EMERGENCY ASSISTANCE for LIVESTOCK, HONEYBEES and FARM-RAISED PROGRAM – Livestock Assistance

UNITED STATES DEPARTMENT of AGRICULTURE

CAUTION: This article is intended for educational purposes, only. It does not constitute legal advice. Nor is it a substitute for legal advice. Federal laws, regulations and rules may change with some frequency. It is important to consult with an attorney who is knowledgeable in this area of the law.

The Emergency Assistance for Livestock, Honeybees and Farm-Raised Fish Program ("ELAP") is in a sense the livestock disaster program of last resort. It provides assistance only for those losses that are not covered under the Livestock Forage Disaster Program (LFP) or the Livestock Indemnity Program (LIP). If you are seeking assistance for livestock related losses, you should first consider LFP or LIP.[1]

ELAP provides financial assistance to eligible producers of livestock, honeybees or farm-raised fish for losses caused by disease (including tick fever), adverse weather, such as blizzards, or other conditions, like wildfire.

This article focuses on livestock losses under ELAP and not on honeybee or farm-raised fish losses.[2]

THE BASICS

Let's start with the basics. The details of coverage and eligibility for ELAP can be intricate. Those details are discussed in the next section of this article. You may also simply review the basics and then contact your local FSA office for more details and assistance, or refer to FSA's useful online resources.[3]

What does ELAP do? In general, it compensates for livestock-related losses. What kind of livestock-related losses? Death loss, loss of feed, loss of pasture or grazing land, losses that arise out of the need to haul water to livestock in times of drought, and losses related to gathering in cattle to treat for tick fever.

[1] So what losses do LFP and LIP cover? Broadly speaking, LFP provides compensation for *grazing losses* that are caused by *drought*, or, more narrowly, by fire on land managed by a Federal agency, and LIP provides compensation for livestock *death losses* that are caused by adverse weather, which adverse weather does *not* include drought. The only circumstance in which LIP might apply to death losses caused by drought is where there is an outbreak of anthrax. See separate articles on LFP and LIP for additional information.

[2] For information on honeybee or farm-raised fish aspects of the program, see the relevant fact sheets at: http://www.fsa.usda.gov/programs-and-services/disaster-assistance-program/emergency-assist-for-livestock-honey-bees-fish/index .

[3] Available at: http://www.fsa.usda.gov/programs-and-services/disaster-assistance-program/index

When does ELAP kick in? In general, in times of blizzard, disease or wildfire. (The wildfire cannot have occurred on federally managed land; LFP applies in that circumstance.) However, ELAP affords the Agency flexibility to cover different kinds of disasters.

Where does it apply? In locations where the USDA has determined that qualifying adverse weather or a loss condition occurred. This is usually determined according to county.

Who benefits from this disaster assistance? Livestock owners or contract growers, who meet the eligibility criteria. The general term under the program is *livestock producer*. There are a number of criteria for eligibility as a producer under ELAP.

What kind of livestock are covered by ELAP? For livestock owners: beef cattle, dairy cattle, sheep, swine, poultry, buffalo and others. For contract growers: poultry and swine. Feedlot livestock are not covered.

What is the assistance? Money.

Does the money have any strings attached to it? No, it can be used as seen fit. It is taxable.

How much is paid? In general, a percentage of the loss, between 60% and 75%, sometimes higher.

How is the loss calculated? It varies, depending on the kind of loss for which assistance is requested. Those details are discussed below. Sometimes payment for losses is calculated on actual costs and sometimes on national averages.

How do I apply? There are deadlines and documents, both application documents and other records required to support an application. These details are discussed below. <u>The most important source of information for understanding deadlines and documents is your local FSA office. In ELAP, which is a fiscal year (as opposed to a calendar year) program, the deadline for application is November 1 following the end of the program year for which benefits are being sought.</u>

What records will I need? In addition to the appropriate application form, supporting documentation is generally required. Losses must be documented; keep records; make records. The kinds of records that may be used to verify and document losses are discussed below.

