

Q & A on Farm Service Agency (FSA) Flood Response Programs in Nebraska

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FSA in Nebraska has received some common questions regarding programs county FSA offices are implementing in response to the March 2019 flooding. Please find below a sampling of these common questions along with responses.

What should farmers, ranchers and land owners do first to find out information on available federal agriculture disaster assistance?

To familiarize themselves with available programming, producers can go online to www.fsa.usda.gov/ne, the FSA website for Nebraska, for an overview of programs applicable for assistance with flood response. Another appropriate website is www.farmers.gov/recover.

Producers also can contact their county FSA office. Since not everyone may be familiar with their office, producers can find that contact information by typing offices.usda.gov into their internet browser. This pulls up a clickable map that includes the phone number and physical address of each office in the state. FSA in Nebraska has 71 county offices. Of note, at offices.usda.gov producers also can find contact information for other USDA partner agencies, including the Natural Resources Conservation Service (NRCS) and Rural Development. FSA and NRCS are co-located in most service centers across the state, and NRCS is an important partner in flood response efforts.

What program can assist cattle producers who saw losses of cows, bulls, calves and feeders?

Producers with livestock losses should inquire about the Livestock Indemnity Program, or LIP. This program provides financial assistance for livestock losses above normal mortality rates. USDA sets a national payment rate per head based on average fair market value, and that rate varies by livestock and by livestock type/size. For example, there are different rates for cows and bulls versus calves and yearlings. The 2019 payment rate for an adult cow is \$916.87, for bulls \$1,191.93. For a calf between 400 and 799 pounds, it is \$661.19.

It's important to note that a variety of livestock are covered through LIP, including swine and chickens. The losses must be attributable to a qualifying disaster event, and this can include flooding and blizzards.

What is the sign-up date for LIP and what will livestock producers need to do to sign up?

There are various parts to the LIP application process, with different deadlines attached to those parts. The most important thing for livestock producers to know right now is that to establish initial eligibility for LIP, livestock owners must file a Notice of Loss with their county

FSA office within 30 days of when the livestock losses become apparent. That 30-day window is the normal timeline. However, Nebraska producers have faced some abnormal, extreme weather conditions since the beginning of the year. This includes extended, extreme cold combined with abnormal precipitation through January, February and early March, as well as the March flooding and blizzard conditions. Because of these combined circumstances, Nebraska producers have until April 29 to submit Notices of Loss to their county FSA office for livestock losses suffered in January, February and March.

What programs exist to assist those who lost hay and feed supplies? How about pasture acres that cannot be grazed due to flood-related impacts?

The Emergency Assistance for Livestock, Honeybees and Farm-Raised Fish Program, or ELAP, can provide some 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. In Nebraska's current situation, ELAP can cover up to 150 lost grazing days in instances when a producer has been forced to remove livestock from a grazing pasture due to floodwaters.

For beekeepers, ELAP covers beehive losses (the physical structure) in instances where the hive has been destroyed by a natural disaster, including flooding.

Individuals with questions about lost hay supplies or flood-related grazing impacts should contact their county FSA office to discuss whether assistance may be available through ELAP for their specific situation.

Are there any FSA programs to assist with grain destroyed when grain bins were flooded?

FSA does not have any programs at this time to assist with these losses.

What program(s) exist for farmers and ranchers who lost fencing? What do they need to know about the process and do to sign up?

The Emergency Conservation Program, or ECP, is a cost-share program that can assist producers through reimbursement of expenses associated with fence restoration or repair. This program is initiated at the county FSA level, and once approved, offices can begin accepting applications. Currently, there are 47 Nebraska counties approved for ECP, generally including the counties most impacted by the March flooding and blizzard.

A producer who wants to access this cost-share option must contact their county FSA office about the program before starting restoration/repair work. FSA cannot cost-share on repairs that are initiated before application approval.

Once a county is approved for ECP, it will establish a 60-day sign-up period. Most of the 47 approved counties already have started sign-up, with deadlines generally in late May, but producers should check locally for timeline details.

As with any government program, there is paperwork and a process involved, and for ECP in particular there are required inspections, as well as environmental and cultural consultations required under the federal National Environmental Policy Act. However, specifically for fence work and debris removal that will not have ground disturbance below the plow line, and that is designed to return a field or pasture to pre-disaster event condition, FSA has put in place a streamlined inspection and environmental and cultural consultation process. The consultation waiting period that producers may have heard about associated with ECP most likely will not be applicable for basic fence repair situations.

When producers come in for an initial appointment, they should be prepared to show the location of the damaged/destroyed fence on a map, have an idea of the type of/amount of equipment/materials needed to make the repair (how many linear feet of fence is damaged/destroyed, for example) and when they want to start repairs.

With this information available at an initial appointment, county FSA offices should be able to proceed relatively quickly with an ECP fence repair application and get the producer approved to move forward.

Once approved and they begin the work, producers will need to maintain any bills and receipts associated with the work, along with documentation of payment, so FSA can later validate the cost-share reimbursement.

Is there a program for farmers with new excess sand/silt on their fields due to flooding? What will farmers need to do to sign up?

The Emergency Conservation Program, or ECP, also is the applicable program tool for excess sand removal. As noted for fence repair in the previous example, debris removal (such as excess sand, dead timber, et cetera) is an approved ECP practice in the 47 counties currently authorized for this program.

Also, as in the previous example, FSA has put in place a streamlined inspection and environmental and cultural consultation process for basic debris removal under an ECP contract, as long as that debris removal will not have ground disturbance below the plow line and is designed to return a field or pasture to pre-disaster event condition. Again, the consultation waiting period that producers may have heard about associated with ECP most likely will not be applicable for basic debris removal situations.

