

# FSA DISASTER PROGRAMS CONCERNING DROUGHT

## **NAP-Noninsured Crop Disaster Assistance Program –**

Provides protection against natural disasters resulting in lower yields, crop losses, and or prevented crop planting.

- The crop must be commercially produced agricultural commodity for which crop insurance is not available.
- Crops grown for food
- Crops planted and grown for livestock consumption
- Crops grown for fiber
- Crops grown in a controlled environment
- Industrial crops grown for feedstock
- Specialty crops such as honey and maple syrup

### Eligible Producer

- Landowner, tenant or sharecropper who is actively taking the risk of production of an eligible crop
- Average adjusted gross income must not exceed \$900,000

### Types of Losses

- Natural disaster such as drought, freeze, hail, excessive moisture or high winds
- Widespread damage including earthquakes and floods
- Extreme heat, plant disease and insect infestation

### Payments made

- Losses exceed 50% of expected production
- Basic loss is at 55% of the average market price
- May buy up for extra coverage at additional cost

### Apply for Coverage

- Contact local FSA office
- Complete form CCC-471
- Pay coverage fee
- Apply by closing dates which will vary for different crops (Contact FSA for specific dates)

### Cost

- Basic coverage

- \$250 per crop or \$750 per producer per county
- Fees will not exceed \$1,875 for a producer farming in multiple counties
- Additional fees to buy up coverage.
- Beginning farmer, limited resource farmer, underserved farmers are eligible for a waiver of the service fee and a 50% reduction in premiums

### **LFP- Livestock Forage Disaster Program**

LFP provides compensation to eligible livestock producers who suffered grazing losses for covered livestock due to drought on privately owned or cash leased land or if a federal agency prohibits producers from grazing normally permitted livestock on federally managed lands due to qualifying fire. Producers must provide a completed application for payment and required supporting documentation to their FSA office within 30 calendar days after the end of the calendar year in which the grazing loss occurred.

- Eligible Land must be in an area designated as
  - D2 for at least 8 consecutive weeks during the normal grazing period eligible for one month payment
  - D3 at any time during the normal grazing period eligible for 3 months payments
  - D3 for at least 4 weeks during the normal grazing period or is rated a D4 at any time during the normal grazing period is eligible for 4 months payments
  - D4 for 4 weeks during the normal grazing period is eligible for 5 monthly payments

#### **Eligible Livestock**

- Alpacas, beef cattle, buffalo, beefalo, dairy cattle, deer, elk, emus, equine, goats, llamas, reindeer, or sheep
  - Must have been owned, purchased, or entered into a contract to purchase during the 60 days prior to the beginning date of a qualifying drought or fire condition

### **ELAP – 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. Producers must submit a notice of loss to their local FSA office within 30 calendar days of when the loss is apparent. This program covers the losses resulting from the cost of transporting water to livestock during an eligible drought.

## **ECP – Emergency Conservation Program**

ECP provides emergency funding for farmers and ranchers to rehabilitate land severely damaged by natural disasters and to implement emergency water conservation measures in periods of severe drought.

## **CRP – Conservation Reserve Program Emergency Grazing**

Emergency grazing is authorized to provide relief to livestock producers in areas affected by a severe drought or similar natural disaster on qualifying CRP acres. Emergency authorization is provided by either a national FSA office authorization or by a state FSA committee determination utilizing the US Drought Monitor.

## **EM Loans - Emergency Loan Program**

Loans for up to 100% of actual production or physical losses to a maximum of \$500,000. Funds may be used to restore or replace essential property, pay essential family living expenses, reorganize the farming operation, refinance certain debts, pay all or part of production costs associated with disaster year.

- Availability is triggered by a declared disaster designation from the President of the United States or the Secretary of Agriculture. The FSA Administrator may authorize emergency loan assistance for physical losses only.
- Loan terms
  - Operating
    - Normally 1 – 7 years but in some cases may cases terms can be up to 20 years
  - Real Estate
    - Normally terms are within 30 years but in some cases may have terms up to 40 years.

## **HayNet**

This is an internet based ad service which allows farmers and ranchers to share Need Hay and Have Hay ads online. Ranchers can also post advertisements for the availability of grazing lands or the need for grazing lands. [www.fsa.usda.gov/haynet](http://www.fsa.usda.gov/haynet)



# Disaster Assistance

## Farm Service Agency Disaster Assistance Programs at a Glance

Disaster Programs	Blizzard	Fire	Hurricane/Typhoon	Excessive Moisture/Flood	Excessive Winds/Tornado	Drought	Hail	Volcanic Eruption/Emissions	Freeze	Earthquake
<b>Emergency Conservation Program (ECP)</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	Yes	Yes	Yes	Yes	No	Yes	No	Yes
<b>Emergency Forest Restoration Program (EFRP)</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	Yes	Yes	Yes	Yes	No	Yes	No	Yes
<b>Emergency Assistance for Livestock, Honeybees and Farm-Raised Fish Program (ELAP)</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	Yes, except on federally managed land	Yes	Yes	Yes	No, except for water transportation	Yes, but only for grazing losses	Yes	No	Yes
<b>Emergency Loan Program (EM)</b> - provides EM loans to help producers recover from production and physical losses due to drought, flooding, other natural disasters or quarantine.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Livestock Forage Disaster Program (LFP)</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	No	Yes, but only on federally managed lands impacted by the fire for which the producer is prohibited from grazing the normally permitted livestock by the federal agency	No	No	No	Yes	No	No	No	No
<b>Livestock Indemnity Program (LIP)</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	Yes	Yes	Yes	Yes	Yes	No, except when associated with anthrax	Yes	Yes	Yes, but only if deaths result from freeze incidental to a winter storm or extreme cold as determined by FSA	Yes
<b>Noninsured Crop Disaster Assistance Program (NAP)</b> - provides financial assistance for noninsurable crop losses due to drought, flood, hurricane or other natural disasters	Yes	Yes, only as a related condition to an eligible disaster	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Tree Assistance Program (TAP)</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	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

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## FSA Disaster Assistance Programs at a Glance

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Other natural disasters that may apply to some of these programs (not all perils are eligible loss conditions for all programs) include:

- Explosion;
- High water;
- Landslide;
- Mudslide;
- Severe snowstorm;
- Storm, including ice storms;
- Tidal wave;
- Wind-driven water;
- Insect infestation;
- Plant disease;
- Lightning; and
- Other **natural** phenomena.

Some man-made conditions qualify for disaster assistance, as follows.

### FOR MORE INFORMATION

This fact sheet is for informational purposes only; other restrictions may apply. For more information about FSA disaster programs, visit [www.fsa.usda.gov/programs-and-services/disaster-assistance-program/index](http://www.fsa.usda.gov/programs-and-services/disaster-assistance-program/index) or contact your local FSA office. To find your local FSA office, visit <http://offices.usda.gov>.

Disaster Programs	Pesticide Contamination	Nuclear Radiation/Fallout	Toxic Substances Other Than Pesticides	Chemical Residue Other Than Pesticides
<b>Dairy Indemnity Payment Program (DIPP)</b> – provides compensation to dairy producers when a public regulatory agency directs them to remove their raw milk from the commercial market because it has been contaminated by pesticides, nuclear radiation or fallout, or toxic substances and chemical residues other than pesticides.	Yes	Yes	Yes	Yes

*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 or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.*

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### Emergency Conservation Program (ECP)

#### OVERVIEW

The Emergency Conservation Program (ECP), administered by the U.S. Department of Agriculture (USDA) Farm Service Agency (FSA), provides emergency funding and technical assistance to farmers and ranchers to rehabilitate farmland damaged by natural disasters and to implement emergency water conservation measures in periods of severe drought.

#### PROGRAM ADMINISTRATION

ECP is administered by FSA state and county committees and county offices. Producers should inquire with their local FSA county office regarding ECP enrollment periods and eligibility.

#### LAND ELIGIBILITY

FSA county committees determine land eligibility based on on-site inspections of damaged land and the type and extent of damage. Eligible land includes land used for:

- Commercial farming, ranching and orchard operations;
- Growing nursery stock and Christmas tree plantations;
- Grazing for commercial livestock production; and
- Conservation structures; such as, waterways, terraces, diversions and windbreaks.

Conservation problems existing before the applicable disaster event are ineligible for ECP assistance.

#### COST-SHARE PAYMENTS

Cost-share payments are:

- Up to 75 percent of the cost to implement approved restoration practices;
- Up to 90 percent if limited resource producers; and
- Limited to \$200,000 per person or legal entity per disaster.

#### ELIGIBLE FARMLAND RESTORATION PRACTICES

To rehabilitate farmland, ECP participants may implement emergency conservation practices, such as:

- Debris removal from farmland (cleanup of woody material, sand, rock and trash on cropland or pastureland);
- Grading, shaping or leveling land (filling gullies, releveling irrigated farmland and incorporating sand and silt);
- Restoring fences (livestock cross fences, boundary fences, cattle gates or wildlife exclusion fence from agricultural land);
- Restoring conservation structures (waterways, diversion ditches, buried irrigation mainlines and permanently installed ditching system); and
- Providing emergency water during periods of severe drought (grazing and confined livestock and existing irrigation systems for orchards and vineyards).

#### FOR MORE INFORMATION

This fact sheet is for informational purposes only; other eligibility requirements may apply. More information on ECP is available at FSA offices, local USDA service centers and on FSA's website at <http://disaster.fsa.usda.gov>. To find your local FSA office, visit <http://offices.usda.gov>.

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### Emergency Forest Restoration Program (EFRP)

#### OVERVIEW

The Emergency Forest Restoration Program (EFRP), administered by the U.S. Department of Agriculture (USDA) Farm Service Agency (FSA), provides payments to eligible owners of nonindustrial private forest (NIPF) land in order to carry out emergency measures to restore land damaged by a natural disaster.

#### PROGRAM ADMINISTRATION

EFRP enrollment is administered by FSA state and county committees and county offices. Producers should inquire with their local FSA county office regarding EFRP enrollment periods and eligibility.

#### LAND ELIGIBILITY

FSA county committees determine land eligibility using on-site damage inspections that assess the type and extent of damage. To be eligible for EFRP, NIPF land must:

- Have existing tree cover (or had tree cover immediately before the natural disaster occurred and is suitable for growing trees); and
- Be owned by any nonindustrial private individual, group, association, corporation or other private legal entity.

#### COST-SHARE PAYMENTS

Cost-share payments are:

- Up to 75 percent of the cost to implement approved restoration practices; and
- Limited to \$500,000 per person or legal entity per disaster.

#### ELIGIBLE FOREST RESTORATION PRACTICES

To restore NIPF, EFRP participants may implement emergency forest restoration practices, such as:

- Debris removal, such as down or damaged trees, in order to establish a new stand or provide for natural regeneration;

- Site preparation, planting materials and labor to replant forest stand;
- Restoration of forestland roads, fire lanes, fuel breaks or erosion control structures;
- Fencing, tree shelters and tree tubes to protect trees from wildlife damage; and
- Wildlife enhancement to provide cover openings and wildlife habitat.

#### FOR MORE INFORMATION

This fact sheet is for informational purposes only; other eligibility requirements may apply. More information on EFRP is available at FSA offices, local USDA service centers and on FSA's website at <http://disaster.fsa.usda.gov> and [www.fsa.usda.gov/conservation](http://www.fsa.usda.gov/conservation). To find your local FSA office, visit <http://offices.usda.gov>.

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# Disaster Assistance

## FACT SHEET

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### Emergency Assistance for Livestock, Honeybees and Farm-Raised Fish Program

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#### OVERVIEW

The 2014 Farm Bill authorized up to \$20 million of Commodity Credit Corporation (CCC) funds each fiscal year for the Emergency Assistance for Livestock, Honeybees and Farm-Raised Fish Program (ELAP). ELAP provides financial assistance to eligible producers of livestock, honeybees and farm-raised fish for losses due to disease, certain adverse weather events or loss conditions, including blizzards and wildfires, as determined by the Secretary. ELAP assistance is provided for losses not covered by other disaster assistance programs authorized by the 2014 Farm Bill, such as losses not covered by the Livestock Forage Disaster Program (LFP) and the Livestock Indemnity Program (LIP).

Recipients of ELAP payments may receive a reduced payment should the total annual national demand for ELAP exceed \$20 million in a fiscal year.

