



DISASTER ASSISTANCE

ELAP - LIVESTOCK ASSISTANCE

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

Overview

The Emergency Assistance for Livestock, Honeybees and Farm-Raised Fish Program (ELAP) provides emergency assistance to eligible producers of livestock, honeybees and farm-raised fish. It covers grazing losses, feed losses, feed, livestock, and water transportation due to the applicable eligible adverse weather or loss condition as determined by the Secretary. ELAP also provides assistance for cattle tick fever inspection and treatment and milk losses due to positive testing for H5N1 (bird flu) in milking dairy cows. Losses covered by ELAP are not covered under other disaster assistance programs such as the Noninsured Crop Disaster Assistance Program, Livestock Forage Disaster Program (LFP) and the Livestock Indemnity Program (LIP).

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

How it Works

There are seven categories of livestock losses covered by ELAP, described in greater detail within this fact sheet:

- Grazing losses that are not due to drought or wildfires on federally managed lands;
- Livestock feed losses caused by eligible loss condition that result in purchased or mechanically harvested feed being destroyed, additional feed purchased above normal, and additional cost of feed delivery;
- Losses resulting from the additional cost of transporting water to livestock due to an eligible drought;
- Losses resulting from above normal costs of hauling feed to livestock due to an eligible drought;
- Losses resulting from above normal costs of hauling livestock to forage or other feeding location and back due to an eligible drought; and
- Losses resulting from the additional cost associated with gathering livestock for treatment and inspection related to cattle tick fever.
- Loss of milk production in adult milking dairy cows due to a positive H5N1 test.



What Is Eligible?

Livestock Feed and Grazing Losses

For livestock feed and grazing losses, livestock must be:

- Grazing animals that are weaned, such as alpacas, adult or non-adult dairy cattle, adult or non-adult beef cattle, adult or non-adult buffalo, adult or non-adult beefalo, deer, elk, emus, equine, goats, llamas, ostriches, reindeer, sheep, and adult or non-adult water buffalo;
- Livestock that would normally have been grazing the eligible grazing land or pastureland during the normal grazing period for the specific pasture type of grazing land or pastureland in the county where the eligible adverse weather or loss condition occurred;

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- Owned, cash-leased, purchased, under contract for purchase or been raised by a contract grower or an eligible livestock producer, during the 60 calendar days prior to the beginning date of the eligible adverse weather or loss condition; and
- Maintained for commercial use as part of the producer's farming operation on the beginning date of the eligible adverse weather or loss condition.

Eligible Producer

An eligible producer is a person or legal entity who, in addition to satisfying other payment eligibility requirements, is an owner or contract grower of livestock that shares in the livestock or the risk of producing the livestock who:

- During the 60 calendar days before the beginning date of the eligible adverse weather or loss condition, owned, cash-leased, purchased, entered into a contract to purchase or been a contract grower of eligible livestock;
- Suffered a loss on land that is either:
 - Native or improved pastureland with a permanent vegetative cover; or
 - Planted to a crop specifically for the purpose of providing grazing for covered livestock; and
 - Provided pastureland or grazing land during the normal grazing period to eligible livestock, including cash-leased pastureland or grazing land for livestock that is physically located in the county where the eligible adverse weather or loss condition occurred during the normal grazing period.

Eligible Adverse Weather or Loss Condition

Eligible adverse weather or loss conditions for livestock feed and grazing losses include, but are not limited to:

- Blizzards
- Eligible Drought (Transportation Costs Only)
- Eligible Winter Storm
- Excessive wind
- Floods
- Hail (Grazing Loss Only)
- Hurricane
- Lightning
- Tidal Surge
- Tornado
- Volcanic Eruption
- Wildfire on non-federal land

Drought and wildfire on federally managed land are not eligible adverse weather or loss conditions for livestock feed and grazing losses under ELAP. These conditions are covered by LFP.