Where do I get additional information? For more detailed information, read on, contact your local FSA office or review FSA's on-line resources.

DETAILS

ELAP, like FLP and LIP, became a "standing" or permanent program under the Agriculture Act of 2014 (2014 Farm Bill). As such, the source of funding for the program shifted to the Commodity Credit Corporation, from the Agriculture Disaster relief Trust Fund. ELAP differs somewhat from FLP and LIP in its funding, in that the latter do not have specified annual funding limits. Annual emergency relief under ELAP, however, is capped at $20 million.

The regulations which govern ELAP are found in the Code of Federal Regulations at 7 C.F.R. Part 1416, Subparts A and B. Funding for ELAP occurs by *fiscal* and not *calendar* year, unlike LFP and LIP, which affects application deadlines. ELAP is administered by the Farm Service Agency (FSA). Subpart A of 7 C.F.R. Part 1416 contains the *general* eligibility requirements for participation in all three livestock disaster programs (ELAP, LFP and LIP). Subpart B contains the *specific* requirements for participation in ELAP. Again, it is useful to note here that ELAP is not necessarily a simple program to understand or to deal with. Most producers interested in utilizing this program will rely on FSA staff expertise to guide them through the application process. The purpose of this article is to give the reader a general overview of the program, its benefits and its requirements, with direction as to where additional detail might be obtained.

Let's start with the general eligibility provisions.

General Eligibility Requirements: Subpart A

The requirements that apply to most of the USDA programs, namely that a producer be a US citizen or resident (lawful) alien, or a partnership or other qualifying entity (e.g. limited liability company, corporation), also apply to ELAP. The following are additional general eligibility requirements.

Eligible Producer

To be eligible, a producer must "assume the production and market risks associated with the agricultural production of crops or livestock on a farm either as the owner of the farm, where there is no contract grower, or [as] a contract grower of the livestock when there is a contract grower." (§1416.3) That's a tongue twister. It also seems ambiguous in that it appears to limit eligibility to someone who either owns a farm or is a contract grower of livestock. However, under the specific requirements for the livestock disaster programs, an owner of livestock who rents land may also be eligible. The important point to note for now (for ELAP purposes) is the requirement that a producer to be eligible must bear risk in the livestock enterprise, either as owner of the livestock or as a contract grower. More to follow on that.

Payment eligibility
To be eligible, the producer's average adjusted gross income (AGI) for the applicable benefit year cannot exceed $900,000. This limit applies to individuals and legal entities. The applicable benefit year is the year for which benefits (or compensation for losses) are sought. The term "average adjusted gross income" refers to the average AGI over the three taxable years that precede the most immediately preceding complete taxable year. For example, if a producer is applying for benefits for losses that occur in 2016, the three taxable years that count toward determination of average adjusted gross income are 2012-2014.

Payment Limits
The total amount of payments received through ELAP, LFP and LIP cannot exceed $125,000. This is a cap on combined payments received in any year under any of these three programs. The 2014 Farm Bill imposed a series of payment limitations. As a general matter, spouses of eligible producers can receive a separate limitation amount, thereby, in effect, doubling the limitation amounts. There are more complex rules for determining payment limits where an entity, such as a limited liability company or corporation, is involved.[4]

Farm Operating Plan
Participants in the program (which technically means those people who have simply filed an application for benefits) must either already have on file, or provide to FSA, a farm operating plan.[5] This form is used by FSA to assist in determining payment limitations and payment eligibility.

Insurance No Longer Required
To be eligible, a producer need *not* carry insurance either through Risk Management Agency or the Noninsured Crop Disaster Assistance Program (NAP). This is a change in requirements made by the 2014 Farm Bill.

Specific Eligibility Requirements for ELAP: Subpart B

First, as mentioned, if a loss is covered under LFP or LIP, it is not covered under ELAP. This typically means that if the loss is caused by drought to pasture or grazing land, it will likely be covered under LFP. If the loss is in the death of livestock caused by adverse weather conditions, those losses would likely be covered under LIP. Where neither LFP nor LIP can offer assistance, ELAP may offer help.

