

May 2016



Fremont County FSA Updates

Fremont County FSA Office

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Next County Committee Meeting:

June 9, 2016

FLOOD HELP SUMMARY

What we might be able to help with and what we cannot help with...

The County Office is preparing to request ECP funding to assist producers with flood damages. Funding is not guaranteed. Projects ECP **can** help producers with include but are not limited to: fences, head gates, ditches, silt removal, debris removal, gated pipe, pipelines etc. Projects ECP **cannot** help with include but are not limited to: homes, barns, structures, corals, roads, bridges, riprap/bank stabilization, etc.

LIP can help with livestock losses. Normal mortality is applied and good records are required.

If the County receives a Secretary of Agriculture Disaster Designation, the County will be eligible for low interest Emergency Loans.

NRCS may also have programs available to provide assistance. If you have incurred flood related losses, please contact the office and we will come and help make an assessment and see how and if we are able to help.

EMERGENCY CONSERVATION PROGRAM (ECP)

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. Available funding for ECP is determined annually by Congress.

ECP is administered by FSA state and county committees. Subject to availability of funds, locally-elected members of FSA county committees are authorized to implement ECP for all disasters except drought, which is authorized by the FSA national office. To learn more about FSA county committees, visit www.fsa.usda.gov/elections.

FSA county committees determine land eligibility based on on-site inspections of damaged land and the type/extent of damage. For land to be eligible, the natural disaster must create new conservation problems, if untreated, would: impair or endanger the land; materially affect the land's productive capacity; represent unusual damage that, except for wind erosion, is not the type likely to recur frequently in the same area and; Be so costly to repair that federal assistance is or will be required to return the land to productive agricultural use.

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

As determined by FSA county committees, ECP participants may receive cost-share assistance up to 75 percent of the cost to implement approved emergency conservation practices. Qualified limited-resource

producers may receive cost-share assistance of up to 90 percent of the cost to implement approved emergency conservation practices. Individual or cumulative requests for cost-share assistance of \$50,000 or less per person or legal entity, per disaster are approved at the county committee level. Cost-share assistance requests exceeding \$50,000 require approval from the state committee or national office. Cost-share assistance is limited to \$200,000 per person or legal entity per disaster.

Technical assistance may be provided by the USDA Natural Resources Conservation Service.

To rehabilitate farmland, ECP participants may implement emergency conservation practices, such as: debris removal from farmland; grading, shaping or leveling land; restoring livestock fences and conservation structures; providing water for livestock during periods of severe drought.

Other conservation measures may be authorized by FSA county committees with approval from FSA state committees and the FSA national office.

LIVESTOCK INDEMNITY PROGRAM (LIP)

The Agricultural Act of 2014 (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 adverse weather.

To be eligible for LIP, a livestock producer must have legally owned the eligible livestock on the day the livestock died; livestock must have died as a direct result of an eligible adverse weather event occurring; application must be made no later than 60 calendar days from the ending date of the applicable adverse weather event and in the calendar year for which benefits are requested; 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.

LIP payments are calculated by multiplying the national payment rate for each livestock category by the number of eligible livestock in each category. LIP national payment rate for eligible livestock owners are based on 75 percent of the average fair market value of the livestock. The LIP national payment rate for eligible livestock contract growers are based on 75 percent of the average income loss sustained by the contract grower with respect to the dead livestock.

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, ELAP, and LIP combined.

In applying the limitation on average adjusted gross income (AGI), 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 persons or legal entities with an interest in the legal entity or in a sub-entity.

Producers who suffer livestock death losses should submit a notice of loss and an application for payment to the local FSA office. To be eligible, the notice of loss must be submitted the earlier of: 30 calendar days of when the loss of livestock is apparent to the producer; or 30 calendar days after the end of the calendar year in which the loss of livestock occurred.

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 owners should record all pertinent information of livestock death losses due to adverse weather 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; written contracts, records assembled for tax purposes, private insurance documents, and other similar reliable documents.**

Applicants must provide adequate proof the eligible livestock deaths occurred as a direct result of an eligible adverse weather event 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; picture(s) with a date; brand inspection records; dairy herd improvement records; and similar reliable documents.

The livestock owner or livestock contract grower, as applicable, certifies in writing: there is no other documentation of death available; the number of livestock in inventory at the time of the adverse weather event; third party provides their telephone number, address and a written statement containing: specific details about their knowledge of the livestock deaths; their affiliation with the livestock owner; the accuracy of the deaths claimed by the livestock owner.

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.

EMERGENCY LOAN PROGRAM

USDA'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.

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.

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.

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.

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.

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

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

The current annual interest rate for emergency loans is 3.75 percent.

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

Dates to Remember

July 4th	Independence Day Holiday – Office Closed
July 15th	Spring Seeded Crop Report Deadline and CRP Crop Reporting Deadline
July 15th	Deadline to Report 2015 Hay Production

August 1st	Enrollment for 2016 ARC/PLC Contracts
Ongoing	NAP Loss; report within 15 days of loss being apparent
Ongoing	LIP and ELAP Livestock Loss; report within 60 days adverse event
Ongoing	ECP before repairs are started

USDA is an equal opportunity provider, employer and lender. To file a complaint of discrimination, write: USDA, Office of the Assistant Secretary for Civil Rights, Office of Adjudication, 1400 Independence Ave., SW, Washington, DC 20250-9410 or call (866) 632-9992 (Toll-free Customer Service), (800) 877-8339 (Local or Federal relay), (866) 377-8642 (Relay voice users).