Eligible Drought (Livestock Feed, Livestock and Water Transportation Only)

An eligible drought, meaning that any area of the county has been rated by the U.S. Drought Monitor as having a D3 (extreme drought) or 8 consecutive weeks of D2 (severe drought) intensity that directly impacts feed and water availability at any time during the normal grazing period.

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Grazing Losses

Eligible grazing losses must be incurred on eligible grazing lands physically located in the county where the eligible adverse weather or loss condition occurred and because of an eligible adverse weather or loss condition. The daily livestock payment rates per head for eligible livestock grazing losses is established annually in April.

Grazing Loss Payments, Excluding Wildfire on Federal Land

Payments for eligible grazing losses, except grazing losses due to wildfires on non-federal land, will be calculated based on a minimum of 60 percent of the lesser of the total value of:

- The feed cost for all covered livestock owned by the eligible livestock producer based on the number of grazing days lost, not to exceed 150 days of daily feed cost for all covered livestock; or
- Grazing lost for eligible livestock based on the normal carrying capacity of the eligible grazing land of the eligible livestock producer for the number of grazing days lost, not to exceed 150 days of lost grazing.

Payments for eligible livestock producers for losses suffered because of a wildfire on non-federal land will be calculated based on a minimum of 60 percent of:

- The result of dividing the number of acres of grazing land or pastureland acres affected by the wildfire by the normal carrying capacity of the specific type of eligible grazing land or pastureland, multiplied by;
- The daily value of grazing multiplied by;
- The number of days grazing was lost due to the wildfire, not to exceed 180 calendar days.

Eligible Feed Losses

Eligible feed losses under ELAP are losses:

- Of purchased forage or feedstuffs;
- Of mechanically harvested forage or feedstuffs;
- Resulting from the additional costs incurred for feed delivery to eligible livestock because of an eligible adverse weather or loss condition; and
- Resulting from the additional costs of purchasing additional feed, above normal quantities, required to maintain eligible livestock during an eligible adverse weather or loss condition, until additional livestock feed becomes available.

Eligible feed losses must not exceed 150 days of lost feed.

Livestock Feed Payment Calculations

Payment calculations for feed losses will be based on a minimum of 60 percent of the producer's actual cost for:

- Livestock feed that was purchased or mechanically harvested forage or feedstuffs intended for use as feed for the producer's eligible livestock that was physically damaged or destroyed due to an eligible adverse weather or loss condition;
- The additional costs incurred for delivering livestock feed to eligible livestock due to an eligible adverse weather or loss condition; and
- The additional cost of purchasing additional livestock feed above normal to maintain the eligible livestock during an eligible adverse weather or loss condition until additional livestock feed becomes available.

FSA will calculate ELAP payments for an eligible livestock producer for livestock feed and grazing losses for no more than 150 calendar days.

Feed and Livestock Transportation Losses

To be eligible for ELAP assistance, livestock must be intended for grazing in a county suffering an eligible drought and producers must have incurred feed or livestock transportation costs. Producers must provide records that are considered verifiable or reliable, indicating the mileage, the total amount of feed hauled and the dates it was hauled.

Any cash transactions must be supported by a verifiable record indicating that a transaction was made between two parties.

Livestock Transportation Payment Calculations

USDA will reimburse eligible ranchers 60% of livestock transportation costs above what would have been incurred in a normal year. Producers qualifying as underserved (socially disadvantaged, limited resource, beginning or military veteran) will be reimbursed for 90% of the feed transportation cost above what would have been incurred in a normal year.

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USDA uses a national cost formula to determine reimbursement costs for feed and livestock transportation, that will not include the first 25 miles and distances exceeding 1,000 transportation miles. The calculation will also exclude the normal cost to transport hay or feed if the producer normally purchases some feed or normally transports livestock. Eligible miles will be multiplied by the livestock and livestock feed national payment rate for the applicable year.

Producers are limited on the amount of transported feed under the ELAP program, based on the number of eligible livestock the producer owns at least 60 days prior to the eligible drought or other eligible loss condition. Losses resulting from the additional cost of transporting livestock feed to eligible livestock are limited to the additional cost of transportation of feed to satisfy the needs of the eligible livestock identified on the application.