When producers come in for an initial appointment, they should be prepared to show the location of the debris removal needs on a map, have an idea of the type of/amount of equipment needed to remove the debris (what type of equipment will be used and how many hours do they estimate the removal process will take) and when they want to start repairs.

Again, with this information available at an initial appointment, county FSA offices should be able to proceed relatively quickly with an ECP debris removal application and get the producer approved to move forward. Also, as with the previous example, once approved for debris removal and they begin the work, producers will need to maintain any bills and receipts associated with the work.

Will farmers and ranchers be able to fix new erosion features created by the flooding?

Producers with significant field damage, such as new gullies and terraces washed out, also can apply for cost-share assistance for repair work through the Emergency Conservation Program, or ECP. For these types of more extensive repair - where land grading, shaping and leveling may be needed or conservation structures may need to be rebuilt – the ECP application process is more intensive. Pre-inspection will be required, and the environmental and cultural consultation process will most likely take more time due to required notification timelines associated with complying with the National Environmental Policy Act.

While the application process for this type of ECP work is more detailed, producers with an interest in ECP cost-share are encouraged to contact their county FSA office about program parameters before they decide the program is not for them and before they start any repair work. Depending on the circumstances, producers can have more than one ECP application, allowing them to move ahead with cost-share work on one practice, while an application for another practice is being processed.

What is an example of the ECP application process?

In the example above for either debris removal or fence repair, the application process would generally involve: 1) FSA County Office completes ECP application. Because the required environmental and cultural consultations have already been completed, FSA County Office will review approved activities with the producer before they begin restoration activities.

In the example above for fields with significant damage, where grading, shaping and leveling are needed or conservation structures need to be rebuilt, the process would generally involve: 1) FSA County Office completes ECP application and forwards it to Natural Resources Conservation Service (NRCS) field office; 2) NRCS field office reviews the application and completes determination of technical assistance needed for the restoration and returns all materials to FSA County Office; 3) FSA County Office sends all documents to the Nebraska State FSA Office for environmental and cultural review consultation process. This consultation is

required under the National Environmental Policy Act and can involve numerous environmental and cultural entities and is dependent on each entity's interest in a given physical location. This can take 30 days or more and is dependent on the response of the interested entities. 4) Once complete, the FSA State Office sends all the environmental and cultural review materials back to the FSA County Office for a review of approved actions with the applicant/producer.

What is the status of funding for ECP? What is the cost-share amount producers can receive?

FSA office staff in Nebraska are focused on assisting producers with successful ECP applications so that those producers are positioned to receive cost-share assistance whenever that funding is available.

Producers can receive up to 75 percent of the cost to implement approved restoration practices. Limited resource, beginning, or underserved producers can receive up to 90 percent cost-share. There is a \$500,000 maximum payment per person or legal entity per disaster. Also, the program limits cost-share to not more than 50 percent of the value of the acres being repaired.

I applied for the Emergency Conservation Program (ECP) at my FSA office. Today, I received a letter that says, "... The demand for assistance under ECP has exceeded the funds currently available to COC (County FSA Committee). Therefore, we are unable to approve your request for cost-share assistance. ..." Does this mean that I am not going to receive any cost-share funding through ECP?

It means that at this point in your ECP application process, it is unknown whether ECP funding will be made available. As with any federal government program, there is a process associated with requesting and receiving ECP cost-share assistance. Because ECP is a disaster program, your County FSA Committee must request ECP funds based on estimated demand for funds within the county. That means, at least initially, there may not be funding immediately available at the county level when you complete your ECP application as that funding request is processed. That is why you received the letter indicating a lack of funding.

Your County FSA Committee/County FSA Office, in coordination with the State FSA Office, will move county-level requests for funding through to FSA headquarters in a timely manner. In fact, the Nebraska State FSA Office already has requested some funding based on already-completed ECP applications in the state and estimated demand. However, the State and County FSA offices have no control over when, and how much, ECP funding will be made available to applicants in Nebraska. Nebraska is requesting funds for ECP as are other states facing similar disaster recovery efforts at this time.

Because of this, any land rehabilitation work you do on acres for which you applied for ECP cost-share you are doing completely at your own expense initially and at the risk of cost-share dollars not becoming available. As you complete your work, please be mindful of keeping receipts and other documentation associated with the land rehabilitation project. If and when ECP funding becomes available, that documentation will be needed to complete the cost-share process.

As a federal disaster program, ECP is funded through the Congressional appropriations process.

For those farmers who will be unable to plant this year, what options are available to them?

Prevented planting provisions in crop insurance policies can provide valuable coverage for producers when circumstances, such as the severe flooding Nebraska has faced, keep producers from planting their crops. Crop insurance is handled by the USDA Risk Management Agency through approved insurance providers. Nebraska Farm Service Agency does not have a role in prevented planting determinations associated with policy indemnity on crops for which there is RMA crop insurance availability.

Generally speaking, there is a final planting date, as well as a late planting period, that can vary by crop and by location. If producers cannot get their crop planted on or before the final planting date, they may submit a notice of loss for prevented planting. They also may choose to plant during the late planting period, plant after the late planting period, leave the acreage idle, plant a cover crop or plant a second crop. There are different decision points associated with each of these options. Eligibility for prevented planting is determined on a case-by-case basis, and producers should maintain contact with their crop insurance agent regarding their policy provisions and final planting dates. You can find an article on prevented planting and floods at www.rma.usda.gov under "Flooding."

Nebraska Farm Service Agency county offices do want farmers to report prevented planting acres as this information is an important part of a farm's planting history that can be a part of FSA farm program implementation. Prevented planting reports should be submitted to FSA within 15 days of the final planting date for the crop.