

# FSA Disaster Program Availability

(Updated as of September 2020)

The Farm Service Agency provides assistance to qualifying farmers and ranchers within Washington State to help them recover from production or physical losses due to natural disaster events. This assistance is provided through FSA's Emergency Loan Program or one of its many disaster programs. The outline below provides a quick overview of FSA's disaster programs that may be available in response to fire and flooding as well as brief descriptions of qualifying persons and eligibility information.

Notice of Losses (NOL) for programs such as ELAP, LIP, NAP, and TAP are required to be filed timely and may be filed by phone, email, or by appointment. Please see each specific program description for required NOL filing timeframe as deadlines vary between programs.

\*\*Please note that some programs such as ECP, EFRP, EM, and TAP require that environmental reviews are complete prior to actions being taken that are associated with the application. It is critical that no work begins prior to receiving notice of approval from FSA on the required environmental review.

| <b><u>Disaster Program</u></b>   | <b><u>Fire</u></b>                           | <b><u>Flooding</u></b>                       |
|--|--|--|
| <b><u>Emergency Conservation Program (ECP)</u></b> - provides funding to rehabilitate farmland damaged by wind erosion, floods, hurricanes or other natural disasters, and for carrying out emergency water conservation measures during periods of severe drought.  | Yes  | Yes  |
| <b><u>Emergency Forest Restoration Program (EFRP)</u></b> - provides payments to eligible owners of rural nonindustrial private forest land to carry out emergency measures to restore forest health on land damaged by natural disaster events, such as floods, hurricanes or other natural disasters.                                  | Yes  | Yes  |
| <b><u>Emergency Assistance for Livestock, Honeybees and Farm-Raised Fish Program (ELAP)</u></b> - provides payments to eligible producers of livestock, honeybees and farm-raised fish to help compensate for losses due to disease (including cattle tick fever), adverse weather or other conditions, such as blizzards and wildfires. | Yes, except on federally managed land        | Yes  |
| <b><u>Emergency Loan Program (EM)</u></b> - provides EM loans to help producers recover from production and physical losses due to drought, flooding, other natural disasters or quarantine.   | Yes, as authorized by a disaster declaration | Yes, as authorized by a disaster declaration |

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| <p><b><u>Livestock Forage Disaster Program (LFP)</u></b> - provides compensation for grazing losses for covered livestock on land that is native or improved pastureland with permanent vegetative cover or certain crops planted specifically for grazing. The grazing losses must be due to a qualifying drought condition or fire on federally managed land during the normal grazing period for the county.</p> | <p>Yes, but only on federally managed lands impacted by the fire for which the producer is prohibited by the federally managing agency from grazing</p> | <p>No</p>   |
| <p><b><u>Livestock Indemnity Program (LIP)</u></b> - provides benefits to livestock owners and some contract growers for livestock deaths in excess of normal mortality that are the direct result of an eligible adverse weather event. In addition, LIP covers attacks by animals reintroduced into the wild by the federal government or protected by federal law.</p>   | <p>Yes</p>  | <p>Yes</p>  |
| <p><b><u>Noninsured Crop Disaster Assistance Program (NAP)</u></b> - provides financial assistance for non-insurable crop losses due to drought, flood, hurricane or other natural disasters.</p>   | <p>Yes, if insurance was purchased prior to event and only as a related condition to an eligible disaster</p>   | <p>Yes, if insurance was purchased prior to event</p> |
| <p><b><u>Tree Assistance Program (TAP)</u></b> - provides financial assistance to qualifying orchardists and nursery tree growers to replant or, where applicable, rehabilitate eligible trees, bushes and vines lost by natural disasters. A qualifying mortality loss in excess of 15 percent (in excess of normal mortality) must be sustained to trigger assistance.</p>  | <p>Yes</p>  | <p>Yes</p>  |

\*\* This informational handout is solely intended to provide a brief overview of each disaster program that may be available and to highlight requirements of participation in the program. Producers wishing to file an application should contact their local FSA office for more information and specific eligibility requirements. Additional Information on all USDA disaster recovery programs can also be found at:

<https://www.farmers.gov/recover>

**Emergency Conservation Program (ECP)—**

[https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdfiles/FactSheets/emergency-conservation-program-ecp-fact\\_sheet.pdf](https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdfiles/FactSheets/emergency-conservation-program-ecp-fact_sheet.pdf)

Provides cost share assistance up 75 percent (up to 90 percent for Limited Resource (LR), Socially Disadvantaged (SDA), or beginning farmer/rancher (BF)) of the cost of rehabilitation to the farmland and/or conservation structures damaged by the natural disaster such as wildfire or flooding, Payment limitation is limited to \$500k. A 25 percent advance payment may be requested to assist with upfront costs of the restoration. Eligible practices include, but are not limited to:

- Debris removal
- Grading, shaping or leveling of land
- Fence restoration
- Restoration of conservation structures

Eligible applicants must submit documentation of damage (pictures, third-party verification, etc.) as soon as possible. It is important that no work begins prior to contacting FSA and requesting assistance as completion of an environmental review must be done prior to work beginning. FSA staff will guide applicants through the process of completing the FSA-848 and all necessary eligibility documents that are not on file.

### **Emergency Haying and Grazing—**

[https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdafiles/FactSheets/crp\\_haying\\_grazing\\_factsheet.pdf](https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdafiles/FactSheets/crp_haying_grazing_factsheet.pdf)

Provides producers the ability to hay or graze Conservation Reserve Program (CRP) contracts in areas that have been impacted by eligible natural disasters such as wildfire. Payment reductions no longer apply under emergency provisions and counties may be approved when a forage loss of 40 percent or more is seen within a county. Emergency haying is authorized in approved counties for up to 60 days. Emergency grazing is authorized for a single period up to 90 days, but livestock must be removed 30 days prior to the first freeze date established for the county. All requests for emergency haying or grazing must be processed through the FSA committee and an approved or modified conservation plan must be in place prior to approval. Producers wishing to utilize these provisions should contact their local FSA office.

### **Emergency Forest Restoration Program (EFRP)—**

[https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdafiles/FactSheets/emergency\\_forest\\_restoration\\_program-fact\\_sheet.pdf](https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdafiles/FactSheets/emergency_forest_restoration_program-fact_sheet.pdf)

Provides cost share assistance to eligible owners of nonindustrial private forest (NIPF) land to restore forest land damaged by a natural disaster such as wildfire. Up to 75 percent of the cost of restoration may be provided to eligible applicants, with a payment limitation of \$500k. Eligible practices include, but are not limited to:

- Debris removal
- Site preparation, planting materials, and labor
- Restoration of roads or erosion control structures
- Tree shelters or tubes

Eligible applicants must submit documentation of damage (pictures, third-party verification, etc) as soon as possible. It is important that no work begins prior to contacting FSA and requesting assistance as completion of an environmental review must be done prior to work beginning. FSA staff will guide applicants through the process of completing the FSA-848 and all necessary eligibility documents that are not on file.

### **Emergency Assistance for Livestock, Honeybees and Farm-Raised Fish Program (ELAP)—**

<https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdafiles/FactSheets/elap-honeybee-2020-fact-sheet.pdf>

Provides assistance to eligible livestock producers who suffer feed and grazing losses associated to adverse weather events such as wildfire. Eligible land under ELAP must be privately owned. The daily payment rate per AU for all eligible livestock kinds/types for the 2020 program year is \$1.06. Payments are only issued for the number of days that the grazing land was lost, not to exceed 180 calendar days for grazing losses due to fire.

Eligible livestock producers must submit verifiable or reliable documentation including, but not limited to:

- Livestock inventory numbers
- Documentation of additional feed purchases above normal quantities
- Proof of livestock removal from the effected pasture

In addition to the aforementioned documentation, eligible producers must file a Notice of Loss (NOL)/application on the CCC-851. FSA staff will guide applicants through completion of the application and all necessary eligibility documents that are not on file.

