

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency  
Washington, DC 20250

**Livestock Disaster Assistance Programs  
for 2011 and Subsequent Years  
1-LDAP (Revision 1)**

**Amendment 12**

**Approved by:** Deputy Administrator, Farm Programs



**Amendment Transmittal**

**A Reasons for Amendment**

Subparagraph 411 I has been amended to provide County Offices the options of paying annual crabgrass and annual ryegrass grazing losses because of drought that occurred on or after October 1, 2011, and before January 1, 2015, as either annual crabgrass and annual ryegrass or improved pasture because of the lateness of annual crabgrass and annual ryegrass being approved as eligible grazing types.

Subparagraph 411 J has been amended to provide that COC may accept CCC-855 as documentation supporting the lease agreement between the parties in the case of undivided ownership share interest, if all producers, other than an owner having less than a majority undivided ownership interest in the farm, sign CCC-855, if certain conditions are met.

Subparagraph 442 B has been amended to correct CCC-853, Part D by adding the annual ryegrass acreage to the scenario.

Subparagraphs 830 L and M are being provided because they were out of alphabetical order when amendment 11 was issued.

<b>Page Control Chart</b>		
<b>TC</b>	<b>Text</b>	<b>Exhibit</b>
	6-47, 6-48 6-48.5, 6-48.6 6-131, 6-132 10-85, 10-86	



## 411 Eligibility Criteria (Continued)

**H Eligible Livestock Producers (Continued)**

- be an individual or entity that is a:
  - citizen of the U.S.
  - resident alien

**Note:** Resident alien means “lawful alien”.

  - partnership of citizens of the U.S.
  - corporation, limited liability corporation, or other farm organizational structure organized under State law
  - any Native American tribe as defined in the Indian Self-Determination and Education Assistance Act
  - any Native American organization or entity chartered under the Indian Reorganization Act
  - any economic enterprise under the Indian Financing Act of 1974.

**I Eligible Grazing Types**

Different types or varieties of pasture and grazing crops for a county shall be grouped into 1 of the following:

- improved pasture with permanent vegetative cover (nonirrigated)
- native pasture with permanent vegetative cover (nonirrigated)
- short season small grain crops planted specifically for the purpose of providing grazing for covered livestock (nonirrigated)
- long season small grain crops planted specifically for the purpose of providing grazing for covered livestock (nonirrigated)
- annual ryegrass planted specifically for the purpose of providing grazing for covered livestock (nonirrigated)

**\*--Note:** Because of the lateness of annual ryegrass being approved as an eligible grazing type, County Offices have the option of paying annual ryegrass grazing losses because of drought that occurred on or after October 1, 2011, and before January 1, 2015, as either improved pasture or annual ryegrass.--\*

## 411 Eligibility Criteria (Continued)

**I Eligible Grazing Types (Continued)**

- annual crabgrass planted specifically for the purpose of providing grazing for covered livestock (nonirrigated)
- **\*--Note:** Because of the lateness of annual crabgrass being approved as an eligible grazing type, County Offices have the option of paying annual crabgrass grazing losses because of drought that occurred on or after October 1, 2011, and before January 1, 2015, as either improved pasture or annual crabgrass.--\*
- forage sorghum crops planted specifically for the purpose of providing grazing for covered livestock (nonirrigated).

**J Eligible Grazing Lands**

The following are eligible grazing lands:

- State and Federal lands, if either of the following apply:
    - the land is leased on a long-term basis that COC determines requires lessee contribution, including but **not** limited to wells, fences, or other maintenance and upkeep inputs
    - pasture or grazing land is leased for cash or fixed amount for an established grazing period
  - previously irrigated grazing land that was **not** irrigated during the current production year because of lack of water for reasons beyond the participant's control
- Note:** Counties should use the same provisions as used under NAP for covering irrigated grazing losses.
- privately owned, cash or share leased pasture or rangeland that is used to provide grazing for covered livestock.

Acreage leases and rental agreements for private or Federal- and State-owned land intended for grazing may include many arrangements for compensation and provide varying degrees of control for using the acreage. Many leases, particularly leases with grazing arrangements, are similar to sales agreements. For example, the lessee pays **only** for the days actual grazing occurs or according to the rate of gain of the grazing animals, etc. These leases do **not** convey control of the acreage, nor does the lessee acquire risk in production of the specific crop acreage under these arrangements.