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[4] For information on the entity rules, see 7 CFR §§ 1400.105 and 1400.106, as well as the following: http://www.fsa.usda.gov/programs-and-services/payment-eligibility/index

[5] There are two versions of this form, both a longer and a shorter form, both of which can be viewed at http://www.fsa.usda.gov/programs-and-services/payment-eligibility/actively_engaged/index.

There are basic eligibility requirements for ELAP, which are:

- an eligible producer
- suffers an eligible loss, in the program year for which assistance is being requested
- losses are physically located in a county where eligible adverse weather or an eligible loss condition has occurred
- and timely files correct forms – CCC-851 for livestock losses, and FSA-578 for grazing losses

Notice the repeated term *eligibility*. As mentioned, the requirements of eligibility for each of these terms (producer, loss, adverse weather, loss condition) can differ somewhat depending on what kind of loss a person is seeking compensation for. There are four categories of loss:

- livestock death losses
- livestock feed and grazing losses
- losses related to the need to transport water
- specific losses related to cattle tick fever

For each of these categories of loss, there are eligibility criteria, sometimes similar and sometimes different. We will analyze the program according to the kind of loss for which payment is sought.

Note also that the phrase *adverse weather* is separate from the phrase *loss condition*. Adverse weather under ELAP means, initially, that it is not the kind of adverse weather condition covered under LFP and LIP. In general, *adverse weather* under ELAP includes (without limitation) blizzard, winter storms, and wildfires (the latter *not* on federally managed land). A *loss condition* means, first, as well, a condition not covered under other programs, and beyond that it tends to include diseases.[6]

The Four Losses

Death Losses

First, livestock death losses caused by adverse weather (as opposed to a separate loss condition) are covered under LIP, not ELAP. For livestock death losses, ELAP assistance is limited to an eligible loss condition, which generally means a qualifying disease, as further discussed below.

[6] ELAP is not technically limited to blizzard, wildfire and disease, even if in practice these have been the areas of application. As mentioned, ELAP is a program under which the Agency has flexibility to respond to unforeseen disasters - disasters that are not covered by other programs. As such, the regulatory definitions of adverse weather and loss condition are general.

To be eligible for compensation for death loss to livestock, the livestock had to have been owned by the applicant on the day of death. Alternatively, a contract grower, as opposed to the owner of the livestock, might be eligible if the contract grower a) had a written agreement with the owner, b) had control of the animals on the date of death, and c) was at risk for the losses.[7] The owner and the contract grower cannot both be eligible with respect to the same animals. In fact, the livestock owner will not be eligible if, on the day of death of the livestock, a contract grower could have been eligible with respect to those livestock.

Eligible animals for the *owner* of the animals include: alpacas, adult or non-adult dairy cattle, beef cattle, beefalo, buffalo, deer, elk, emus, equine, goats, llamas, poultry, reindeer, sheep or swine.[8] Animals eligible for *contract grower* losses include: poultry or swine.[9] In all cases the animals must have been maintained for commercial purposes as part of a farming operation on the date of death. The animals cannot before the date of death have been kept for noncommercial reasons, e.g. recreation, personal consumption, hunting, pleasure, roping, show or sport.

Payment is not made for in utero animals. Ineligible animals include wild free roaming animals, yaks and ostriches.

The animals had to have died in the county where the loss condition occurred, and the death loss had to have been in excess of normal mortality.[10] The deaths must have occurred a) as a direct result of the loss condition, b) on or after the beginning date of the loss condition and c) no later than 60 calendar days from the ending date of the loss condition. The Agency determines a beginning date for a loss condition. This determination can be made for national, state or county conditions.