ELAP is administered by the Farm Service Agency (FSA) of the U.S. Department of Agriculture (USDA).

#### ELIGIBLE LOSSES

ELAP provides assistance for livestock death losses; feed and grazing losses that are not due to drought or wildfires on federally managed lands; losses resulting from the cost of transporting water to livestock due to an eligible drought; losses resulting from the additional cost associated with gathering livestock for treatment related to cattle tick fever, honeybee feed, colony and hive losses; and farm-raised fish feed and death losses.

#### ELIGIBILITY REQUIREMENTS AND PAYMENT CALCULATIONS

For additional information regarding eligibility requirements and payment calculations for a specific type of livestock, honeybee and/or

farm-raised fish loss, see the ELAP - Farm-Raised Fish Assistance, ELAP - Honeybee Assistance or ELAP - Livestock Assistance fact sheet at [www.fsa.usda.gov/ELAP](http://www.fsa.usda.gov/ELAP).

#### PAYMENT LIMITATIONS

No person or legal entity, excluding a joint venture or general partnership, may receive, directly or indirectly, more than \$125,000 total in payments under ELAP, LFP and LIP combined. The average adjusted gross income (AGI) limitation relating to limits on payments for persons or legal entities, excluding joint ventures and general partnerships, with certain levels of average AGI will apply. Specifically, a person or legal entity with an average AGI (as defined in 7 CFR Part 1400) that exceeds \$900,000 will not be eligible to receive ELAP payments.

Direct attribution provisions also apply to ELAP. Under direct attribution, any payment to a legal entity will also be considered for payment limitation purposes to be a payment to persons or legal entities with an interest in the legal entity or in a sub-entity. To learn more, visit the Payment Eligibility and Payment Limitations fact sheet at [www.fsa.usda.gov/payment-limitations](http://www.fsa.usda.gov/payment-limitations).

#### APPLYING FOR ASSISTANCE

Producers can apply to receive ELAP assistance at local FSA service centers. For the 2016 program year and subsequent program year losses, the application period will end no later than Nov. 1 after the end of the program year in which the livestock, honeybee and/or farm-raised fish loss occurred.

In addition to submitting an application for payment, producers who suffered losses must submit a notice of loss to the local FSA service center that maintains the farm records for their business.



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## ELAP

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The following table provides the final dates to file a notice of loss and application for payment for losses.

Date of Loss	Final Date to File Notice of Loss	Final Date to Submit an Application for Payment
Program year 2016 and subsequent program years	30 days after loss is apparent	Nov. 1 after the program year in which the loss occurred

### FOR MORE INFORMATION

This fact sheet is for informational purposes only; other restrictions may apply. For more information about ELAP, visit [www.fsa.usda.gov/ELAP](http://www.fsa.usda.gov/ELAP) or contact your local FSA office. To find your local FSA office, visit <http://offices.usda.gov>.

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### Emergency Loan Program

#### OVERVIEW

The U.S. Department of Agriculture’s Farm Service Agency (FSA) provides emergency loans to help producers recover from production and physical losses due to drought, flooding, other natural disasters or quarantine.

#### LOAN USES

Emergency loan funds may be used to:

- Restore or replace essential property;
- Pay all or part of production costs associated with the disaster year;
- Pay essential family living expenses;
- Reorganize the farming operation; and
- Refinance certain debts.

#### ELIGIBILITY

Emergency loans may be made to farmers and ranchers who:

- Own or operate land located in a county declared by the President or designated by the Secretary of Agriculture as a primary disaster area or quarantine area. All counties contiguous to the declared, designated or quarantined primary counties also are eligible for emergency loans. A disaster designation by the FSA Administrator authorizes emergency loan assistance for physical losses only in the designated and contiguous counties;
- Are established family farm operators and have sufficient farming or ranching experience;
- Are citizens or permanent residents of the United States;
- Have suffered at least a 30 percent loss in crop production or a physical loss to livestock, livestock products, real estate or chattel property;
- Have an acceptable credit history;
- Are unable to receive credit from commercial sources;

- Can provide collateral to secure the loan; and
- Have repayment ability.

#### LOAN REQUIREMENTS

FSA loan requirements are different from those of other lenders. Some of the more significant differences are the following:

- Borrowers must keep acceptable farm records;
- Borrowers must operate in accordance with a farm plan they develop and agree to with local FSA staff; and
- Borrowers may be required to participate in a financial management training program and obtain crop insurance.

#### COLLATERAL IS REQUIRED

All emergency loans must be fully collateralized. The specific type of collateral may vary depending on the loan purpose, repayment ability and the individual circumstances of the applicant. If applicants cannot provide adequate collateral, their repayment ability may be considered as collateral to secure the loan. A first lien is required on property or products acquired, produced or refinanced with loan funds.

#### LOAN LIMIT

Producers can borrow up to 100 percent of actual production or physical losses to a maximum amount of \$500,000.

#### LOAN TERMS

Loans for crop, livestock and non-real estate losses are normally repaid within one to seven years, depending on the loan purpose, repayment ability and collateral available as loan security. In special circumstances, terms of up to 20 years may be authorized. Loans for physical losses to real estate are normally repaid within 30 years. In certain

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### Emergency Loan Program

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circumstances, repayment may be made over a maximum of 40 years.

### CURRENT INTEREST RATE

To find the current emergency loan interest rate, visit [www.fsa.usda.gov/farmloans](http://www.fsa.usda.gov/farmloans).

### APPLICATION DEADLINE

Applications for emergency loans must be received within eight months of the county's disaster or quarantine designation date.

### FOR MORE INFORMATION

This fact sheet is for informational purposes only; other restrictions may apply. For more information about FSA disaster assistance, visit <http://disaster.fsa.usda.gov>. For more information about FSA farm loans, visit [www.fsa.usda.gov/farmloans](http://www.fsa.usda.gov/farmloans). Further information about this and other FSA programs is available on the FSA website at [www.fsa.usda.gov](http://www.fsa.usda.gov) or from your local FSA office. To find your local FSA office, visit <http://offices.usda.gov>.

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### Emergency Haying and Grazing

#### OVERVIEW

The U.S. Department of Agriculture (USDA) Farm Service Agency (FSA) administers the Conservation Reserve Program (CRP), a federally funded voluntary program that contracts with agricultural producers so that environmentally sensitive agricultural land is not farmed or ranched, but instead used for conservation benefits. CRP participants establish long-term, resource-conserving plant species, such as approved grasses or trees (known as “covers”), to control soil erosion, improve water quality and develop wildlife habitat. In return, FSA provides participants with rental payments and cost-share assistance. Contract duration is between 10 and 15 years.

The Food Security Act of 1985, as amended, authorized CRP. The program is also governed by regulations published in 7 CFR Part 1410. The program is implemented by FSA on behalf of USDA’s Commodity Credit Corporation. More detailed information on CRP is available in the FSA fact sheet, “Conservation Reserve Program” or by visiting [www.fsa.usda.gov/crp](http://www.fsa.usda.gov/crp).

#### HAYING AND GRAZING

Haying and grazing of CRP acres is authorized under certain conditions to improve the quality and performance of the CRP cover or to provide emergency relief to livestock producers due to certain natural disasters. There are two types of haying and grazing authorization: managed and emergency.

#### PRIMARY NESTING SEASON

Generally, CRP acres may not be hayed or grazed during the Primary Nesting Season for certain wildlife established by state FSA committees in consultation with the USDA Natural Resources Conservation Service (NRCS) State Technical Committee. A map of Primary Nesting Seasons is

found at [www.fsa.usda.gov/Assets/USDA-FSA-Public/usdafiles/Conservation/PDF/mapnesting062013.pdf](http://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdafiles/Conservation/PDF/mapnesting062013.pdf).

#### EMERGENCY HAYING AND GRAZING

Emergency haying and grazing of CRP acres may be authorized to provide relief to livestock producers in areas affected by a severe drought or similar natural disaster. Emergency authorization is provided by either a national FSA office authorization or by a state FSA committee determination utilizing the U.S. Drought Monitor.

#### GENERAL AUTHORIZATION PROCESS

Requests for emergency haying and grazing are initiated at the county level with review and approval at the state and national FSA offices. County eligibility is based on a county FSA committee request documenting a 40 percent or greater loss in normal hay and pasture production and either:

- For drought conditions, an average of 40 percent or greater loss of normal precipitation for the four most recent months plus the days in the current month before the date of request; or
- For excessive moisture conditions, an average of 140 percent or greater increase in normal precipitation during the four most recent consecutive months plus the days in the current month before the date of request.

Emergency haying or grazing is limited to the acres physically located within the boundary of the eligible county or portion of a county. Under this authority, acres will only be authorized for a specified time and may end earlier than announced if conditions improve.

**STATE FSA COMMITTEE  
DETERMINATION (DROUGHT ONLY)**

County FSA committees may request emergency haying or grazing outside the primary nesting season for all or part of a county from the state FSA committee using the U.S. Drought Monitor. The state FSA committee may generally approve emergency haying and grazing on a county-by-county basis if the county is designated as level "D2 Drought - Severe" according to the U.S. Drought Monitor. The U.S. Drought Monitor is available online at <http://droughtmonitor.unl.edu/>.

Under this state committee determination, emergency **haying** is authorized for a single period through Aug. 31. Emergency **grazing** is authorized for a single period through Sept. 30.

**ELIGIBLE ACRES**

Acres eligible for emergency haying and grazing includes acres devoted to the following practices: CP1, CP2, CP4B, CP4D, CP10, CP18B, CP18C and CP38 if included in the approved State Acres for Wildlife Enhancement (SAFE) proposal.

**INELIGIBLE ACRES**

Acres ineligible for emergency haying and grazing includes acres devoted to:

- Useful life easements;
- Land within 120 feet of a stream or other permanent water body; and
- The following practices: CP3, CP3A, CP5A, CP9, CP11, CP12, CP15A, CP15B, CP17A, CP21, CP22, CP24, CP25, CP29, CP30, CP31, CP32, CP33, CP35A-I, CP36, CP38 in certain states, CP39, CP40 and CP42.

**MODIFIED CONSERVATION PLAN**

Before CRP acres are declared eligible for haying or grazing, a modified conservation plan developed by NRCS or a technical service provider must be obtained. The modified conservation plan must be site specific, include the authorized duration and reflect local wildlife needs and concerns. The

primary purpose must be to maintain vegetative cover, minimize soil erosion and protect water quality and wildlife habitat quality.

**FILE REQUEST BEFORE STARTING**

CRP participants requesting emergency or managed haying and grazing must file a request with their county FSA office indicating the acres to be hayed or grazed before the activity begins.

**REQUIRED PAYMENT REDUCTION**

The Agricultural Act of 2014 (the 2014 Farm Bill) repealed the payment reduction for 2014 and future years. CRP participants approved for emergency haying or grazing after Feb. 7, 2014, will not be assessed a payment reduction.

**FOR MORE INFORMATION**

This fact sheet is for informational purposes only; other restrictions may apply. For more information about CRP, visit [www.fsa.usda.gov/conservation](http://www.fsa.usda.gov/conservation) or contact your local FSA office. To find your local FSA office, visit <http://offices.usda.gov>.

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*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](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](mailto:program.intake@usda.gov).

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### Livestock Forage Disaster Program (LFP)

#### OVERVIEW

The 2014 Farm Bill authorized the Livestock Forage Disaster Program (LFP) to provide compensation to eligible livestock producers who have suffered grazing losses for covered livestock on land that is native or improved pastureland with permanent vegetative cover or is planted specifically for grazing. The grazing losses must be due to a qualifying drought condition during the normal grazing period for the county.

Also, LFP provides compensation to eligible livestock producers who have suffered grazing losses on rangeland managed by a federal agency if the eligible livestock producer is prohibited by the federal agency from grazing the normal permitted livestock on the managed rangeland due to a qualifying fire.

The grazing losses must have occurred on or after Oct. 1, 2011.

LFP is administered by the Farm Service Agency (FSA) of the U.S. Department of Agriculture (USDA).