FSA will:

- Convert the number of eligible livestock identified on the application to an animal unit basis
- Multiply the animal units determined eligible by 24 pounds of corn or corn equivalent or 39 pounds of hay or forage.
- Multiply the result of the feed per animal unit by the number of calendar days in the time period from the beginning of the eligible drought or eligible loss condition until the end of the program year; and
- Limit the truckloads used in the calculation to the total pounds needed for that livestock. Any loads in excess of that amount during the program year are not eligible for assistance.

Water Transportation Loss

Eligible Livestock

For losses resulting from the additional cost of transporting water, eligible livestock must be:

- Alpacas, adult or non-adult dairy cattle, adult or non-adult beef cattle, adult or non-adult buffalo, adult or non-adult beefalo, deer, elk, emus, equine, goats, llamas, ostriches, reindeer, sheep, and adult or non-adult water buffalo;



- Owned, cash-leased, purchased, under contract for purchase or been raised by a contract grower or an eligible livestock producer, during the 60 calendar days prior to the beginning date of the eligible adverse weather or loss condition;
- Livestock that are grazing eligible pastureland or grazing land during the normal grazing period for the specific pasture type of grazing land or pastureland that:
 - Are physically located in the county where the eligible adverse weather or loss condition occurred;
 - Had adequate livestock watering systems or facilities before the eligible adverse weather or loss condition occurred; and
 - Do not normally require the transport of water by the producer; and
- Maintained for commercial use as part of the producer's farming operation on the beginning date of the eligible adverse weather or loss condition.

Livestock that were or would have been in a feedlot are not eligible for livestock losses resulting from transporting water under ELAP.

Eligible Producer

For losses resulting from transporting water, producers must have, during the 60 calendar days before the beginning date of the eligible adverse weather or loss condition, owned, cash-leased, purchased, entered into a contract to purchase or been a contract grower of eligible livestock.

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Payments for Losses from Transporting Water

Payments for losses due to transporting water will be based on a minimum of 60 percent of the lesser of:

- The total value of the cost to transport water to eligible livestock for 150 days, based on the daily water requirements for the eligible livestock; or
- The total value of the cost to transport water to eligible livestock for the program year, based on the actual number of gallons of water the eligible producer transported to eligible livestock for the program year.

A state or regional price may be established based on the recommendation and documentation by the FSA State Committee.

Eligible losses from transporting water due to the additional costs of transporting water under ELAP are losses that:

- Are directly due to an eligible drought;
- Are for the additional cost of transporting water to eligible livestock, including, but not limited to, costs associated with water transport equipment fees, labor and contracted water transportation fees; and
- Do not include the cost of the water itself.

Cattle Tick Fever

Eligible Livestock

For losses resulting from the additional cost to treat and/or inspect for cattle tick fever, eligible livestock must be:

- Adult or non-adult dairy cattle, adult or non-adult beef cattle, adult or non-adult buffalo, adult or non-adult beefalo and adult or non-adult water buffalo;
- Owned, cash-leased, purchased, under contract for purchase or been raised by a contract grower or an eligible livestock producer, during the 60 calendar days prior to the beginning date of the eligible adverse weather or loss condition; and
- Maintained for commercial use as part of the producer's farming operation on the beginning date of the eligible adverse weather or loss condition.

Livestock that were or would have been in a feedlot are not eligible for livestock losses resulting from the additional cost to treat for cattle tick fever under ELAP.

Eligible losses include those losses resulting from the additional cost associated with gathering livestock to treat and/or inspect for cattle tick fever.

To be considered an eligible loss, acceptable records that provide the number of livestock treated and/or inspected for cattle tick fever and the number of treatments given during the program year must be on file with the USDA Animal and Plant Health Inspection Service (APHIS).

