic Plans** – Extreme flooding has caused a delay in producers receiving organic certifications. Check with your local FSA office for extended dates to submit documentation.

### **Risk Management Agency Flexibilities**

RMA is authorizing crop insurance companies to apply flexibilities to reporting requirements and the claims process for producers impacted by the recent flooding in **Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island and Vermont**. This ensures that producers will get paid as soon as possible without unnecessary delays.

Key flexibilities include:



- Producers who were unable to report their acreage by the deadline of July 17 due to the flooding will not lose coverage. The crop insurance company will address these situations on a case-by-case basis.
- Once a loss is known, producers typically have 72 hours to report a loss to their crop insurance agent. These modified procedures allow crop insurance companies to waive this requirement on a case-by-case basis when producers are not able to report due to the flooding event impacting communication and related infrastructure.
- Approved Insurance Providers are authorized to provide additional time for policyholders to make payment of premium and administrative fees.
- Electronic communication such as phone, text, or email are authorized for the producer to report information to their agent, such as production or policy elections. Additionally, the crop insurance company may provide verbal consent to sell, destroy or move crops if sending written notification is not feasible.
- Crop insurance companies can determine flooded crops to be a total loss and start the loss adjustment process if the producer certifies the crop will be destroyed.

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## **USDA Announces Milk Loss Assistance for Dairy Operations Impacted by 2020, 2021 and 2022 Disaster Events**

The U.S Department of Agriculture (USDA) announced [Milk Loss Program \(MLP\)](#) assistance for eligible dairy operations for milk that was dumped or removed, without compensation, from the commercial milk market due to qualifying weather events and the consequences of those weather events that inhibited delivery or storage of milk (e.g., power outages, impassable roads, infrastructure losses, etc.) during calendar years 2020, 2021 and 2022. Administered by the Farm Service Agency (FSA), signup for MLP begins Sept. 11 and runs through Oct. 16, 2023.

### **Eligibility**

MLP compensates dairy operations for milk dumped or removed without compensation from the commercial milk market due to qualifying disaster events, including droughts, wildfires, hurricanes, floods, derechos, excessive heat, winter storms, freeze (including a polar vortex), and smoke exposure that occurred in the 2020, 2021 and 2022 calendar years. Tornadoes are considered a qualifying disaster event for calendar year 2022 only.

The milk loss claim period is each calendar month that milk was dumped or removed from the commercial market. Each MLP application covers the loss in a single calendar month. Milk loss that occurs in more than one calendar month due to the same qualifying weather event requires a separate application for each month.

The days that are eligible for assistance begin on the date the milk was removed or dumped and for concurrent days milk was removed or dumped. Once the dairy operation restarts milk

marketing, the dairy operation is ineligible for assistance unless after restarting commercial milk marketing, additional milk is dumped due to the same qualifying disaster event. The duration of yearly claims is limited to 30 days per year for 2020, 2021 and 2022.

## How to Apply

To apply for MLP, producers must submit:

- FSA-376, *Milk Loss Program Application*
- Milk marketing statement from the:
  - Month prior to the month milk was removed or dumped.
  - Affected month.
- Detailed written statement of milk removal circumstances, including the weather event type and geographic scope, what transportation limitations occurred and any information on what was done with the removed milk.
- Any other information required by the regulation.

If not previously filed with FSA, applicants must also submit all the following items within 60 days of the MLP application deadline:

- Form AD-2047, *Customer Data Worksheet*.
- Form CCC-902, *Farm Operating Plan* for an individual or legal entity.
- Form CCC-901, *Member Information for Legal Entities* (if applicable).
- Form FSA-510, *Request for an Exception to the \$125,000 Payment Limitation for Certain Programs* (if applicable).
- Form CCC-860, *Socially Disadvantaged, Limited Resource, Beginning and Veteran Farmer or Rancher Certification*, (if applicable).
- A highly erodible land conservation (sometimes referred to as HELC) and wetland conservation certification (Form AD-1026 *Highly Erodible Land Conservation (HELIC) and Wetland Conservation (WC) Certification*) for the MLP producer and applicable affiliates.

Most producers, especially those who have previously participated in FSA programs, will likely have these required forms already on file. However, those who are uncertain or want to confirm the status of their forms can contact their local [FSA county office](#).

## MLP Payment Calculation

The final MLP payment is determined by factoring the MLP payment calculation by the applicable MLP payment percentage.

The calculation for determining MLP payment is:

- $((\text{Base period per cow average daily milk production} \times \text{the number of milking cows in a claim period} \times \text{the number of days milk was removed or dumped in a claim period}) \div 100) \times \text{pay price per hundredweight (cwt.)}$ .

For MLP payment calculations, the milk loss base period is the first full month of production before the dumping or removal occurred.

The MLP payment percentage will be 90% for underserved producers, including socially disadvantaged, beginning, limited resource, and veteran farmers and ranchers and 75% for all other producers. To qualify for the higher payment percentage, eligible producers must have a CCC-860, *Socially Disadvantaged, Limited Resource, Beginning and Veteran Farmer or Rancher Certification*, form on file with FSA for the 2022 program year.

Adjusted Gross Income (AGI) limitations do not apply to MLP, however the payment limitation for MLP is determined by the person's or legal entity's average adjusted gross farm income (income derived from farming, ranching and forestry operations). Specifically, a person or legal entity, other than a joint venture or general partnership, cannot receive, directly or indirectly, more than \$125,000 in payments under MLP if their average adjusted gross farm income is less than 75% of their average AGI or more than \$250,000 if their adjusted gross farm income is at least 75% of their average AGI.

On farmers.gov, the [Disaster Assistance Discovery Tool](#), [Disaster Assistance-at-a-Glance fact sheet](#) and [Loan Assistance Tool](#) can help producers and landowners determine program or loan options. For assistance with a crop insurance claim, producers and landowners should contact their [crop insurance agent](#). For FSA and NRCS programs, they should contact their local [USDA Service Center](#).

## Vermont Farm Service Agency

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