#### ELIGIBLE COUNTIES FOR DROUGHT

An eligible livestock producer who owns or leases grazing land or pastureland physically located in a county rated by the U.S. Drought Monitor as having a:

- D2 (severe drought) intensity in any area of the county for at least eight consecutive weeks during the normal grazing period is eligible to receive assistance in an amount equal to one monthly payment;
- D3 (extreme drought) intensity in any area of the county at any time during the normal grazing period is eligible to receive assistance in an amount equal to three monthly payments;
- D3 (extreme drought) intensity in any area of the county for at least four weeks during the normal grazing period or is rated a D4

(exceptional drought) intensity at any time during the normal grazing period is eligible to receive assistance in an amount equal to four monthly payments; or

- D4 (exceptional drought) in a county for four weeks (not necessarily four consecutive weeks) during the normal grazing period is eligible to receive assistance in an amount equal to five monthly payments.

A map of eligible counties for LFP drought may be found at <http://www.fsa.usda.gov/programs-and-services/disaster-assistance-program/livestock-forage/index>.

#### ELIGIBLE LIVESTOCK

Eligible livestock types under LFP include alpacas, beef cattle, buffalo, beefalo, dairy cattle, deer, elk, emus, equine, goats, llamas, reindeer or sheep that have been or would have been grazing the eligible grazing land or pastureland:

- During the normal grazing period for the specific type of grazing land or pastureland for the county; or
- When the federal agency excluded the livestock producer from grazing the normally permitted livestock on the managed rangeland due to fire.

Eligible livestock must:

- Have been owned, purchased or entered into a contract to purchase during the 60 days prior to the beginning date of a qualifying drought or fire condition;
- Have been held by a contract grower or 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;

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### Livestock Forage Disaster Program (LFP)

October 2017

- 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 pleasure, hunting, pets, roping or for show); 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 producer.

### ELIGIBLE PRODUCERS

To be eligible for LFP, producers must:

- 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 that is either:
  - Physically located in a county affected by a qualifying drought during the normal grazing period for the county; or
  - 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 loss of grazing is being claimed.

### PAYMENTS

FSA will calculate LFP payments for an eligible livestock producer for grazing losses because of a qualifying drought equal to one, three, four or five times the LFP monthly payment rate. The LFP monthly payment rate for drought is equal to 60 percent of the lesser of either the monthly feed cost:

- For all covered livestock owned or leased by the eligible livestock producer; or
- Calculated by using the normal carrying capacity of the eligible grazing land of the eligible livestock producer.

Total LFP payments to an eligible livestock producer in a calendar year for grazing losses will not exceed five monthly payments for the same livestock.

In the case of an eligible livestock producer who sold or otherwise disposed of livestock because of drought conditions in one or both of the two previous production years immediately preceding the current production year, the payment rate will equal 80 percent of the monthly payment rate.

FSA will calculate LFP payments for eligible livestock producers for losses suffered because of a qualifying fire on federally managed rangeland for which the producer is prohibited from grazing the normally permitted livestock. The payment begins on the first day the permitted livestock are prohibited from grazing the eligible rangeland and ending on the earlier of the last day of the federal lease of the eligible livestock producer or the day that would make the period a 180 calendar-day period. The payment rate is 50 percent of the monthly feed cost for the number of days the producer is prohibited from grazing the managed rangeland because of a qualifying fire, not to exceed 180 calendar days.

### PAYMENT LIMITATION

For 2012 and subsequent program years, no person or legal entity, excluding a joint venture or general partnership, may receive directly or indirectly, more than \$125,000 total in payments under LFP, Emergency Assistance for Livestock, Honeybees and Farm-Raised Fish Program (ELAP) and Livestock Indemnity Program (LIP) combined.

In applying the limitation on average adjusted gross income (AGI), an individual or legal entity is ineligible for payment under LFP if the individual's or legal entity's average AGI exceeds \$900,000.

Direct attribution provisions apply to LFP for 2011 and subsequent years. Under direct attribution, any payment to a legal entity also will be considered for payment limitation purposes to be a payment to persons or legal entities with an interest in the legal entity or in a sub-entity.

**ENROLLMENT**

For 2015 and subsequent calendar years, producers must provide a completed application for payment and required supporting documentation to their FSA office within 30 calendar days after the end of the calendar year in which the grazing loss occurred.

The producer should include a copy of the grower contract if the producer is a contract grower and any other supporting documents required for determining eligibility. Supporting documents must show evidence of loss, current physical location of livestock in inventory, evidence that grazing land or pastureland is owned or leased and evidence that if the loss of grazing was due to a fire that the producer was prohibited by the federal agency from grazing the normal permitted livestock on the managed rangeland due to a fire.

FSA will use data provided by the applicant to determine eligibility for program benefits. Providing the data is voluntary; however, without all required data, program benefits will not be approved or provided.

The table on page 4 provides the monthly feed cost payment rate per head by covered livestock category.

**FOR MORE INFORMATION**

This fact sheet is for informational purposes only; other eligibility requirements or restrictions may apply. To find more information about FSA disaster assistance programs, visit <http://disaster.fsa.usda.gov> or contact your local FSA office. To find your local FSA office, visit <http://offices.usda.gov>.

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*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.*

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- 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](mailto:program.intake@usda.gov).*

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**FACT SHEET**

**Livestock Forage Disaster Program (LFP)**

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Kind	Type	Weight Range	Payment Rate Per Head						
			2011	2012	2013	2014	2015	2016	2017
Beef	Adult	Bulls, Cows	\$34.57	\$51.81	\$57.27	\$52.56	\$40.79	\$32.36	\$30.00
	Non-adult	500 pounds or more	\$25.93	\$38.86	\$42.96	\$39.42	\$30.59	\$24.27	\$22.50
Dairy	Adult	Bulls, Cows	\$89.89	\$134.71	\$148.90	\$136.66	\$106.05	\$84.14	\$78.00
	Non-adult	500 pounds or more	\$25.93	\$38.86	\$42.96	\$39.42	\$30.59	\$24.27	\$22.50
Buffalo/ Beefalo	Adult	Bulls, Cows	\$34.57	\$51.81	\$57.27	\$52.56	\$40.79	\$32.36	\$30.00
	Non-adult	500 pounds or more	\$25.93	\$38.86	\$42.96	\$39.42	\$30.59	\$24.27	\$22.50
Sheep	All		\$8.64	\$12.96	\$14.32	\$13.14	\$10.20	\$8.09	\$7.50
Goats	All		\$8.64	\$12.96	\$14.32	\$13.14	\$10.20	\$8.09	\$7.50
Deer	All		\$8.64	\$12.96	\$14.32	\$13.14	\$10.20	\$8.09	\$7.50
Equine	All		\$25.58	\$38.34	\$42.38	\$38.90	\$30.18	\$23.95	\$22.20
Elk		Less than 400 pounds	\$7.61	\$11.40	\$12.60	\$11.58	\$8.98	\$7.12	\$6.60
		400 to 799 pounds	\$14.18	\$21.24	\$23.48	\$21.56	\$16.73	\$13.27	\$12.30
		800 pounds or more	\$18.67	\$27.98	\$30.93	\$28.39	\$22.03	\$17.47	\$16.20
Reindeer		All	\$7.61	\$11.40	\$12.60	\$11.58	\$8.98	\$7.12	\$6.60
Alpacas		All	\$28.48	\$42.68	\$47.18	\$43.30	\$33.60	\$26.65	\$24.71
Emus		All	\$17.69	\$26.52	\$29.31	\$26.90	\$20.87	\$16.56	\$15.36
Llamas		All	\$12.62	\$18.91	\$20.90	\$19.18	\$14.89	\$11.81	\$10.95

**Note:** The LFP monthly payment rate for losses because of a qualifying drought is calculated at 60 percent of the smaller of the monthly feed cost payment rate per head in the table above or the monthly feed cost based on the normal carrying capacity of the eligible grazing or pastureland acres.



# Disaster Assistance

## FACT SHEET

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### Livestock Indemnity Program (LIP)

#### OVERVIEW

The 2014 Farm Bill authorized the Livestock Indemnity Program (LIP) to provide benefits to livestock producers for livestock deaths in excess of normal mortality caused by eligible loss conditions, including eligible adverse weather, eligible disease and eligible attacks (attacks by animals reintroduced into the wild by the federal government or protected by federal law, including wolves and avian predators). LIP payments are equal to 75 percent of the market value of the applicable livestock on the day before the date of death of the livestock as determined by the Secretary.

LIP is administered by the U.S. Department of Agriculture (USDA) Farm Service Agency (FSA).

#### ELIGIBLE LIVESTOCK OWNERS

To be eligible for LIP, a livestock producer must have

legally owned the eligible livestock on the day the livestock died.

To be eligible for LIP, an owner's livestock must:

- Have died in excess of normal mortality as a direct result of an eligible loss condition that occurred:
  - On or after Oct. 1, 2011; and
  - No later than 60 calendar days from the ending date of the applicable adverse weather event.
- Have been maintained for commercial use as part of a farming operation on the day they died; and
- Not have been produced for reasons other than commercial use as part of a farming operation. Excluded livestock includes wild free-roaming animals, pets or animals used for recreational purposes, such as hunting, roping or for show.

Owners of the following types of livestock may be eligible for LIP:

Cattle	Poultry	Swine	Other
Adult Beef Bulls	Chickens, Broilers, Pullets (regular size) (4.26 to 6.25 pounds)	Swine, Feeder Pigs (less than 50 pounds)	Alpacas
Adult Beef Cows	Chickens, Chicks	Swine, Sows, Boars, Barrows, Gilts (50 to 150 pounds)	Deer
Adult Buffalo, Beefalo Bulls	Chickens, Layers	Swine, Sows, Boars, Barrows, Gilts (151 to 450 pounds)	Elk
Adult Buffalo, Beefalo Cows	Chickens, Pullets/Cornish Hens (small size) (Less than 4.26 pounds)	Swine, Sows, Boars (over 450 pounds)	Emus
Adult Dairy Bulls	Roasters (6.26 to 7.75 pounds)		Equine
Adult Dairy Cows	Super Roasters/Parts (7.76 pounds or more)		Goats, Bucks
Non-Adult Beef Cattle	Ducks		Goats, Nannies
Non-Adult Buffalo/ Beefalo	Ducks, Ducklings		Goats, Slaughter Goats/Kids
Non-Adult Dairy Cattle	Geese, Goose		Llamas
	Geese, Goslings		Reindeer
	Turkeys, Pullets		Sheep, Ewes
	Turkeys, Toms, Fryers, Roasters		Sheep, Lambs

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### Livestock Indemnity Program (LIP)

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#### ELIGIBLE LIVESTOCK CONTRACT GROWERS

To be eligible for LIP, a contract grower must have had the following on the day the livestock died:

- Possession and control of the eligible livestock; and
- A written agreement with the eligible livestock owner setting the specific terms, conditions and obligations of the parties involved regarding the production of livestock.

In addition to the requirements listed for livestock owners above, the only eligible livestock of contract growers under LIP are poultry and swine.

#### ELIGIBLE LOSS CONDITIONS

An eligible loss condition includes any of the following that occur in the calendar year for which benefits are requested:

- Eligible adverse weather event;
- Eligible disease; and
- Eligible attack.

Eligible adverse weather event means extreme or abnormal damaging weather that is not expected to occur during the loss period for which it occurred, which directly results in eligible livestock death losses in excess of normal mortality. An eligible adverse weather event must occur in the calendar year for which benefits are requested. Eligible adverse weather events include, but are not limited to, as determined by the FSA Deputy Administrator of Farm Programs or designee, earthquake; hail; lightning; tornado; tropical storm; typhoon; vog, if directly related to a volcanic eruption; winter storm, if the winter storm lasts for three consecutive days and is accompanied by high winds, freezing rain or sleet, heavy snowfall and extremely cold temperatures; hurricanes; floods; blizzards; wild fires; extreme heat; extreme cold; and straight-line winds. Drought is not an eligible adverse weather event except when associated with anthrax, a condition that occurs because of drought and results in the death of eligible livestock.

Eligible disease means a disease that is exacerbated by an eligible adverse weather event that directly results in the death of eligible livestock in excess of normal mortality, including, but not limited to,

anthrax, cyanobacteria, (beginning in 2015 calendar year) and larkspur poisoning (beginning in 2015 calendar year).

Eligible attack means an attack by animals reintroduced into the wild by the federal government or protected by federal law, including wolves and avian predators, that directly results in the death of eligible livestock in excess of normal mortality.