Payments for Losses for Gathering Livestock to Treat and/or Inspect for Cattle Tick Fever

Payments for losses resulting from the additional cost associated with gathering livestock to treat and/or inspect for cattle tick fever will be equal to the sum of the following for each treatment:

- A minimum national payment factor of 60 percent multiplied by;
- The number of eligible livestock treated and/or inspected by APHIS for cattle tick fever, multiplied by;
- The average cost to gather livestock, per head, as established by FSA.

Milk Production Losses in Dairy Cows due to H5N1 (Bird Flu) Infection

Eligibility

ELAP eligible losses must be the direct result of H5N1 and must include a confirmed positive H5N1 test from APHIS at NVSL.

Eligible producers must provide:

- A positive H5N1 test at the time the application for payment is filed; and
- Current and prior year milk production records and herd inventory records if requested by FSA, in addition to any other records necessary to substantiate the information provided on the producer's application, including the number of eligible adult dairy cows and producer's share of the milk production.

Eligible adult dairy cattle must be:

- Part of a herd that has a confirmed positive H5N1 test from APHIS at NVSL;
- Initially removed from commercial milk production during the 14-day time period prior to the sample collection date for the positive H5N1 test date through 120 days after the sample collection date for the positive H5N1 test.
- Milk-producing, currently lactating; and
- Maintained for commercial milk on the beginning date of the eligible loss condition.

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Calculating ELAP Payments for H5N1

The per cow milk loss due to H5N1 will be determined based on a 21-day period of no milk production when a cow is removed from the milking herd, followed by seven days when the cow has returned to milking but produces 50% of the normal amount of production. ELAP payments are determined using a per head payment rate calculated based on the monthly All Milk price and national milk production published by the National Agricultural Statistics Service and a standard number of days with reduced or no production — (per head payment rate x number of eligible adult dairy cows x producer's share in milk production x 90%).

Payment Rates

Multiple payment rates are established for each program year. Payment rates that are established annually are available in the spring of each year. Annual payment rates are established for the following:

- Daily livestock payment rates per head which is used to determine grazing losses and feed losses
- Livestock and livestock feed transportation rate; and
- Treatment and inspection of livestock for cattle tick fever rate per head
- Monthly payment rates are established for H5N1 losses. These rates are established at the beginning of each month.

To view all current payment rates, visit fsa.usda.gov/elap to view current payment rates.

Socially Disadvantaged, Limited Resource, Beginning, or Veteran Farmers and Ranchers

With respect to the national payment rates referenced above, an eligible livestock producer who certifies they are socially disadvantaged, limited resource or a beginning or veteran farmer or rancher will receive 90 percent of the payment rate for livestock losses under ELAP.

Payment Limitations

Payment limitation does not apply to ELAP benefits. The average adjusted gross income (AGI) limitation 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.

Producers are exempt from the \$900,000 AGI cap for ELAP if at least 75% of their average gross income is from farming, ranching, or silviculture, including agri-tourism, direct-to-consumer sales, and certain equipment sales. Producers must complete the CCC-943, 75% of Average Gross Income from Farming, Ranching or Forestry Certification, to be eligible for the AGI exception.

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. For more information on payment limitations, visit fsa.usda.gov/limits.

How to Apply

Producers can apply to receive ELAP assistance at local FSA service centers. The ELAP program year ends Dec. 31 of each calendar year. Producers must submit an application for payment by the application deadline. Producers who suffered livestock losses must also submit a notice of loss to the local FSA office that maintains their farm records by the notice of loss deadline.

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

Date of Livestock Loss	Final Date to File Notice of Loss	Final Date to Submit an Application for Payment
Within the program year Jan. 1 – Dec. 31	March 1 after the program year in which the loss occurred.	March 1 after the program year in which the loss occurred.

The producer must include a copy of the grower contract if they are 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 evidence that grazing land or pastureland is owned or leased.

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.

More Information

This fact sheet is for informational purposes only; other restrictions may apply. For more information about ELAP, visit fsa.usda.gov/ELAP or contact your local FSA office. To find your local FSA office, visit farmers.gov.

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