FSA determines which adverse loss condition qualifies to trigger ELAP. Of course, it cannot be a loss condition covered under another program. Presently, FSA appears to have decided that for death losses caused by diseases to be eligible under ELAP the diseases need a) to be caused/transmitted by vectors,[11] and b) not be susceptible to vaccination or acceptable

[7] What is a contract grower? Under ELAP, producers, other than feedlots, whose income is dependent on actual weight gain and survival of the animals.
[8] These types are further broken down into subtypes according to which payments for losses are calculated. For subtypes see: 7 CFR § 1416.104(d).
[9] See sub-types under 7 CFR §1416.104(e).
[10] Normal mortality rates are established by FSA under LIP by livestock category.
[11] Vectors are living organisms, such as mosquitoes, that transmit disease. Other disease vectors include ticks, flies, sandflies, fleas, triatomine bugs and some freshwater aquatic snails.

management practices. Consequently, not all death losses caused by disease are eligible for assistance. FSA has named several diseases as *not* being covered loss conditions.[12]

How much is an eligible livestock owner paid under ELAP for death losses? Payment is based on a percentage of the *livestock payment rate* for each category of eligible livestock multiplied by the number of eligible dead livestock. The livestock payment rate is the fair market value for a category of livestock, as determined by the Agency, which is based on a national average. 75% of the livestock payment rate multiplied by the number of eligible dead livestock is paid to the producer. The percentage of the payment rate increases to 90% for beginning farmers, socially disadvantaged farmers and limited resource farmers. In a year where the full $20 million of available ELAP funding is not used, the 75% can be increased to 80%.

For example, the payment rate for an adult cow death loss for 2015 was $2016.19. So, 75% of that rate equals $1512.14. The producer, who has a herd of 100 cows, suffered 10 death losses. The normal mortality rate is 3%. 3% of 100 cows equals 3 cows. This normal mortality number is subtracted from the death losses: 10 – 3 = 7. The payment would be equal 7 x $1512.14 or $10,584.98.

Rates for payments to eligible contract growers are based on average income loss sustained.

<u>Feed & Grazing Losses, Water Transport Losses & Tick Fever Losses</u>

These are each separate kinds of loss under ELAP, which, however, share some eligibility criteria, namely for the livestock, the producer and the adverse weather or loss condition. We will discuss these common eligibility criteria first and then look at the separate requirements for feed and grazing, water transport and tick fever losses.

Eligible livestock are first identified by kind.[13] The livestock must be held for commercial purposes as part of the producer's farming operation.[14] Feedlot livestock are excluded. This exclusion applies to animals that were in a feedlot or, as part of normal business operations of the producer, would have been in a feedlot on the beginning date of the eligible adverse weather or loss condition.

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[12] Diseases excluded as loss conditions: Anaplasma Marginale, Mannheimia Haemolytica, Mycoplasma Bovis, Bovine Respiratory Disease, Malignant Catarrhal Fever, Bovine Leukosis Virus, Pregnancy Toxemia, Pneumonia, Infectious Bovine Rhinotracheitis, Parainfluenza.

[13] Adult or non-adult beef cattle, beefalo, buffalo, and dairy cattle; alpacas, deer, elk, emus, equine, goats, llamas, poultry, reindeer, sheep, or swine.

[14] Excluded uses, i.e. non-commercial, include wild free roaming animals, recreational use such as pleasure, roping, hunting, pets or for show.

Also excluded are beef and dairy cattle, buffalo and beefalo that weighed less than 500 pounds on the beginning date of the drought.

The livestock must be such as would normally have been grazing the eligible pasture or range land during the normal grazing period for that kind of land in the county where the adverse weather or loss condition occurred. (This condition does not apply to eligibility for tick fever losses.)

The livestock producer, during the 60 days prior to the beginning date of the adverse weather or loss condition, must have owned, cash-leased, purchased, or entered into a contract to purchase the livestock. Or, the livestock producer had to have been a contract grower of the animals. The livestock producer, whether as owner or contract grower, must have suffered one of the losses described below, i.e. loss of *purchased* feed or forage, loss of *harvested* feed or forage, or loss arising out of need to purchase additional feed, or to pay for the transport of water or additional feed to livestock, or to pay the costs associated with gathering livestock to treat for cattle tick fever.