#### PAYMENTS

LIP payments are calculated by multiplying the national payment rate for each livestock category by the number of eligible livestock in each category. National payment rates are found at the end of this fact sheet.

The LIP national payment rate for eligible livestock owners is based on 75 percent of the average fair market value of the livestock, as provided in Table 1.

The LIP national payment rate for eligible livestock contract growers is based on 75 percent of the average income loss sustained by the contract grower with respect to the dead livestock, as provided in Table 2.

A contract grower's LIP payment will be reduced by the amount of monetary compensation received from his/her contractor for the loss of income suffered from the death of livestock under contract.

#### PAYMENT LIMITATIONS AND ADJUSTED GROSS INCOME (AGI)

For 2012 and subsequent program years, no person or legal entity, excluding a joint venture or general partnership, may receive directly or indirectly, more than \$125,000 total in payments under the Livestock Forage Disaster Program, Emergency Assistance for Livestock, Honeybees and Farm-Raised Fish Program and LIP combined per program year.

In applying the limitation on average adjusted gross income, an individual or entity is ineligible for payment under LIP if the average AGI of the individual or entity exceeds \$900,000.

Direct attribution provisions apply to LIP for 2011 and subsequent years. Under direct attribution, any payment to a legal entity also will be considered (for payment limitation purposes) to be a payment to

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## Livestock Indemnity Program (LIP)

October 2017

persons or legal entities with an interest in the legal entity or in a sub-entity.

For more information on payment limitations, visit [www.fsa.usda.gov/limits](http://www.fsa.usda.gov/limits).

### APPLYING FOR LIP

Producers may apply to receive LIP benefits at local FSA offices.

Producers who suffer livestock death losses should submit a notice of loss and an application for payment to the local FSA office that maintains their farm records.

To be eligible, the notice of loss must be submitted 30 calendar days of when the loss of livestock is first apparent to the producer. An application for payment must be filed no later than 90 calendar days after the end of the calendar year in which the eligible loss condition occurred.

The following table provides the final dates to file a notice of loss and application for payments:

Date of Livestock Death	Final Date to File Notice of Loss	Final Date to Submit an Application for Payment
Calendar year 2017 and all subsequent years	30 days after death is first apparent	90 days after the calendar year in which the eligible loss condition occurred

The producer must include a copy of the grower contract if he/she is a contract grower and any other supporting documents required for determining eligibility. Supporting documents must show evidence of loss, current physical location of livestock in inventory and location of the livestock at the time of death.

Payments may be made for eligible losses suffered by an eligible producer who is now deceased or for a dissolved entity if a currently authorized representative signs the application for payment. Proof of authority to sign for a deceased individual or dissolved entity must be provided. If a producer is a dissolved entity, all former members at the time of dissolution or their duly authorized representative(s) must sign the application for payment.

### LIVESTOCK DEATH LOSS DOCUMENTATION

Livestock owners should record all pertinent information of livestock death losses due to adverse weather, disease and attacks by animals reintroduced into the wild by the federal government or protected by federal law.

Documentation of the number and kind of livestock that have died, supplemented if possible by such items as, but not limited to:

- Photographs or video records to document the loss, dated if possible;
- Purchase records, veterinarian records, production records, bank or other loan documents; and
- Written contracts, records assembled for tax purposes, private insurance documents and other similar reliable documents.

Applicants must provide adequate proof that the eligible livestock deaths occurred as a direct result of an eligible adverse weather event, eligible disease or eligible attack by an eligible animal or avian predator in the calendar year for which benefits are being requested. The quantity and kind of livestock that died as a direct result of the eligible event may be documented by:

- Purchase records;
- Veterinarian records;
- Bank or other loan documents;
- Rendering truck receipts or certificates;
- Federal Emergency Management Agency records;
- National Guard records;
- Written contracts;
- Production records;
- Records assembled for tax purposes;
- Property tax records;
- Private insurance documents; and
- Similar documents.

If adequate verifiable proof of death records documentation is not available, FSA will accept reliable records in conjunction with verifiable beginning and ending inventory records as proof of death. Reliable records may include, but are not limited to:

- Contemporaneous producer records existing at the time of the adverse weather event;

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## Livestock Indemnity Program (LIP)

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- Picture(s) with a date;
  - Brand inspection records;
  - Dairy herd improvement records; and
  - Similar reliable documents.
- Their affiliation with the livestock owner; and
  - The accuracy of the deaths claimed by the livestock owner.

FSA will accept certifications of livestock deaths by third parties on form CCC-854 along with verifiable beginning and ending inventory documentation if the following conditions are met:

- The livestock owner or livestock contract grower, as applicable, certifies in writing:
  - That there is no other documentation of death available; and
  - The number of livestock in inventory at the time of the eligible loss condition.
- The third party provides their telephone number, address and a written statement containing:
  - Specific details about their knowledge of the livestock deaths;

FSA will use data furnished by the applicant to determine eligibility for program benefits. Furnishing the data is voluntary; however, without all required data, program benefits will not be approved or provided.

### FOR MORE INFORMATION

This fact sheet is for informational purposes only; other restrictions may apply. For more information about FSA disaster assistance programs, visit <http://disaster.fsa.usda.gov> or contact your local FSA office. To find your local FSA office, visit <http://offices.usda.gov>.

Table 1: LIP Payment Rates for Eligible Livestock Owners (rates have been reduced by the required 75%)			
Kind	Type	Weight Range	2017 Payment Rate Per Head
Alpacas			\$270.00
Beef	Adult	Bull	\$1,350.34
		Cow	\$1,038.73
	Non-adult	Less than 400 pounds	\$471.22
		400 to 799 pounds	\$639.54
800 pounds or more		\$1,001.12	
Buffalo/Beefalo	Adult	Bull	\$1,714.39
		Cow	\$914.34
	Non-adult	Less than 400 pounds	\$447.66
		400 to 799 pounds	\$607.56
800 pounds or more		\$951.06	
Chickens	Broilers, Pullets (regular size)	4.26 to 6.25 pounds	\$2.35
	Chicks		\$0.24
	Layers		\$3.15
	Pullets, Cornish Hens (small size)	Less than 4.26 pounds	\$1.60
	Roasters	6.26 to 7.75 pounds	\$2.99
	Super Roasters/Parts	7.76 pounds or more	\$3.93
Dairy	Adult	Bull	\$1,353.75
		Cow	\$1,353.75
	Non-adult	Less than 400 pounds	\$338.44
		400 to 799 pounds	\$676.88
800 pounds or more		\$1,093.41	
Deer			\$445.69
Ducks	Ducklings		\$0.69
	Ducks		\$4.31

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## Livestock Indemnity Program (LIP)

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Table 1: LIP Payment Rates for Eligible Livestock Owners (Continued) (rates have been reduced by the required 75%)			
Kind	Type	Weight Range	2017 Payment Rate Per Head
Elk			\$618.66
Emus			\$177.78
Equine			\$755.57
Geese	Goose		\$24.33
	Gosling		\$5.11
Goats	Bucks		\$207.19
	Nannies		\$228.75
	Slaughter Goats/Kids		\$65.27
Llamas			\$217.50
Reindeer			\$445.69
Sheep	Ewes		\$121.87
	Lambs		\$140.57
	Rams		\$119.98
Swine	Feeder Pigs	Less than 50 pounds	\$34.40
	Lightweight Barrows, Gilts	50 to 150 pounds	\$57.01
	Sows, Boars, Barrows, Gilts	151 to 450 pounds	\$79.62
	Boars, Sows	450 pounds or more	\$172.51
Turkeys	Poults		\$1.25
	Toms, Fryers, Roasters		\$15.88

Table 2: LIP Payment Rates for Eligible Livestock for Livestock Contract Growers (rates have been reduced by the required 75%)			
Kind	Type	Weight Range	2017 Payment Rate Per Head
Chickens	Broilers, Pullets (regular size)	4.26 to 6.25 pounds	\$0.26
	Layers		\$0.19
	Pullets, Cornish Hens (small size)	Less than 4.26 pounds	\$0.18
	Roasters	6.26 to 7.75 pounds	\$0.33
	Super Roasters/Parts	7.76 pounds or more	\$0.43
Ducks			\$0.47
Geese			\$3.57
Swine	Feeder Pigs	Less than 50 pounds	\$3.91
	Lightweight Barrows, Gilts	50 to 150 pounds	\$8.56
	Sows, Boars, Barrows, Gilts	151 to 450 pounds	\$11.96
	Boars, Sows	450 pounds or more	\$70.89
Turkeys	Toms, Fryers, Roasters		\$1.75

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# Disaster Assistance

## Noninsured Crop Disaster Assistance Program for 2015 and Subsequent Years

### OVERVIEW

The Noninsured Crop Disaster Assistance Program (NAP), reauthorized by the 2014 Farm Bill and administered by the U.S. Department of Agriculture (USDA) Farm Service Agency (FSA), provides financial assistance to producers of noninsurable crops to protect against natural disasters that result in lower yields or crop losses, or prevents crop planting.

### ELIGIBLE PRODUCERS

An eligible producer is a landowner, tenant or sharecropper who shares in the risk of producing an eligible crop and is entitled to an ownership share of that crop. The 2014 Farm Bill specifies that an individual's or entity's average adjusted gross income (AGI) cannot exceed \$900,000 to be eligible for NAP payments. Also, NAP payments received, directly or indirectly, will be attributed to the applicable individual or entity and limited to \$125,000 per crop year, per individual or entity. (To learn more, visit [www.fsa.usda.gov/limits](http://www.fsa.usda.gov/limits).)

### ELIGIBLE CROPS

Eligible crops must be commercially produced agricultural commodities for which crop insurance is not available and be any of the following:

- Crops grown for food;
- Crops planted and grown for livestock consumption, such as grain and forage crops, including native forage;
- Crops grown for fiber, such as cotton and flax (except trees);
- Crops grown in a controlled environment, such as mushrooms and floriculture;
- Specialty crops, such as honey and maple sap;
- Sea oats and sea grass;
- Sweet sorghum and biomass sorghum;
- Industrial crops, including crops used in manufacturing or grown as a feedstock for renewable biofuel, renewable electricity or biobased products;

- Value loss crops, such as aquaculture, Christmas trees, ginseng, ornamental nursery and turf-grass sod; and
- Seed crops where the propagation stock is produced for sale as seed stock for other eligible NAP crop production.

Producers should contact a crop insurance agent for questions regarding insurability of a crop in their county. For further information on whether a crop is eligible for NAP coverage, producers should contact the FSA county office where their farm records are maintained.

### ELIGIBLE CAUSES OF LOSS

Eligible causes of loss include the following natural disasters:

- Damaging weather, such as drought, freeze, hail, excessive moisture, excessive wind or hurricanes;
- Adverse natural occurrences, such as earthquake or flood; and
- Conditions related to damaging weather or adverse natural occurrences, such as excessive heat, plant disease, volcanic smog (VOG) or insect infestation.

The natural disaster must occur during the coverage period, before or during harvest, and must directly affect the eligible crop.

### COVERAGE LEVELS

NAP provides basic coverage equivalent to the catastrophic level risk protection plan of insurance coverage, which is based on the amount of loss that exceeds 50 percent of expected production at 55 percent of the average market price for the crop.

The 2014 Farm Bill authorizes higher levels of coverage ranging from 50 to 65 percent of production, in 5 percent increments, at 100 percent of the average market price. Additional coverage must be elected by a producer by the application

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closing date. Producers who elect additional coverage must pay a premium in addition to the service fee. Crops intended for grazing are not eligible for additional coverage.

#### APPLYING FOR COVERAGE

Eligible producers must apply for coverage using form CCC-471, "Application for Coverage," and pay the applicable service fee at the FSA office where their farm records are maintained. The application and service fee must be filed by the application closing date. *Application closing dates vary by crop* and are established by the FSA State Committee. Contact your local FSA office to verify application closing dates.

Producers who apply for NAP coverage acknowledge that they have received the NAP Basic Provisions, available at FSA county offices and at [www.fsa.usda.gov/nap](http://www.fsa.usda.gov/nap).

#### SERVICE FEES AND PREMIUMS

For all coverage levels, the NAP service fee is the lesser of \$250 per crop or \$750 per producer per administrative county, not to exceed a total of \$1,875 for a producer with farming interests in multiple counties.

