

**POTENTIAL U.S. DEPARTMENT OF AGRICULTURE ASSISTANCE  
FOR KS, TX, AND OK WILDFIRES**

**MARCH 2017**

**Farm Services Agency (FSA)**

**Emergency Loans (EM)-**

o **What are the parameters for emergency loans with APLN?**

Emergency loans made under an Administrator's Physical Loss Notification (APLN) must be based upon a physical loss of property. Loan funds may be used only to repair or replace property damaged or lost as a direct result of a natural disaster. The property damaged or lost, excluding livestock, and all real estate, must have been covered by hazard insurance at the time of the disaster, if it was available and cost effective. Examples of physical losses include cattle and stored hay lost in a wildfire, and buildings and fences damaged or destroyed. Other program eligibility requirements for EM loans apply.

o **What are the deadlines to apply?**

Applications must be submitted to FSA within 8 months of the declaration (or Administrator's Physical Loss Notification (APLN)) of the disaster (this is a statutory requirement).

o **Are there copays or cost-shares?**

Physical loss loans may be made for the full cost to replace the property lost. However, any other Federal benefits received in compensation for the same property loss must be deducted from the eligible loan amount. Production loss loans (not available under APLN) may be up to 70% of the production loss, so there is a 30% loss "sharing" in the case of production losses.

o **What are credit worthiness requirements?**

Applicants must have an acceptable credit history but be unable to obtain credit from conventional sources (bank, farm credit system, etc.). Applicants for loans in excess of \$100,000 must submit at least 1 written denial to demonstrate that commercial credit is not available to them; applicants for loans in excess of \$300,000 must submit at least 2 denial letters (these are statutory requirements and may not be waived). For loan under \$100,000, FSA may waive the requirement for a written credit denial when a review of the applicant's financial statement, credit report, and other financial information clearly indicates that other credit is not available to the applicant.

o **How much funding is available?**

Under the FY 2017 continuing resolution, \$51.3 million in EM loan funding is currently available. FY 2017 EM loan activity has been significantly below FY 2016 levels thus far (year over year, EM loan volume is down 62%). At this time, FSA expects EM loan funding to be adequate; however, the extent of additional demand due to recent and future disasters, and final appropriation levels for the remainder of FY 2017 may lead to a funding shortfall later in FY 2017.

**Noninsured Crop Disaster Assistance Program (NAP)**

NAP provides financial assistance to producers of noninsurable crops, including forage to protect against natural disaster that result in lower yields or reduced carrying capacities. Producers must have timely applied for coverage by the application closing date and file a notice of loss within 15 days of the earlier of; the natural disaster occurrence, date that damage to the crop or loss of production becomes apparent; or normal harvest date. For grazed losses, coverage is limited to basic coverage of 50/55 and for mechanically harvested forage, producers can elect in addition to basic coverage buy up levels up to 65/100.

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

LFP is a standing disaster program available to producers who suffer grazing losses due to fire on federally managed rangeland for which the producer is prohibited from grazing the normally permitted livestock. Payment eligibility 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. Producers have until January 30, 2018, to make application for benefits. Producers do need to file an acreage report and provide documentation that the land is leased and satisfy other payment eligibility requirements (highly erodible land and wetland conservation compliance, average adjusted gross income compliance, payment limitation compliance, etc.).

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

LIP provides benefits to livestock producers for livestock deaths in excess of normal mortality caused by adverse weather, including wildfires exacerbated by eligible adverse weather. 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. To be eligible for LIP, an owner's livestock must have died as a direct result of an eligible adverse weather event. Only those livestock that are produced for commercial use as part of a farming operation are eligible. To be eligible for LIP, producers must file a notice of loss within 30 days of when the loss of livestock is first apparent to producers. We strongly encourage producers to contact their local service center to talk through the livestock losses to begin the application process. It is unclear how many livestock deaths have occurred due to the wildfire at this time. LIP funding is not limited.