<u>Feed Losses</u>
Feed losses (separate from grazing losses), to be eligible, must be loss of purchased feed or forage, or loss of mechanically harvested feed or forage. The feed and forage, whether purchased or harvested, must have been a) destroyed by eligible adverse weather or loss condition (harvested forage or feed must have been destroyed after harvest), b) intended for use as feed for eligible livestock, and c) physically located in a county where the adverse weather or loss condition occurred on the date of the beginning of that adverse weather or loss condition. Eligible adverse weather or loss condition includes, without limitation, blizzard, eligible winter storm, excessive wind, flood, hurricane, lightening, tidal surge, tornado, volcanic eruption or wildfire on land not federally managed.

There may be compensation for losses related to the need to <u>purchase additional feed</u>, above quantities normally purchased, as required to maintain the livestock until additional feed becomes available. The additional feed must be needed during eligible adverse weather or loss condition, which are the same as described in the preceding paragraph. The animals for whom the feed is purchased must be located in a county where the adverse weather or loss condition occurred. The purchase of additional feed can occur either during or after the eligible adverse weather or loss condition.

Payment is available for the cost of transporting additional feed to livestock. This loss is covered only in combination with one or more of the three other losses, i.e. purchased feed, harvested feed or additionally purchased feed. This is apparently interpreted as an exceptional transport costs. For example, such compensation might include the costs of equipment rental fees for hay lifts or snow removal.

Payment for feed losses is based on actual costs. The payment is made in an amount of no less than 60% of that figure. For beginners, socially disadvantaged, or limited resource the percentage is raised to 90%.[15]

Grazing Losses

Recall, first, that a grazing loss is not eligible under ELAP if it is covered under LFP, which, primarily means that grazing and feed losses attributable to drought will not be covered under ELAP.

Grazing losses (separate from feed losses), to be eligible, a) must be incurred during the normal grazing period, b) on eligible land that is located in a qualifying county, c) and be due to an eligible adverse weather or loss condition, such as blizzard, eligible winter storm, flood, hail (hail damage is determined on a field by field basis), hurricane, lightening, tidal surge, tornado, volcanic eruption or wildfire on non-Federal land. The grazing loss must have been suffered on land that is native or improved pasture, with permanent vegetative cover, or land that is planted to a crop specifically for grazing purposes, such as plantings of forage sorghum or small grains. Corn and sorghum stalks, for example, do not qualify. Small grain forage crops (e.g. millet, rye, barley, oats, triticale) that are planted for harvesting are *not* eligible.

The producer must be the person who provides the pasture or grazing lands and those lands have to be located in a county where the eligible adverse weather or loss condition occurred during the normal grazing period. Providing pasture or rangeland means either owning that land or renting it, the latter on either a cash or share basis. The rented ground can be owned privately, or by state or federal government.

The nature of the rental arrangement is important to eligibility. FSA takes the position that the land must be sufficiently under the control of the tenant to put that person at risk for the lost pasture. For example, where the lease arrangement is based on payment for actual number of days grazed, or according to the rate of gain, FSA takes the position that the tenant is not sufficiently at risk to qualify for grazing losses. The question does arise, however, as to what

[15] Beginner: a person who has not operated, or who has not operated for more than ten years, a farm or ranch, and who materially and substantially participates in the operation, which means substantial day-to-day labor and management. Socially Disadvantaged: a farmer or rancher who is a member of a group that has been subject to racial, ethnic or gender prejudice, including women, Hispanics, American Indians, Alaska Natives, Asians, Asian Americans, or Native Hawaiians. Limited Resource Farmer or Rancher: A person whose earnings and income are limited. The earnings threshold is adjusted for inflation and the income threshold is measured against national poverty guidelines. An online tool is available to determine one's eligibility as a limited resource farmer or rancher: http://lrftool.sc.egov.usda.gov/DeterminationTool.aspx?fyYear=2016.

losses, if any, are compensable where the producer has to remove livestock from rented grazing land early in the grazing season (but without having to pay rent for the lost grazing time) and then purchase feed to make up for the lost pasture.