Producers who elect higher levels of coverage must also pay a premium equal to:

- The producer's share of the crop; times
- The number of eligible acres devoted to the crop; times
- The approved yield per acre; times
- The coverage level; times
- The average market price; times
- A 5.25 percent premium fee.

For value loss crops, premiums will be calculated using the maximum dollar value selected by the producer on form CCC-471, "Application for Coverage."

The maximum premium for a person or legal entity that is a NAP covered producer is \$6,563 (the maximum payment limitation times a 5.25 percent premium fee). If the NAP covered producer is a

joint operation, the maximum premium is based on the number of multiple persons or legal entities comprising the joint operation.

Beginning, limited resource and targeted underserved farmers or ranchers are eligible for a waiver of the service fee and a 50 percent premium reduction when they file form CCC-860, "Socially Disadvantaged, Limited Resource and Beginning Farmer or Rancher Certification." To be eligible for a service fee waiver or premium reduction, the NAP covered producer must qualify as one of the following:

Beginning farmer or rancher – a person or legal entity who:

- Has not operated a farm or ranch for more than 10 years; and
- Materially and substantially participates in the operation.

For legal entities to be considered a beginning farmer, all members must be related by blood or marriage and must be beginning farmers.

Limited resource farmer or rancher – a person or legal entity that:

- Earns no more than \$173,600 in each of the two calendar years that precede the complete taxable year before the program year, to be adjusted upwards in later years for inflation; and
- Has a total household income at or below the national poverty level for a family of four, or less than 50 percent of county median household income for both of the previous two years.

Limited resource producer status may be determined using the USDA Limited Resource Farmer and Rancher Online Self Determination Tool located at <https://lrftool.sc.egov.usda.gov/DeterminationTool.aspx?fyYear=2018>. The automated system calculates and displays adjusted gross farm sales per year and the higher of the national poverty level or county median household income.



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For legal entities requesting to be considered Limited Resource Farmer or Rancher, the sum of gross sales and household income must be considered for all members.

Targeted underserved farmer or rancher – a farmer or a rancher who is a member of a group whose members have been subject to racial, ethnic or gender prejudice because of their identity as members of a group without regard to their individual qualities. Groups include:

- American Indians or Alaskan Natives;
- Asians or Asian Americans;
- Blacks or African Americans;
- Native Hawaiians or other Pacific Islanders;
- Hispanics; and
- Women.

For legal entities to be considered targeted underserved, the majority interest must be held by targeted underserved individuals.

#### COVERAGE PERIOD

The coverage period for NAP varies depending on the crop.

The coverage period for an annual crop begins the later of:

- 30 days after application for coverage and the applicable service fees have been paid; or
- The date the crop is planted (cannot exceed the final planting date).

The coverage period for an annual crop ends the earlier of the:

- Date the crop harvest is completed;
- Normal harvest date for the crop;
- Date the crop is abandoned; or
- Date the entire crop acreage is destroyed.

The coverage period for a perennial crop, other than a crop intended for forage, begins 30 calendar days after the application closing date and ends the earlier of:

- 10 months from the application closing date;
- The date the crop harvest is completed;

- The normal harvest date for the crop;
- The date the crop is abandoned; or
- The date the entire crop acreage is destroyed.

Contact a local FSA office for information on the coverage periods for perennial forage crops, controlled-environment crops, specialty crops and value loss crops.

#### INFORMATION REQUIRED TO REMAIN ELIGIBLE FOR NAP

To be eligible for NAP assistance, the following crop acreage information must be reported:

- Name of the crop (lettuce, clover, etc.);
- Type and variety (head lettuce, red clover, etc.);
- Location and acreage of the crop (field, sub-field, etc.);
- Share of the crop and the names of other producers with an interest in the crop;
- Type of practice used to grow the crop (irrigated or non-irrigated);
- Date the crop was planted in each field; and
- Intended use of the commodity (fresh, processed, etc.).

Producers should report crop acreage shortly after planting (early in the risk period) to ensure reporting deadlines are not missed and coverage is not lost.

In addition, producers with NAP coverage must provide the following production information:

- The quantity of all harvested production of the crop in which the producer held an interest during the crop year;
- The disposition of the harvested crop, such as whether it is marketable, unmarketable, salvaged or used differently than intended; and
- Verifiable or reliable crop production records (when required by FSA).

When those records are required, producers must provide them in a manner that can be easily understood by the FSA county committee. Producers should contact the FSA office where their farm records are maintained for questions regarding acceptable production records.

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Failure to report acreage and production information for NAP-covered crops may result in reduced or zero NAP assistance. Be aware that acreage reporting and final planting dates vary by crop and by region.

- *Producers should contact the FSA office where their farm records are maintained for questions regarding local acreage reporting and final planting dates.*

For aquaculture, floriculture and ornamental nursery operations, producers must maintain records according to industry standards, including daily crop inventories. Unique reporting requirements apply to beekeepers and producers of Christmas trees, turf-grass sod, maple sap, mushrooms, ginseng and commercial seed or forage crops. Producers should contact the FSA office where their farm records are maintained regarding these requirements.

#### REPORTED ACREAGE AND PRODUCTION

FSA uses acreage reports to verify the existence of the crop and to record the number of acres covered by the application. The acreage and the production reports are used to calculate the approved yield (expected production for a crop year). The approved yield is an average of a producer's actual production history (APH) for a minimum of four to a maximum of 10 crop years (five years for apples and peaches). To calculate APH, FSA divides a producer's total production by the producer's crop acreage.

A producer's approved yield may be calculated using substantially reduced yield data if the producer does not report production for a crop with NAP coverage, or reports fewer than four years of crop production.

Beginning with the 2015 crop year, FSA has changed the production reporting requirements to avoid penalizing producers for years when they do not participate in NAP and do not report their production. Those producers will no longer receive an assigned yield or zero-credited yield in their actual production history (APH) for that year.

#### PROVIDING NOTICE OF LOSS AND APPLYING FOR PAYMENT

When a crop or planting is affected by a natural disaster, producers with NAP coverage must notify the FSA office where their farm records are maintained and complete Part B (the Notice of Loss portion) of form CCC-576, "Notice of Loss and Application for Payment." This must be completed within 15 calendar days of the earlier of:

- A natural disaster occurrence;
- The final planting date if planting is prevented by a natural disaster;
- The date that damage to the crop or loss of production becomes apparent; or
- The normal harvest date.

Producers of hand-harvested crops and certain perishable crops must notify FSA within 72 hours of when a loss becomes apparent. The crops subject to this requirement will be listed in the NAP Basic Provisions.

To receive NAP benefits, producers must complete form CCC-576, "Notice of Loss and Application for Payment," Parts D, E, F and G, as applicable, within 60 days of the last day of coverage for the crop year for any NAP covered crop in the unit. The CCC-576 requires acceptable appraisal information. Producers must provide evidence of production and note whether the crop was marketable, unmarketable, salvaged or used differently than intended.

#### DEFINING A NAP UNIT

The NAP unit includes all the eligible crop acreage in the county where the producer has a unique crop interest. A unique crop interest is either:

- 100 percent interest; or
- A shared interest with another producer.

#### INFORMATION FSA USES TO CALCULATE PAYMENT

The NAP payment is calculated by unit using:

- Crop acreage;
- Approved yield;

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- Net production;
- Coverage level elected by the producer;
- An average market price for the commodity established by the FSA state committee; and
- A payment factor reflecting the decreased cost incurred in the production cycle for a crop that is not harvested or prevented from being planted.

For value loss crops with additional coverage, payments will be calculated using the lesser of the field market value of the crop before the disaster or the maximum dollar value for which the producer requested coverage at the time of application.

### FOR MORE INFORMATION

This fact sheet is for informational purposes only; other eligibility requirements or restrictions may apply. For more information about NAP, visit [www.fsa.usda.gov/nap](http://www.fsa.usda.gov/nap) or contact your local FSA office. To find your local FSA office, visit <http://offices.usda.gov>.

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### Tree Assistance Program

#### OVERVIEW

The 2014 Farm Bill authorized the Tree Assistance Program (TAP) to provide financial assistance to eligible orchardists and nursery tree growers to replant or rehabilitate eligible trees, bushes, and vines lost by natural disasters. TAP is administered by the Farm Service Agency (FSA) of the U.S. Department of Agriculture (USDA).

#### ELIGIBLE TREE TYPES

Eligible trees, bushes, and vines are those from which an annual crop is produced for commercial purposes. Nursery trees include ornamental, fruit, nut and Christmas trees produced for commercial sale. Trees used for pulp or timber are ineligible for TAP assistance.

#### ELIGIBLE LOSSES

To be considered an eligible loss:

- Eligible trees, bushes, or vines must have suffered more than a 15 percent mortality loss in a stand (after normal mortality) due to a natural disaster;
- Mortality loss on a stand of eligible trees, bushes, or vines is based on:
  - Each eligible disaster event, except for losses due to plant disease; and
  - For plant disease, the time period as determined by the FSA for which the stand is infected.
- The loss must not have been preventable through reasonable and available measures;
- The loss must be visible and obvious to the FSA representative; if the loss is no longer visible, FSA may accept other loss evidence and determine whether that other evidence substantiates that an eligible loss due to natural disaster occurred; and
- FSA may require information from a qualified expert to determine extent of loss in the case of plant disease or insect infestation.

#### ELIGIBLE PRODUCERS

To qualify for TAP, eligible orchardists and nursery tree growers must:

- Have suffered qualifying tree, bush or vine losses in excess of 15 percent mortality for the stand (adjusted for normal mortality) from an eligible natural disaster;
- Have owned the eligible trees, bushes and vines when the natural disaster occurred, but eligible growers are not required to own the land on which eligible trees, bushes and vines are planted; and
- Replace eligible trees, bushes and vines within 12 months from the date the TAP application is approved.

#### ACREAGE LIMITATIONS

The cumulative total quantity of acres planted to trees, bushes, or vines for which an eligible orchardist or nursery tree grower can receive TAP payments cannot exceed 500 acres annually.

#### PAYMENT LIMITATION AND ADJUSTED GROSS INCOME (AGI)

For 2012 and subsequent program years, no person or legal entity, excluding a joint venture or general partnership, may receive, directly or indirectly, more than \$125,000 total in payments under TAP.

In applying the limitation on average adjusted gross income, an individual or entity is ineligible for payment under TAP if the average AGI of the individual or entity exceeds \$900,000.

Direct attribution provisions apply to TAP for 2011 and subsequent years. Under direct attribution, any payment to a legal entity will be considered (for payment limitation purposes) to be a payment to persons or legal entities with an interest in the legal entity or in a sub-entity.

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## Tree Assistance Program (TAP)

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### PAYMENT CALCULATOR

For tree, bush, or vine replacement, replanting and/or rehabilitation, the payment calculation is the lesser of the following:

- 65 percent of the actual cost of replanting, in excess of 15 percent mortality (adjusted for normal mortality), and, where applicable, 50 percent of the actual cost of rehabilitation, in excess of 15 percent damage or mortality (adjusted for normal tree damage and mortality); or
- The maximum eligible amount established for the practice by FSA.

### APPLICATIONS

The following table provides the final dates to submit a TAP application and supporting documentation:

Date of Loss	Final Date to Submit an Application and Supporting Documentation
Calendar year 2015 and subsequent years	Later of 90 calendar days of: <ul style="list-style-type: none"><li>• The disaster event; or</li><li>• The date when the loss is apparent.</li></ul>

### FOR MORE INFORMATION

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## Early Drought Monitoring & Preparedness

### Determining Drought

Oregon Revised Statute (ORS) Chapter 536 identifies authorities available during a drought. To trigger specific actions from the Water Resources Commission and the Governor, a “severe and continuing drought” must exist or be likely to exist. Oregon relies upon two inter-agency groups to evaluate water supply conditions, and to help assess and communicate potential drought-related impacts. The Water Supply Availability Committee (WSAC) is a technical committee chaired by the Water Resources Department. The other group—the Drought Readiness Council—is a coordinating body of state agencies co-chaired by the Water Resources Department and the Office of Emergency Management.