## **Emergency Loan Program (EM)—**

<https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdfiles/FactSheets/elap-honeybee-2020-fact-sheet.pdf>

Provides emergency loan funds to producers within primary and contiguous counties where a disaster declaration has been issued and typically have a repayment term of one to seven years. Declarations must be issued by the President or Secretary of Agriculture before funds become available. Emergency loan funds (up to \$500k) can be utilized to assist with restoration or replacement of essential property, production costs associated with the disaster year, essential family living expenses, reorganization, or refinancing of certain debts. In addition to the required issuance of a declaration, eligible producers must also:

- Be a US citizen or permanent resident
- Have an acceptable credit history
- Be unable to obtain credit from commercial sources
- Have collateral available to secure the loan
- Have ability to repay the loan

All applications must be filed within 8 months of the disaster declaration date. Producers interested in applying for emergency loans should contact their local FSA office for more information.

## **Livestock Forage Disaster Program (LFP)—**

[https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdfiles/FactSheets/livestock\\_forage\\_program\\_lfp-fact\\_sheet.pdf](https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdfiles/FactSheets/livestock_forage_program_lfp-fact_sheet.pdf)

Provides assistance to eligible livestock producers who have suffered losses due to wildfire on federally managed grazing land (privately owned land is eligible under ELAP). Payments are calculated at 50 percent of the monthly feed cost for the number of days that the eligible producer is prohibited from allowing the livestock to graze the federally managed rangeland, not to exceed 180 days.

Eligible livestock include:

- Only those that would have been grazing the land during the normal grazing period for the specific pastureland.
- Livestock that are owned, leased, purchased, under contract for purchase, or those held by a contract grower during the 60 days prior to the disaster event.
- Those maintained for commercial use as part of the farming operation (cannot be for recreational purposes, hunting, roping, for show, etc.).
- Calves that are weaned and receive their nutrition from forage crops.

Producers wishing to file an application must do so within 30 calendar days following the end of the calendar year in which the grazing loss was suffered (January 30<sup>th</sup>). In addition to completion of the CCC-855 (LFP application), producers must also provide documentation from the federal agency that they have been prohibited from grazing the leased land, a complete FSA-578 (acreage report), copy of the applicable grazing leases or CCC-855, a copy of their grower contract if applicable, and reliable or verifiable inventory records of the livestock. FSA staff will guide applicants through completion of the application and all necessary eligibility documents that are not on file.

### **Livestock Indemnity Program (LIP)—**

[https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdfiles/FactSheets/livestock\\_indemnity\\_program\\_lip-fact\\_sheet.pdf](https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdfiles/FactSheets/livestock_indemnity_program_lip-fact_sheet.pdf)

Provides assistance to eligible livestock producers who have suffered losses beyond normal mortality for fire or other eligible loss conditions. Payments are provided at a rate of 75 percent of the market value of the applicable livestock (determined at the national level) that died as a direct result of the eligible loss condition, minus the adjustments made for normal mortality for the year.

Eligible livestock include:

- Only those that would have been grazing the land during the normal grazing period for the specific pastureland.
- Livestock that are owned, leased, purchased, under contract for purchase, or those held by a contract grower during the 60 days prior to the disaster event.
- Those maintained for commercial use as part of the farming operation (cannot be for recreational purposes, hunting, roping, for show, etc.).
- Calves that are weaned and receive their nutrition from forage crops.

Producers wishing to file an application must submit a Notice of Loss (NOL) on the CCC-852 within 30 days of when the loss becomes apparent. All applications for payment must be complete (including request for payment on the CCC-852 and submission of all supporting documentation) within 60 calendar days following the end of the calendar year of which the loss occurs. Eligible producers must provide documentation that they were in possession or control of the livestock, their beginning and ending inventory numbers, and/or documentation of sales that occurred at reduced prices due to injuries. All documentation must be reliable or verifiable. FSA staff will guide applicants through completion of the application and all necessary eligibility documents that are not on file.