Payment for grazing losses is based on the number of lost grazing days. This is the number of days over which the producer had to remove livestock from the pasture or the number of days the producer had to provide additional feed above normal quantities. Payment is based on the lesser of either a) the daily feed cost for the number of lost grazing days, not to exceed 150, or b) the normal carrying capacity of the grazing land for the number of grazing days lost, again not to exceed 150. The payment is made in an amount of no less than 60% of that figure. For beginners, socially disadvantaged, or limited resource the percentage is raised to 90%.

Water Transport Losses

A producer who needs to transport water to livestock during times of drought may be able to recover some of those costs as a disaster loss under ELAP. The livestock which need the water must be located on land in a county that is suffering a qualifying drought. Such a drought is designated by the US Drought Monitor as having an extreme drought (D3) that directly affects the availability of water during the grazing period.[16] FSA makes this latter determination. The costs for which assistance is available do not include the cost of the water itself, but rather the costs associated with its transport, such as equipment rental fees, labor, and contracted transport fees. This assistance is not available for animals that are grazing CRP land. There had to have been adequate watering systems or facilities in place before the drought. It must also be true that the producer is not normally required to haul water. Costs may be compensated for no more than 150 days of transport

The land must be native or improved pasture (with permanent vegetative cover), or land that has been planted to crops specifically for grazing, such as plantings of forage sorghum or small grains. Corn and sorghum stalks, for example, do not qualify.

Apparently, transporting water to fill tanks or troughs is acceptable but not to fill earthen structures.

Payments are based on the lesser of either a) the total cost of transporting water to livestock for 150 days, based on the daily water requirement of the livestock, or b) the actual number of gallons transported for the program year. The Agency determines a national average price per

[16] The US Drought Monitor is a partnership program of several organizations, including the USDA, the National Oceanic and Atmospheric Administration, and the National Drought Mitigation Center of the University of Nebraska, Lincoln. The US Drought Monitor maps, as regularly updated, are available at: http://droughtmonitor.unl.edu/Home.aspx . The USDA disaster designation webpage is located at: http://www.fsa.usda.gov/programs-and-services/disaster-assistance-program/disaster-designation-information/index .

gallon for water transport, which figures can also be varied by state or region. The payment is made in an amount of no less than 60% of that figure. For beginners, socially disadvantaged, or limited resource the percentage is raised to 90%.

Tick Fever Losses

Compensation is available for the costs associated with gathering eligible livestock to treat them for tick fever by the Animal and Plant Health Inspection Service. Cattle tick fever is a severe and often fatal disease that destroys red blood cells of cattle.

Payment for tock fever losses is based on the actual number of cattle that receive treatment and the average cost of gathering in the cattle, the latter as determined by the Agency. The payment is made in an amount of no less than 60% of that figure. For beginners, socially disadvantaged, or limited resource the percentage is raised to 90%.

Deadlines and Documents

The following brief discussion of deadlines and documentation under ELAP is general. It is critically important to contact your local FSA office for guidance on reporting losses and applying for assistance.

Deadlines

In seeking benefits under ELAP, a producer submits both a *notice of loss* and an *application*. A notice of loss is a necessary part of a complete application. The deadline for submitting the notice of loss is the earlier of a) within thirty days of the loss becoming apparent to the producer, or b) November 1 after the end of the program year for which benefits are being requested. The complete application itself must be submitted on or before November 1 after the end of the program year for which benefits are being requested. (Recall that ELAP is a fiscal year program. Therefore the program year for benefits runs from October 1 through September 30.)

Contact your local FSA office to obtain the necessary forms and information for submitting a notice of loss and application for benefits.

Documentation

It is important to maintain as complete a record as possible of losses in order to gain eligibility for the program. The following is a general listing of documentation that the Agency looks for in considering applications, eligibility and payment calculations. Under each loss category, note that FSA can accept either *verifiable* or *reliable* documentation. There is a difference between these two kinds of documentation. Verifiable documentation is such that can be verified by an independent source and is the strongest supporting documentation. Reliable documentation is such that may not be independently verifiable but which may nonetheless stand in FSA's estimate as sufficient. The 2014 Farm Bill made it possible for the Agency, in the absence of either verifiable or reliable documentation of losses, to consider *certification* of loss by the producer, provided, however, that similar producers suffered comparable losses. Thus, there are three levels of possible demonstration of loss to meet eligibility, in descending order of strength: verifiable documentation, reliable documentation and producer certification.