Water Supply Availability Committee – The Water Supply Availability Committee consists of state and federal agencies that meet early and often throughout the year to evaluate the potential for drought conditions. If drought development is likely, monthly meetings occur shortly after release of NRCS Water Supply Outlook reports for that year (second week of the month beginning as early as January) to assess conditions. Participating members of the WSAC include representatives from the following agencies:

- Oregon Department of Agriculture
- Oregon Department of Forestry
- Oregon Office of Emergency Management
- Oregon Water Resources Department (Chair)
- NOAA-National Weather Service and Northwest River Forecast Center
- USDA-NRCS Snow Survey Program
- U.S. Army Corps of Engineers
- U.S. Geological Survey

### Water Supply Forecasts

Several state and federal agencies monitor water supplies and track potential drought conditions. The National Weather Service, for example, provides hydro-meteorological, snow cover, and other available data from the SNOTEL network operated by the NRCS. The network provides snow depth, snow water equivalent, and temperature data for high elevation sites.

The NRCS issues a monthly “Water Supply Outlook” report detailing current and forecasted streamflow information, snowpack, precipitation, and reservoir data for each major river basin in Oregon. Data for the report is provided by the Oregon Water Resources Department, U.S. Geological Survey, the National Weather Service and other cooperators.

The following are indicators used by the Water Supply Committee for evaluating drought conditions:

- Snowpack
- Precipitation
- Temperature anomalies
- Long range temperature outlook
- Long range precipitation outlook
- Current streamflows and behavior
- Spring and summer streamflow forecasts
- Ocean surface temperature anomalies

- (El Nino, La Nina)
- Storage in key reservoirs
- Soil and fuel moisture conditions
- NRCS Surface Water Supply Index

Through the Water Resources Department, the WSAC communicates the status of drought conditions to local, state, and tribal agencies, and their designated emergency management points-of-contact. During a severe drought, local emergency managers should coordinate closely with water providers (municipal and irrigation), OWRD field staff, and other water users. Representatives from city, county, and tribal governments are encouraged to attend WSAC meetings for pertinent information on local conditions and potential courses of action.

The Committee is also responsible for providing updates and reports on conditions to the Drought Readiness Council.

*Drought Readiness Council* – The Drought Readiness Council (DRC) is an advisory body of state agencies involved with natural resources management, public health, or emergency services. The Council relies on information provided by the Water Supply Availability Committee to assess how conditions may affect various sectors across the state, including instream and out-of-stream uses.

A primary role of the Drought Readiness Council is to review local requests for assistance and make recommendations to the Governor regarding the need for a state drought declaration. The Council is generally responsible for ensuring coordination among state agencies and will help water users and others access drought-related information and assistance programs.

The DRC is co-chaired by Water Resources Department and the Office of Emergency Management. Altogether, the DRC includes senior-level staff from the following:

- Oregon Climate Change Research Institute
- Oregon Department of Agriculture
- Oregon Department of Energy
- Oregon Department of Environmental Quality
- Oregon Department of Fish and Wildlife
- Oregon Department of Forestry
- Oregon Health Authority's Drinking Water Program
- Oregon Office of Emergency Management (co-chair)
- Oregon Water Resources Department (co-chair)



### **Drought Declaration Process**

The legal authorities for drought mitigation and response functions are found in ORS 536.700 - 536.780 and Oregon Administrative Rules (OAR) Chapter 690, Division 19. The Governor, through the request of a local jurisdiction, can declare an emergency under ORS 401.165.

Under ORS 536.740, the Governor has authority to declare that a severe, continuing drought exists, or may exist, in any (or all) of the drainage basins in Oregon. Based on that declaration, the Governor or the Oregon Water Resources Commission can also direct state agencies and political subdivisions to implement a water conservation plan or water curtailment plan. Additionally, ORS 536.750 states that a drought declaration by the Governor allows the Water Resources Department to provide existing water right holders with access to temporary water management tools, described in OAR 690-019.

More serious conditions may require further action, including a declaration of emergency as defined under ORS 401. When requesting a declaration of emergency by the Governor, local governments must first conduct response operations to the full extent of their capability, as defined by local statutes and more fully described in emergency operations plans. As a part of that response, local governments must have exhausted all local resources including requesting assistance through mutual aid, intergovernmental agreements, and private contracts. Assistance through this process is most applicable when the severity of the drought causes or threatens widespread loss of life, injury to person or property, human suffering or financial loss—in other words, agricultural or socioeconomic droughts.

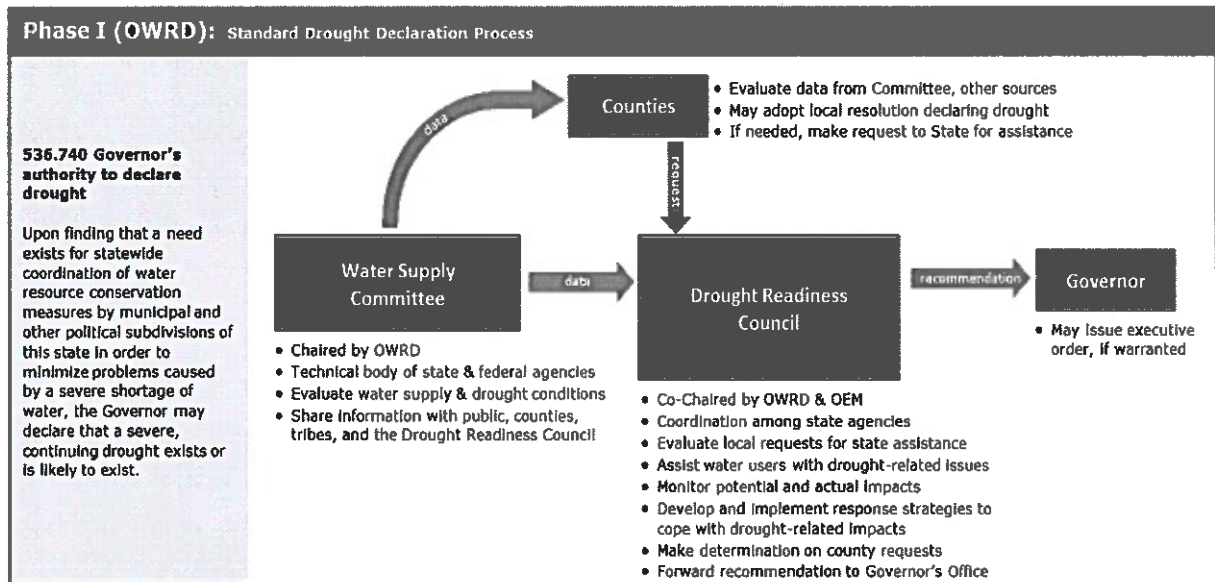
Together, these sections of statute and rule provide a framework with graduated series of policy tools for responding to drought. Typically, state drought declarations of either kind expire at the end of the calendar year; if conditions persist through the winter and spring, affected jurisdictions would request new drought declarations.

The first step in the drought declaration process begins at the local level, where emergency managers consult with local water providers and WRD regional staff members. This consultation may lead to a local governing body adopting a resolution or ordinance declaring a drought within its boundaries.

If conditions persist, the next action is to request access to temporary water right tools, or state agency coordination and assistance, or both. For this, cities or districts must appeal to the county that the majority of their area lies within. That county may then make a written request for a state declaration of severe and continuing drought. The Water Supply Availability Committee plays a key role in evaluating water supply conditions related to such a request (see Figure 4 below). After

reviewing the county request, the Drought Readiness Council makes a recommendation to the Governor.

**Figure 4: Standard Drought Declaration Process**



If water supply conditions deteriorate to the point of a severe water emergency, for example, where drinking water supplies are threatened and state resources are needed to respond, then an emergency declaration under ORS 401 can be triggered. A part of that local declaration must be a request for a state declaration of emergency. This state declaration allows much broader action than the water right tools available under ORS 536, including the deployment of people and equipment from any state agency deemed necessary.

All requests for assistance following an emergency declaration should be made by local emergency management staff members on behalf of their jurisdiction through the Oregon Emergency Response System (OERS)<sup>1</sup>. Like many emergency management response scenarios, maintaining a secure and effective drinking water supply requires a very wide variety of goods and services, depending on the specific circumstances at the time of the incident. Therefore, agencies that maintain such equipment, or information about private-sector service providers, are best able to keep their own directories current and accurate. Combined with a single point for resource requests, this ensures efficient handling of requests. OEM acts as a coordinator to establish which of the potential agencies is capable of responding to the request, and if no state resources are available, the request can be promptly made to federal or private resources based on the requirements indicated.

<sup>1</sup> [http://www.oregon.gov/omd/oem/pages/tech\\_resp/oers.aspx](http://www.oregon.gov/omd/oem/pages/tech_resp/oers.aspx)

### **Federal Declaration Process**

Several federal assistance programs become available when a federal drought designation is issued. Federal drought designations are automated using the U.S. Drought Monitor and are administered differently than drought declarations issued by the Oregon Governor. Federal declarations are conducted under the authority of the U.S. Secretary of Agriculture and are distinct from Presidential disaster declarations.

An Oregon county receives a federal drought designation when any portion of the county meets the “severe” drought intensity value for eight consecutive weeks as determined by the U.S. Drought Monitor. In addition, any county can be designated when a portion of its area has an “extreme” or higher drought intensity value at any time during the growing season. Counties that are contiguous to federally declared counties are also eligible for federal drought assistance.

### **State Response: Agency Roles & Responsibilities**

Systematic coordination and effective communication among local, state, federal, and tribal governments is a fundamental component of the state’s drought response. Water management is conducted through a number of plans and policies, many of which directly or indirectly address drought response or other water supply strategies. In its response, state agencies will rely upon other partners and governments, actively seeking their input and involvement when severe drought indicators are present.

State and local Natural Hazard Mitigation Plans, local Water Management and Conservation Plans, curtailment plans, and federal storage operational procedures all fill essential roles in this intergovernmental coordination.

Many state agencies will provide some level of assistance during a drought, primarily through existing agency programs and resources. Some agencies can provide personnel and/or equipment, while others offer knowledge, expertise, or technical assistance. State agencies or institutions with drought-related responsibilities are described below. As mentioned earlier, federal partners are key for providing meteorological and hydrologic data to assess water supply conditions, whereas others can provide drought relief through financial assistance or planning programs.

#### **Oregon Department of Agriculture**

- Participates in the Water Supply Availability Committee and the Drought Readiness Council.
- In conjunction with the USDA, may provide analysis of the impact of the drought upon agriculture.
- Coordinates with the USDA on emergency drought relief for agricultural users.

### **Oregon Department of Energy**

- Participates in the Drought Readiness Council.
- Monitors and provides estimates of the impact of the drought on electric power generation capability and expected power supplies.

### **Oregon Department of Environmental Quality**

- Participates in the Drought Readiness Council.
- May provide information on potential water quality impacts.
- In conjunction with the Department of Fish and Wildlife, may make yearly operational recommendations regarding reservoir releases for instream flow purposes.
- Monitors and advises on actions to reduce pollutant discharges into streams, lakes, and estuaries.
- Contact and track communications with National Pollutant Discharge Elimination System (NPDES) permittees in areas with declared drought emergencies and in areas affected by low flow conditions.

### **Oregon Department of Fish and Wildlife**

- Participates in the Drought Readiness Council.
- Adjusts fishing opportunities to prevent “wasting” of game fish.
  - Liberalize fishery for a limited period.
  - Adjust the timing or location of hatchery fish stocking.
  - Selective fishing and hunting restrictions and changes.
  - Restrict access for fishing and hunting related to wildlife concerns.
- Take advantage of drought outcomes to manage invasive species.
  - Conduct eradication actions for invasive species.
  - Recommend to land managers that native plants be actively used to rehabilitate habitat after wildfires.
- Educate the public about actions they can take to reduce drought-related impacts on fish, wildlife and their habitat.
  - Distribute advisories and work with media to inform public on risks, voluntary actions, and management changes that are applicable during drought.
- As resources allow, provide feed and water at strategic points for wildlife.
- Attempt to minimize wildlife-human conflicts as wildlife move to areas with water and food.

### **Oregon Department of Forestry**

- Participates in the Drought Readiness Council.
- Provides information on forest fuel moisture levels, wildfire activity, and prescribed fire activity.

- Provides estimates on expected wildfire risk for the current year.
- Provides information to forest landowners on conditions that warrant limiting access.
- Maintains up-to-date lists of potable water vendors and transporters.

