

# Emergency Livestock Relief Program (ELRP) 2022



## Background

ELRP 2022 is part of the Farm Service Agency's (FSA) implementation of the *Disaster Relief Supplemental Appropriations Act, 2023* (P.L. 117-43), which provides \$3 billion in much needed emergency assistance for agricultural producers, including \$500 million specifically targeted for livestock producers impacted by the severe drought or eligible wildfire in calendar year 2022.

## Overview

To help agricultural producers offset the impacts of natural disasters, ranchers who faced increased supplemental feed costs resulting from forage losses due to severe drought or wildfire in 2022 can receive emergency assistance payments through FSA's Emergency Livestock Relief Program (ELRP) 2022.

## Eligibility

For impacted producers, USDA will leverage data from the 2022 Livestock Forage Disaster Program (LFP) year to determine payments to assist with increased supplemental feed costs.

LFP is an important tool that provides up to 60% of the estimated replacement feed cost when an eligible drought adversely impacts grazing lands or 50% of the monthly feed cost for the number of days the producer is prohibited from grazing the managed rangeland because of a qualifying wildfire. LFP provides additional assistance to producers for eligible livestock that were sold due to a qualifying drought.

ELRP 2022 only includes 2022 LFP participants. To be eligible for an ELRP 2022 payment, livestock producers must have suffered grazing losses in a county rated by the U.S. Drought Monitor as having a D2 (severe drought) for eight consecutive weeks or a D3 (extreme drought) or higher level of drought intensity during the 2022 normal grazing season; or whose permitted grazing on federally managed lands was disallowed due to wildfire are also eligible for ELRP 2022 payments.

## How to Apply

As part of FSA's efforts to streamline and simplify the delivery of ELRP 2022 benefits, eligible livestock producers are not required to submit an application; however, they must have the following forms on file as determined by FSA's Deputy Administrator for Farm Programs:

FSA-376, *Milk Loss Program Application*

- CCC-853, Livestock Forage Disaster Program Application
- 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)

## For More Info

Additional USDA disaster assistance information can be found on [farmers.gov](https://www.farmers.gov), including USDA resources specifically for producers impacted by drought and wildfire and the Disaster Assistance Discovery Tool, Disaster-at-a-Glance fact sheet, and Farm Loan Discovery Tool.

For FSA and Natural Resources Conservation Service programs, producers should contact their local USDA Service Center. For assistance with a crop insurance claim, producers and landowners should contact their crop insurance agent.



- Form CCC-860, Socially Disadvantaged, Limited Resource, Beginning and Veteran Farmer or Rancher Certification, if applicable for the 2022 program year (if applicable)
- A highly erodible land conservation (sometimes referred to as HELC) and wetland conservation certification (Form AD-1026 Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification) for the ELRP producer and applicable affiliates.

## Eligible Livestock

Eligible livestock are the same as those that are eligible for LFP: grazing animals that satisfy the majority of net energy requirement of nutrition via grazing of eligible forage grasses or legumes and include such species as alpacas, beef cattle, buffalo/bison, beefalo, dairy cattle, deer, elk, emus, equine, goats, llamas, ostriches, reindeer or sheep.

As with LFP, livestock eligible for ELRP 2022 must:

FSA-376, *Milk Loss Program Application*

- Have been owned, leased, purchased, entered into a contract

to purchase, or held by a contract grower during the 60 days prior to the beginning date of a qualifying drought or fire condition;

- Have been sold or otherwise disposed of due to a qualifying drought condition during the current production year or one or both of the two production years immediately preceding the current production year;
- Have been maintained for commercial use as part of a farming operation on the beginning date of the eligible drought or fire condition;
- Not have been produced and maintained for reasons other than commercial use as part of a farming operation (such excluded uses include, but are not limited to, wild free-roaming animals or animals used for recreational purposes such as hunting, pets, or used for racing or wagering); and
- Not have been livestock that were or would have been in a feedlot on the beginning date of the qualifying drought or fire as part of the normal business operation of the livestock owner or contract grower.

## Eligible Producers

Producer eligibility for ELRP 2022 aligns with LFP policies.

To be eligible for ELRP 2022, persons or legal entities must be a U.S. citizen, resident alien, partnership of U.S. citizens, a legal entity organized under State law, or an Indian tribe or tribal organization defined in the Indian Self-determination and Education Assistance Act that:

- Own, cash or share lease, or be a contract grower of covered livestock during the 60 calendar days before the beginning date of a qualifying drought or fire;
- Provide pastureland or grazing land for covered livestock, including cash-rented pastureland or grazing land as of the date of the qualifying drought or fire that is either:
  - o Physically located in a county affected by a qualifying drought during the normal grazing period for the county; or
  - o Rangeland managed by a federal agency for which the otherwise eligible livestock producer is prohibited by the federal agency from grazing the normally permitted livestock because of a qualifying fire.



- Certify that they have suffered a grazing loss because of a qualifying drought or fire; and
- Timely file an acreage report for all grazing land for which a grazing loss is being claimed.

## ELRP 2022 Payment Calculation

To further expedite payments to eligible livestock producers, determine eligibility, and calculate an ELRP 2022 payment, FSA will utilize livestock inventories and drought-affected forage acreage or restricted animal units and grazing days due to wildfire already reported by the producer when they submitted a 2022 CCC-853, Livestock Forage Disaster Program Application form.

Payments will be equal to the eligible livestock producer's gross 2022 LFP calculated payment multiplied by the applicable ELRP 2022 payment percentage and then multiplied by a 25 percent factor to stay within available funding.

The ELRP 2022 payment percentage will be 90% for underserved producers, including beginning, limited resource,

and veteran farmers and ranchers, and 75% for all other producers. These payments will be subject to a payment limitation.

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.

## Payment Limitation and Adjusted Gross Income

Adjusted Gross Income (AGI) limitations do not apply to ELRP; however, the payment limitation for ELRP 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 ELRP 2022 if their average adjusted gross farm income is less than 75 percent of their average AGI for tax years 2018, 2019, and 2020.

If at least 75 percent of the person or legal entity's average AGI is derived from farming, ranching, or forestry related activities and the participant provides the required certification and documentation, as discussed below, the person or legal entity, other than a joint venture or general partnership, is eligible to receive, directly or indirectly, up to \$250,000 in ELRP payments. To request the increased payment limitation, participants must file form FSA-510 complete with participant's certification their average adjusted gross farm income is at least 75 percent of their average AGI and a certification from a Licensed Certified Public Accountant (CPA) or Attorney that the participant meets the requirements.

Attribution of payments apply to ELRP and payments to a legal entity are tracked through four levels of ownership, attributed, and limited to persons or legal entities that hold an ownership interest in the legal entity. For more information, see the Direct Attribution information on the Payment Limitations web page.