Livestock Death Losses

The producer must be able to document the death losses for which assistance is sought. The following documents may serve as verifiable documentation:

- rendering truck receipts or certificates
- FEMA records
- National Guard records
- veterinary records
- records assembled for tax purposes
- private insurance documents
- written contracts
- bank or other loan documents
- purchase records
- productions records
- property tax records.

In the absence of adequate verifiable proof of death, a producer may provide reliable records, together with verifiable beginning and ending inventory records. Reliable records may include:

- contemporaneous producer records in existence at the time of the event
- photographs (with dates)
- brand inspection records
- dairy herd improvement records or
- other similar reliable documents

Verifiable inventory records may include

- veterinary records
- canceled check documentation
- balance sheets
- inventory records used for tax purposes
- loan records
- bank statements

- farm credit balance sheets
- property tax records
- brand inspection records
- sales and purchase receipts
- private insurance documents
- chattel inspections.

There are also provisions in the rules for the producer to provide independent third party verifications, where needed, of the death losses.

Feed Losses

In the absence of verifiable or reliable records, FSA may accept a certification of losses by the producer, if similar producers have suffered comparable losses.

For purchased feed loses, the producer should provide receipts that show the following:

- date of feed purchase
- name, address, and telephone number of feed vendor
- type and quantity of feed purchased
- cost of feed purchased
- signature of feed vendor if the vendor does not have a license to conduct this type of transaction, e.g. a neighbor.

For raised feed losses, the producer needs to provide verifiable or reliable evidence of the following:

- the ability to produce the kind and amount of lost raised feed or forage, such as equipment, seed receipts, fertilizer purchase receipts, and FSA-578's
- payment for the production of the lost raised forage or feed, such as custom harvest costs
- any evidence that supports the amount of the lost raised forage or feed, such as but not limited to weight tickets, acres and yields, processing receipts.

For purchases of additional feed to make up for other feed or grazing losses, the producer must provide evidence of the additional purchased feed *and* evidence of normal quantities of feed. This means providing receipts or summary purchase receipts for feed or forage purchased from the beginning of eligible adverse weather or loss condition until additional feed became available, and provide the same documentation of reach of the preceding two years.

Grazing Losses

The producer must provide verifiable or reliable documentation to show either additional feed purchased above normal quantities or proof of removal of livestock from pasture. The producer must also provide the following:

- Written acreage lease and final bill or invoice
- BLM grazing permit or lease and final bill or invoice
- Forest Service grazing permt or lease and final bill or invoice
- State land lease and State land subleases

In the absence of a written lease (say for an oral lease arrangement) the lessor[17] must sign a CCC-855 to certify the lease arrangement.

Water Transport Losses

Documentation **must** include the method used to transport water (personal labor/equipment, hired labor/rented equipment, or contracted water transportation service), the number of gallons of water transported and the number of eligible livestock the water was transported to. Acceptable documentation will include verifiable or reliable documentation.

Verifiable records are those which can be vouched by an independent source, and may include:

- water bills/invoices
- hired labor receipts for transporting water
- contract receipts for transporting water

Reliable records may also be considered and may include

- contemporaneous records
- producer diaries
- calendars

Tick Fever Losses

The producer must certify the losses due to gathering cattle for treatment of tick fever.

Legal Aid of Nebraska

- *For additional information, contact your local FSA office.*
- *Information may also be available through the Nebraska Rural Response Hotline (1-800-464-0258).*
- *This is a document prepared by Legal Aid of Nebraska. It is not a USDA document.*

[17] A lessor and a lessee are the two parties to a lease. The lessor is the owner of the property, the one who grants the lease. The lessee is the person to whom the lease is made, i.e. the person who is leasing (or renting) the property from the owner.