### **Oregon Department of State Lands**

- If warranted, provide emergency authorizations for removal or fills within rivers and streams for such activities as “push-up dams” or excavation to allow free flow of water.

### **Oregon Governor’s Office**

- Acts as a liaison to the Drought Readiness Council.
- May act as a convening body during severe drought situations.
- Drafts executive order declarations for Governor’s consideration.

### **Oregon Health Authority (Drinking Water Program)**

- Participates in the Drought Readiness Council.
- Provides technical guidance on the disinfection of emergency water containers and transport equipment as well as emergency treatment of water.
- Provides, in coordination with the Water Resources Department, information on drought-related impacts to any public water supplies.
- Provides information on best practices for water hauling from one public water system to another.

### **Oregon Infrastructure Finance Authority**

- Provides information to business and industry on federal and state loan programs that may become available.
- Coordinates with funding agencies to deliver infrastructure financing to local communities.
- Provides financing for planning and technical assistance to improve water system efficiency and resilience to drought.
- Provides design and construction financing to improve water, sewer, and storm water system infrastructure.

### **Oregon Office of Emergency Management**

- Co-chairs the Drought Readiness Council and maintains coordination with the Water Supply Availability Committee.
- Receives requests from local governments for emergency assistance under ORS 401.
- Advises the Governor and drafts state emergency declarations under ORS 401.
- Advises the Governor and drafts requests for a Presidential declaration.

- If necessary, coordinates and administers services related to a Presidential declaration.

### **Oregon Water Resources Department**

- Chairs the Water Supply Availability Committee and co-chairs the Drought Readiness Council.
- Receives requests from local governments for drought assistance under ORS 536.
- Advises the Governor and coordinates state drought declarations under ORS 536.
- Administers the distribution of water and enforces the prior appropriation system of water rights.
- Protects the interest of the State relative to instream flows for fish and wildlife, recreation, or water quality needs.
- Provides, in conjunction with U.S. Geological Survey, the Natural Resources Conservation Service, National Weather Service, Northwest River Forecast Center, State Climatologist, and other state and local agencies, information on the drought, its expected severity, and its potential impact on water users.
- May assist individual water users in analyzing their water supply situation and identifying alternate water sources.
- Monitors groundwater conditions and estimate the effects of the drought on groundwater and related water users; provide technical assistance to groundwater users.
- Expedites the issuance of temporary water use applications pursuant to OAR 690-019.
- Assists in water curtailment and conservation planning and may require water curtailment and/or conservation plans, as necessary.
- Maintains a dedicated website to disseminate information on drought conditions, available resources, and other relevant information.

### **Communications**

The Oregon Water Resources Department will be the lead state agency for coordinating and communicating information regarding water supply shortages. This includes providing information to the public and the news media, as well as tribal governments and local jurisdictions for assessing drought impacts in their communities. Much of this information will be disseminated through the Water Resources Department website.

However, many federal partners also play an important communication role, providing much of the technical data and information regarding seasonal forecasts and various water supply outlooks.

Other state agencies will also contribute information or guidance, such as the Oregon Department of Fish and Wildlife, Oregon Parks and Recreation Department, Oregon State Marine Board, and the Oregon Department of Forestry. These agencies, for example, will inform the public of any fishing restrictions, parks-related closures or operational changes, boater and recreational access to

waterbodies, and any fire-related restrictions, closures, or general information. State agencies will develop or routinely update their communications plan to help prepare for and alleviate drought-related risks.

## **Data, Water Right Tools, & Federal Assistance**

When considering the need for drought-related assistance, local and tribal governments can rely on a number of informational resources to make this determination. Those resources are noted below.

⇒ Local government assistance:	OWRD, OEM, DRC
⇒ Drought conditions:	OWRD, WSAC
⇒ Snowpack:	NRCS
⇒ Streamflows and groundwater levels:	OWRD, USGS
⇒ Reservoir storage:	USBOR, USACE, NRCS, local operators
⇒ Weather observations or forecasts:	ODF, NWS, OCCRI
⇒ Soil moisture levels:	NRCS, ODF
⇒ Forest fire risk:	ODF, USFS, USBLM
⇒ Drinking water supplies:	PUC, USACE, OHA, local water utilities
⇒ Agricultural drought impacts:	ODA, USDA, local irrigation districts
⇒ Fish and wildlife habitat impacts:	ODFW, USFWS
⇒ Water quality:	ODEQ, USGS, OHA
⇒ Recreation impacts:	OPRD, Travel Oregon, OSMB, USACE
⇒ Socio-economic impacts:	OHA, ODHS, Business Oregon
⇒ Power production impacts:	NWPCC, PUC, ODOE

### **Drought Permits & Water Right Transfer Options**

Oregon Administrative Rule Chapter 690-019 provides mitigation activities appropriate during extraordinary drought situations. These rules were developed to mitigate problems which may develop during years when water supplies are inadequate.

A state-issued drought declaration allows the Water Resources Department to offer certain temporary tools to existing water right holders in a drought-declared county. These tools are available through an expedited review process, reduced fee schedule, and are intended to be short-term authorizations, not long-term solutions to deal with frequent or recurring water supply shortages. These emergency tools include:

- ⇒ Temporary Drought Permits:  
An approved drought permit allows a water user to temporarily replace water not available under an existing water right. The most common drought permit allows the use of groundwater as an alternative to an existing surface water right.

- ⇒ **Temporary Transfers:**  
A water user can apply to change the type of use, place of use, or the location of the diversion under an existing water right.
- ⇒ **Temporary Instream Leases:**  
Once approved, a water user can convert all or a portion of a water right to an instream use for a period of one year or the term of the drought declaration, whichever is shorter.
- ⇒ **Temporary Substitutions:**  
Any person holding both a primary water right originating from a surface water source and a supplemental right from a groundwater source may apply to temporarily use the supplemental right instead.
- ⇒ **Special Option Agreements:**  
A water-right holder can enter into an agreement that authorizes the use of water at locations, from points of diversion, and for uses other than those described in the water right. Typically, the agreement remains in place until terminated by the parties, and provides additional water-supply options in times of drought.
- ⇒ **Temporary Exchange of Water:**  
The Water Resources Commission has authority to approve a temporary exchange of existing rights, such as using stored-water instead of a direct-flow surface-water right.
- ⇒ **Human Consumption or Stock Water Use Preference:**  
The Water Resources Commission has authority to grant a temporary preference to water rights for human consumption and/or stock watering uses. The Water Resources Commission must approve temporary administrative rules instituting the preference.

### **Federal Assistance Programs**

Several emergency drought programs exist at the federal level. Programs for farming and ranching operations are administered by the U.S. Department of Agriculture through the Farm Service Agency, USDA Rural Development, and the Natural Resources Conservation Service. The U.S. Small Business Administration provides loans to businesses, including non-profit organizations. The U.S. Bureau of Reclamation also offers grants for drought resiliency planning and project implementation. Links to those programs can be found in the following section.





The Oregon Department of Forestry estimates that large-fire costs for state agencies amounted to \$94.4 million, more than \$70 million in additional expenses compared to the 10-year average of \$22.3 million.<sup>36</sup>

**Lessons Learned from Drought 2015** – Documenting drought conditions, especially its impacts on people and the environment, is an important component of understanding and preparing for future droughts. Using drought emergency relief funds approved by the Washington Legislature, the state of Washington recently completed an [economic assessment](#) that quantifies the impacts of the 2015 drought on the state's farmers and ranchers, an effort that had not previously been done at the statewide level.<sup>37</sup> Oregon does not have the resources to conduct a thorough analysis of drought's impact to various sectors. Today, most impact-related data is collected anecdotally. The state should invest in ways to track and quantify the effects of drought and assist the most vulnerable communities.

Any drought assessment should also include a summary of drought frequency, distribution, intensity, and duration. Doing so is critical, especially as climate projections indicate that the Pacific Northwest will more regularly experience warmer temperatures.

### **A Closer Look at Drought Declarations**

County-wide drought declarations go through a two-part process before securing a drought declaration from the Governor. First, County Commissions meet to determine whether they need to request a Governor's declaration. Then these requests go to the Drought Readiness Council (co-chaired by the Office of Emergency Management and Water Resources Department) for review and recommendation to the Governor.

The Governor can issue an Executive Order to declare drought—either independently or in response to a request by counties. In recent years, these Executive Orders have been set to expire at the end of a calendar year.

A Governor's drought declaration can trigger a number of requirements and water management tools not otherwise accessible. Declarations allow the Water Resources Commission to grant a temporary preference of use of water for human consumption and/or stock watering. Drought declarations also authorize the Water Resources Commission and Governor to require state agencies and local governments to develop and file water conservation and/or curtailment plans; the Governor may require the implementation of such plans. Finally, declarations allow the Water Resources Department to use an expedited process in a number of water right areas, including the issuance of emergency drought permits for groundwater.

Emergency drought permits are the most frequently used tool in the state's drought toolbox. During the past five years, the state has issued almost 90 emergency drought permits for groundwater use. Eighty of those were in the Klamath basin. During the same time period, the state approved more than 40 emergency drought transfers. Of these, eight were in Klamath County, seven were in Malheur County, seven were in Baker County, and six were in Lane County. The state must find that allocation is within the capacity of the groundwater resource in order to approve these requests; this protects existing water users. That is why some irrigators do not apply in the first place, or some emergency drought applications are not approved.

Communities and businesses looking to offset drought-related losses often turn to the federal government, which can provide payments or emergency loans after a federally-issued drought disaster designation by the Secretary of Agriculture. Federal drought funds generally cannot cover all losses suffered by producers, but they can help.

## Improving the Drought Toolbox

In 2016, the Oregon Legislature established a Drought Task Force to develop [recommendations](#) that could help improve the state's response to drought.<sup>38</sup> A number of the Drought Task Force recommendations also resonated with the 2016 IWRS Policy Advisory Group, which confirmed several of these in its [final report](#).<sup>39</sup> Both groups called on the state to:

- Continue to increase and enrich water-related data collection to inform water use decisions, conservation, and management, as well as better anticipate and respond to drought.
- Provide resources for assessments of drought impacts, risks, and vulnerabilities on instream and out-of-stream sectors in order to better prepare for, respond to, and recover from drought.
- Provide OWRD with staff resources to do outreach and communication. Develop a communication tool box to educate all sectors and elected officials about existing tools, water conservation, drought conditions and preparedness, and help small communities respond to drought.
- Provide funding for additional watermaster staff and tools to make water distribution more efficient.
- Consider additional programs to facilitate restoration of streamflows through voluntary means during times of drought.

Some of these recommendations have broader implications than drought and are discussed in other chapters of the Integrated Water Resources Strategy; drought-specific recommendations are summarized at the end of this section.

The Drought Readiness Council, mentioned earlier, is a standing body comprised of federal and state natural resource, public health, and emergency response agencies. During a drought, the Council reviews local requests for assistance and makes recommendations to the Governor. The Council has taken a look at the drought toolbox to determine what improvements, if any, can be made at the state level. In the wake of a governor-declared drought, the Drought Readiness Council sees four potential opportunities for response at the state level:

- 1) **Providing Emergency Funds.** Some water managers have found that intake pipes no longer extend far enough into the stream, that pumps no longer reach water down into a well, that saline water is infiltrating water systems, and that other infrastructure is similarly inadequate. Drought has ecological effects as well, drying up reaches, stranding fish, and warming cold water refugia, for example. Emergency funding, if made available, could help address these problems and should be used to create more resilient human and ecological communities.
- 2) **Improving Communication through Outreach and Education.** Communication with Oregonians should not be triggered by a drought declaration, but should be in practice long before drought conditions turn severe. Outreach and education are long-term tools and resources that must in place as part of agencies' day-to-day operations. Agencies should increase awareness around drought and share best management practices. Increasing agency capacity for outreach and education is secured through the budgeting process, which agencies prepare for each biennium.
- 3) **Developing Drought Contingency Plans.** These plans spell out what measures water providers or individual users will undertake during times of water shortage. They help lay out conservation, storage, curtailment, and communication priorities. These plans can be voluntary, and even developed collaboratively at a basin or watershed scale among different users and interests. After a drought declaration, however, the Governor or Water Resources Commission can require state agencies or public entities, such as a city or district, to develop

such a plan. The Governor may then also require water users to implement these plans. In 2015, for example, the Governor directed state agencies to develop and implement such plans. Immediate responses from the agencies included: water-use measurement and reporting, water efficiency projects, repairs to leaky pipes, and curtailment of ornamental fountains.