### **Non-Insured Crop Disaster Assistance Program (NAP)—**

[https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdfiles/FactSheets/noninsured\\_crop\\_disaster\\_assistance\\_program-nap-fact\\_sheet.pdf](https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdfiles/FactSheets/noninsured_crop_disaster_assistance_program-nap-fact_sheet.pdf)

Provides financial assistance to producers of non-insurable crops when low yields, loss of inventory, or prevented planting occur due to natural disasters. Coverage must be purchased prior to a disaster event to be eligible for assistance. All application closing dates for 2020 crops have closed. The application closing date for 2021 perennial forage crops is Sept. 30, 2020. If 2020 coverage was applied for timely, NAP coverage ends once the crop is harvested. If hay was destroyed by fire after harvest, losses may be eligible for ELAP. For NAP covered crops, a notice of loss must be filed with your FSA county office the earlier of 15 days of the occurrence of the disaster or when losses become apparent or 15 days of the final harvest date.

### **Tree Assistance Program (TAP)—**

[https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdfiles/FactSheets/tree\\_assistance\\_program-tap-fact\\_sheet.pdf](https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdfiles/FactSheets/tree_assistance_program-tap-fact_sheet.pdf)

Provides assistance to eligible orchardists and nursery tree growers to replant or rehabilitate trees, bushes, and vines lost in excess of normal mortality by natural disasters such as wildfire. All crops must be produced for commercial sales and timber is not an eligible crop under the TAP (see EFRP). Eligible applicants can request assistance on up to 1000 acres annually and payments are calculated at 65 percent of the actual cost of replanting not to exceed the rate established for that particular practice.

Producers must submit Notices of Loss (NOL) on the CCC-899 within 90 days of when the loss becomes apparent to the eligible producer and are required to replace the eligible trees within 12 months of the application approval. No actions can be taken prior to approval of the environmental review though.

## What is Verifiable or Reliable documentation?

Livestock producers must provide verifiable or reliable documentation of their livestock beginning inventory to participate in eligible livestock programs. When a participant provides reliable proof of livestock death or injuries, or a third-party certification, the participant must provide verifiable evidence of beginning inventory records.

### Verifiable or Reliable Beginning Inventory Records

Documents that may provide verifiable evidence of livestock beginning inventory include, but are **not** limited to, any or a combination of the following:

- veterinary records
- balance sheets
- loan records
- farm credit balance sheets
- brand inspection records
- private insurance documents
- contemporaneous producer records existing at the time of event
- docking records
- ear tag records
- canceled check documentation
- inventory records used for tax purposes
- bank statements
- property tax records
- sales and purchase receipts
- chattel inspections
- brand inspection records
- shearing records
- trucking and/or livestock hauling records

For unweaned livestock, COC may accept the combination of both the following as acceptable evidence of beginning inventory:

- acceptable beginning inventory of the adult livestock, adjusted based on the applicable livestock stocking rate
- results from a pregnancy check or ultrasound conducted by a third party, such as, but not limited to a veterinarian

### Verifiable and Reliable Proof of Death

The documentation must provide sufficient data that identifies the quantity and the livestock kind/type and weight range. Documents providing verifiable evidence may include, but are not limited to, any or a combination of the following:

- rendering truck receipts or certificates
- National Guard records
- records assembled for tax purposes
- bank or other loan documents
- pictures with a date
- dairy herd improvement records
- FEMA records
- veterinary records
- private insurance documents
- contemporaneous producer records existing at the time of event
- brand inspection records

When a participant claims that livestock were injured due to an eligible loss condition and were sold at a reduced price, the participant must provide verifiable documentation of the amount received for the sale of injured livestock. The injured livestock must be sold through an independent third party (sale barn, slaughter facility or rendering facility). Only verifiable documentation of the amount received for sale of injured livestock is acceptable. The participant must provide verifiable evidence of injured livestock sold at a reduced price. Documents that may provide verifiable evidence of amount received for sale of injured livestock sold include but are **not** limited to, any or a combination of the following:

- sales receipt from a livestock auction, sale barn or other similar livestock sales facility
- private insurance documents
- processing plant receipt

At a minimum, verifiable documentation must have:

- livestock kind, type, and weight
- the price for which the animal was sold