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

ELAP provides emergency assistance to eligible producers of livestock, honeybees, and farm-raised fish for losses that are not covered under the other FSA disaster programs (LFP and LIP). ELAP often covers relatively unusual circumstances so it is difficult to produce an exhaustive list, but for the current wildfire an example might be the burning of round bales that were stored along a fencerow. In addition, ELAP covers grazing losses on eligible grazing land due to wildfires. It is important to note that funds for ELAP are limited to \$20 million dollar per fiscal year. In the event applications for assistance exceed \$20 million payments to all producers will be factored down to ensure the cap is not exceeded. Due to the annual funding limitation, ELAP payments are not issued until the spring following the fiscal year in which the loss occurred.

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

TAP provides financial assistance to eligible orchardists and nursery tree growers to replant or rehabilitate eligible trees, bushes, and vines lost by natural disasters. 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. 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. A notice of loss is required to be filed with FSA. So is an application for payment. Funding is unlimited.

### **Conservation Reserve Program (CRP) - Emergency Use of Conservation Reserve Program Land**

Emergency use of CRP in the form of haying and grazing can be allowed related to wildfire. This is often used to shift livestock out of danger or from the normal grazing lands that were burned. Approval for emergency use of haying and grazing will be granted at the National Office for a county or group of counties based on a request from the state FSA office. Once an area is approved the producers will submit their applications locally.

### **Emergency Conservation Program (ECP)**

ECP can provide cost-share assistance to rebuild fences and other agricultural infrastructure destroyed by wildfire. Cost-share rate: up to 75%; Limited Resource Producer, up to 90%

Payment limitation per disaster event per participant: \$200,000

Practices Eligible for Wild Fire Disaster Event:

### **EC-3 – Restoring Permanent Fence**

This practice applies to farmland on which farm fences have been destroyed or seriously damaged by the disaster event. The Fence must be used for agricultural purposes. Ornamental fences are not eligible. Fence must be for the purpose of excluding or enclosing livestock or excluding wildlife from agricultural land to protect a crop. Fence could be barbed wire/high tensile fence or woven wire as long as it is used for the purposes above. Fence must be restored to conform to NRCS standards and specifications.

### **EC-4 – Restoring Conservation Structures and other installations**

This practice could include windmills or solar units for livestock water that were damaged by Wild Fires.

### **Risk Management Agency (RMA)**

Farmers and ranchers with coverage through the federal crop insurance program administered by the [Risk Management Agency](#) (RMA) should contact their crop insurance agent to discuss losses due to natural causes of loss. Crop insurance is sold and delivered solely through private crop insurance agents. A list of crop insurance agents is available at all USDA Service Centers and online at the RMA [Agent Locator](#).

### **Natural Resources Conservation Service (NRCS)**

NRCS stands ready to provide assistance to people effected by wildfire through the Conservation Technical Assistance (CTA) and the Environmental Quality Incentive Program (EQIP). We strongly encourage producers to contact their local service center to begin the process of requesting assistance. Our staff will help producers understand the kinds of assistance that are available to them and work with them to meet their objectives through the CTA and EQIP programs as appropriate.

**EQIP** can be used to assist producers to install conservation practices to treat resource concerns on eligible land impacted by fires.

**CTA** is the help NRCS provides to land users to address opportunities, concerns, and problems related to the use of natural resources and to help land users make sound natural resource management decisions on private, tribal, and other non-federal lands. NRCS staff can provide the technical assistance that land managers need to make informed decisions about recovery of their fire impacted land.

NRCS also administers the Emergency Watershed Protection Program (EWP). Through the EWP program NRCS is able to respond to emergencies created by natural disasters. The program is designed to help people and conserve natural resources by relieving imminent hazards to life and property caused by floods, fires, windstorms, and other natural occurrences. Although funding is not available at this time, it can be made available subject to Congressional approval.