- 4) **Creating Mandatory and Voluntary Measures.** The Water Resources Commission and Governor already have the statutory authority to give priority for water to human health and livestock in times of drought. The Governor also has broad discretionary emergency authorities. The Department of Fish and Wildlife currently utilizes a variety of strategies and actions to minimize the negative effects on fish and fisheries due to impacts from drought. These strategies include partially or completely closing a fishery or area during a portion of the day or season, or encouraging anglers to voluntarily reduce fishing when water temperatures and flows are significantly outside the normal range for a certain time of the year. Additional voluntary measures could help conserve water as well as protect streamflows during times of drought. The Department of Fish and Wildlife is interested in exploring further with its partner agencies and stakeholders how other states have used voluntary, regulatory, and funding programs to ensure minimum streamflows during drought.

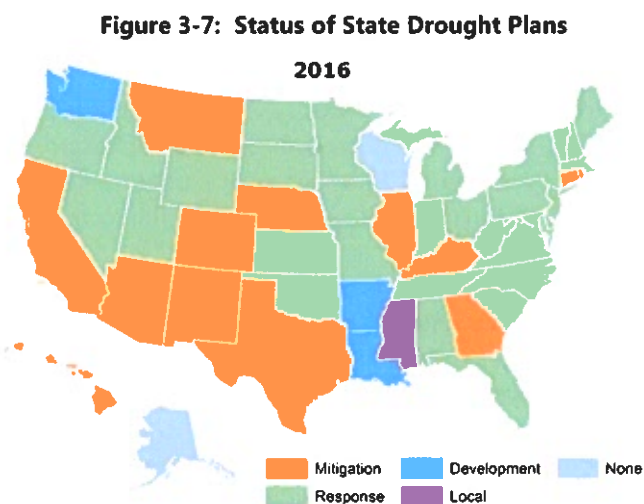
### Planning for Future Droughts

A study by the [Multi-Hazard Mitigation Council](#) shows that each dollar spent on mitigation saves an average of four dollars overall.<sup>40</sup> Planning ahead is generally seen as more efficient and more effective than actions taken during a drought.

Drought is one of eleven natural hazards discussed in the state's 2015 [Natural Hazards Mitigation Plan](#).<sup>41</sup> Each hazard is analyzed statewide and at a regional level. The plan contains mitigation actions, which are meant to reduce or eliminate the long-term risk to people and property from hazards. Hazard mitigation, in general, is the responsibility of individuals, industry, and government. Local governments, such as cities and counties, often develop their own multi-hazard mitigation plan.

Oregon's Natural Hazards Mitigation Plan is a component of the state's Emergency Operations Plan (EOP). In addition to preparedness and mitigation, the EOP addresses emergency operations, as well as relief and recovery efforts. In early 2016, the Water Resources Department and the Office of Emergency Management updated Oregon's incident annex on drought, which is largely a response plan for state agency coordination activities.

Most states focus solely on development of a mitigation or response plan for drought (see Figure 3-7). Rarely do you see integrated mitigation and response plans.



Source: National Drought Mitigation Center

A response plan focuses on short-term actions to help reduce the immediate impact of drought, whereas mitigation plans tend to address actions taken before a drought occurs in order to reduce potential future drought impacts.

Since the late 1980s, Oregon has spent most of its focus on response planning and related activities. Several states, including California, are focusing more closely on mitigation planning efforts. The state of Colorado has a combined [Drought Mitigation and Response Plan](#)<sup>42</sup>, which provides a thoughtful working model for other states that are developing their own vision of drought resiliency.

**Drought Early Warning System** – The National Integrated Drought Information System is a program authorized by Congress in 2006 to coordinate and integrate drought research and create a national drought early warning information system.

Regional early warning systems have been developed through partnerships with other federal, state, regional, local and private entities with the goal of helping stakeholders in the region cope with drought.

These systems explore and demonstrate a variety of early warning and drought risk reduction strategies that incorporate drought monitoring and prediction information. The Pacific Northwest Drought Early Warning System launched in February 2016 includes Idaho, Oregon, Washington, the western portion of Montana that feeds into the Columbia River Basin, and British Columbia. Oregon representatives are participating in this group to learn about how other states in the Pacific Northwest are collecting drought-related information and using that to design drought plans, resiliency actions, and guide policy development.

#### Recommended Action 5.5A Plan and Prepare for Drought Resiliency

Examples of how to implement this action:

- Assess and assist those communities and ecosystems most vulnerable to drought
- Develop the appropriate set of indicators that signal and forecast differing stages of drought
- Document the economic, social, and environmental impacts of drought, including the frequency, distribution, intensity and duration
- Prepare for, respond to, and mitigate for the impacts of drought
- Improve the drought toolbox, through education and outreach, drought contingency plans, more efficient water distribution systems, additional voluntary measures to improve streamflow, and emergency funding that increases resiliency

## Plan and Prepare for Flood Events

This section focuses on the public safety and emergency nature of flooding. Floodplain protection and restoration is discussed under the topics “water and land use” and “healthy ecosystems.”

Oregon’s mountain ranges are part of the reason there is tremendous variation in the types of flooding we experience. Although floods are a common natural hazard in Oregon, floods west of the Cascades tend to be large-scale events, while eastern Oregon typically experiences more localized, intensive events. The four types of flooding described in the 2015 Natural Hazard Mitigation Plan include:

**Riverine flooding** – The most common flood hazard in Oregon and usually occurs during winter. The most severe flooding conditions occur in “rain on snow” events, when heavy rainfall is augmented by rapid snowmelt. Longer duration storms and floods are more common in western Oregon. Very large and widespread floods occurred in parts of western Oregon in 1861, 1891, 1948, 1964, 1996 (three separate storms), and 2007.

**Flash flooding** – Flash floods are caused by extremely intense rainfall over a short period of time, commonly within a single drainage. Such events usually occur in the summer during the thunderstorm season. In eastern Oregon, local convective thunderstorms often produce the most severe flooding. One of the worst flash floods in history occurred in eastern Oregon in June 1903, killing 247 people (one-fifth of the population at the time) in the town of Heppner.<sup>43</sup>

**Coastal flooding** – Coastal floods result from different conditions. Winds generated by tropical storms or intense off shore low-pressure systems can drive ocean water inland, causing significant flooding.

**Urban flooding** – Urban floods occur because land is converted from fields or woodlands to roads, roofs, and parking lots, losing its ability to absorb rainfall. This transition from pervious surfaces to impervious surfaces



the 1990s, the number of people with a diagnosis of schizophrenia has increased in many countries (1).

There is a growing awareness of the need to improve the quality of life of people with schizophrenia. The World Health Organization (WHO) has developed a number of instruments to measure the quality of life of people with schizophrenia (2). The WHO Quality of Life Scale (WHOQOL) is a self-rated measure of quality of life that has been validated for use in people with schizophrenia (3).

The WHOQOL is a self-rated measure of quality of life that has been validated for use in people with schizophrenia (3). It consists of 26 items that are rated on a scale from 1 to 5. The items are grouped into six domains: physical health, psychological health, social relationships, independence, environment, and spirituality. The WHOQOL is a self-rated measure of quality of life that has been validated for use in people with schizophrenia (3).

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# DROUGHT EMERGENCY RESPONSE



## Executive Summary of the Report of the Task Force on Drought Emergency Response

**Background:** House Bill 4113 (2016) established the Task Force on Drought Emergency Response and directed the Task Force to research and evaluate potential tools to prepare for or deal with drought emergencies. The bill further provided that the Task Force may: (1) Evaluate the sufficiency of existing tools to address short-term drought response needs and recommend additional tools to address short-term drought response needs; (2) Identify options to minimize the impact of drought on agricultural, municipal, and other interests; (3) Identify options to minimize the impact of drought on fish and wildlife; (4) Identify tools to assist small water providers in developing water management, conservation or efficiency plans and in anticipating drought risks and responses; (5) Identify the data and resources necessary for anticipating drought and drought impacts on the economy, communities and the environment; and (6) Recommend improvements in information sharing necessary for enabling the public, water users and recreational in-stream users to understand drought conditions and to assist in efforts to mitigate or adapt to drought.

### ***Task Force Membership and Decision-Making:***

In accordance with House Bill 4113, the Oregon Legislature appointed four Task Force members:

Senator Arnie Roblan, appointed by the Senate President  
Representative Ken Helm, appointed by the Speaker of the House  
Richard Kosesan, Water for Life, appointed by Senate Minority Leader  
Mary Anne Nash, Oregon Farm Bureau, appointed by House Minority Leader

In addition, the Governor appointed eleven members to the Task Force:

JR Cook	Industrial	Northeast Oregon Water Association
Suzanne DeLorenzo	Municipal	Clackamas River Water
Brett Golden	Conservation	Deschutes River Conservancy
Jason Green	Municipal	Oregon Association of Water Utilities
Rodney Park	Agriculture	Parks Nursery
Kimberley Priestley	Conservation	WaterWatch of Oregon
Eric Quaempts	Tribal	Confederated Tribes of the Umatilla Indian Reservation
Robert Rees	Conservation	Association of Northwest Steelheaders
Daniel Shoun	County	Lake County Commissioner
Julie Smitherman	Municipal	City of Ashland
April Snell	Irrigation Districts	Oregon Water Resources Congress

Senator Roblan and Representative Helm were appointed to serve as Co-Chairs by unanimous vote of the other members of the Task Force. The Co-Chairs elected to be non-voting members of the Task Force. A majority of the Task Force (seven members) was required to approve recommendations; however, the Task Force strove to reach consensus.

The Task Force met seven times between July and October. Ideas that were not recommended by the Task Force – due to a lack of time to refine the concept, a lack of agreement, or other reasons – have been captured in the working documents and materials of the Task Force, as well as in Appendix D of the report.

**Recommendations:** A summary of the recommendations approved by the Task Force are provided below; however, more in-depth actions needed to implement each recommendation are highlighted in full within the report. Actions were not prioritized by the Task Force; therefore, the ordering of actions should not be construed as a prioritization. In addition, some members noted that the level of support for budget-related proposals may change with a clearer understanding of the status of the State's budget.

The Task Force approved the following recommendations:

- A. The State should continue to increase and enrich water-related data collection to inform water use decisions, conservation, and management, as well as better anticipate and respond to drought.
- B. Provide resources for assessments of drought impacts, risks, and vulnerabilities on instream and out-of-stream sectors in order to better prepare for, respond to, and recover from drought.
- C. The State should review the drought declaration process and tools to ensure drought declarations are effective to assist with emerging drought response.
- D. The Legislature should look at establishing a drought emergency fund for instream and out-of-stream needs.
- E. Provide OWRD with staff resources to do outreach and communication. Develop communication tool box to educate all sectors and elected officials about existing tools, water conservation, drought conditions and preparedness, and help small communities respond to drought.
- F. The Legislature should look at establishing a fund for drought planning to help communities be better prepared and more resilient to drought.
- G. Provide funding for additional watermaster staff and tools to make water distribution more efficient.
- H. Need to address lack of planning, support, resources, and technical assistance for small water systems to be better prepared for drought.
- I. Assemble a group of experts to evaluate and identify existing infrastructure programs and evaluate barriers to accessing infrastructure funding. Provide technical assistance or capacity building grants to help individuals and communities identify, apply for, and access infrastructure funding to improve drought resiliency.
- J. Evaluate management options for stored water to better address current and future instream and out-of-stream needs.
- K. The Legislature should look at measures and incentives to promote water conservation and efficiency.
- L. The Legislature should consider additional programs to facilitate restoration of streamflows through voluntary means during times of drought.
- M. Oregon should continue to encourage water reuse activities throughout the state, while giving due consideration to the protection of instream flow, water quality, public health, and drinking water sources.

**For More Information:** Questions about the report should be directed to Racquel Rancier, Senior Policy Coordinator, Oregon Water Resources Department, at [racquel.r.rancier@wrdd.state.or.us](mailto:racquel.r.rancier@wrdd.state.or.us). A copy of the full report is available online at: [www.oregon.gov/owrd/Pages/HB\\_4113.aspx](http://www.oregon.gov/owrd/Pages/HB_4113.aspx).