## 411 Eligibility Criteria (Continued)

**J Eligible Grazing Lands (Continued)**

To ensure that eligibility requirements have been met, the livestock producer shall provide signed copies of the following, as applicable:

- BLM grazing permit and/or lease and final bill or invoice
- FS grazing permit and/or lease and final bill or invoice
- State land lease and/or State land subleases
- written acreage lease or rental agreement.

**Notes:** If written acreage lease or rental agreement was **not** entered into, a copy of CCC-855 **must** be completed and signed by the lessor, according to paragraph 412.

1-CM, subparagraphs 707 and 708 provide guidance for signature authority for representative signatures. The guidance indicates how a person signing in a representative capacity **must** indicate on the document (in this case CCC-855) the title and/or relationship to the person (landlord or landowner at the time of benefit) for whom they are providing the signature.

In situations where the landowner or landlord is now deceased and the spouse of the deceased is now providing the deceased individual's certification on CCC-855 according to 1-CM, paragraphs 707 and 708, this may be considered acceptable by COC without any documentation. See 1-CM, subparagraphs 707 C and 708 A. An heir to the deceased may also sign CCC-855 on behalf of the deceased, if a last will and testament or other acceptable proof of heirship is provided to substantiate the heir's relationship to the deceased.

If the person signing CCC-855 in a representative capacity for the deceased landlord or landowner is someone other than the spouse or heir, follow 1-CM, paragraph 708 and have the representative enter the title and relationship to the deceased (note the capacity they are signing for the deceased) and accompany that certification with either of the documentary evidence options available (before and after April 2, 2009). If users have specific questions on program eligibility, they shall contact their State Office. The State Office shall contact their Program Manager.

411 Eligibility Criteria (Continued)

**J Eligible Grazing Lands (Continued)**

\*--In the case of undivided ownership interest, if owners having a majority, undivided ownership interest in the farm signs CCC-855, COC may accept CCC-855 as documentation supporting the lease agreement between the parties, if COC determines shares are acceptable.

**Note:** Majority means at least 50 percent of the collective, undivided interest owner's share.--\*

COC or CED shall review all acreage leases, including CCC-855's, to determine whether the livestock producer's contributions are at risk in the grazing land and pastureland for which benefits are being requested under LFP. COC or CED shall document in the COC minutes, that cash-leased grazing land or pastureland meets the eligibility criteria for leased grazing land or pastureland under LFP. In cases where CED determination of risk in the grazing land and pastureland may result in an adverse determination, CED shall obtain concurrence from COC.

442 CCC-853, Livestock Forage Disaster Program Application (Continued)

A Completing Manual CCC-853 (Continued)

Item	Instructions
39	<p>COC shall enter the adjusted reduced AU's, if applicable.</p> <p><b>Note:</b> An entry is only required when COC determines reduced AU's different than the reduced AU's certified to by the producer in item 35.</p> <p>The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 39.</p>
40	<p>COC shall enter the adjusted reduced grazing days, if applicable.</p> <p><b>Note:</b> An entry is only required when COC determines reduced grazing days different than the reduced grazing days certified to by the producer in item 36.</p> <p>The producer shall be provided applicable appeal rights according to 1-APP if an entry is entered in item 40.</p>
41	<p>Enter amount of compensation received from other disaster assistance programs for the same grazing losses.</p>
<p><b>Part F - Producer Certification</b></p>	
42A through 42C	<p>After reading the certification, producer or producer's representative signs and dates.</p> <p>Signatory in item 42A shall enter their title/relationship when signing in the representative capacity.</p> <p>If a producer/applicant is:</p> <ul style="list-style-type: none"> <li>• <b>not</b> signing in the representative capacity, this field should be left blank</li> <li>• signing on behalf of themselves, it is acceptable to ENTER "self"; however, it is <b>not</b> necessary.</li> </ul>
<p><b>Part G - County Committee Determination</b></p>	
43	<p>Enter COC signature.</p>
44	<p>Enter date of COC action.</p>
45	<p>Check (✓) either "APPROVED" or "DISAPPROVED".</p> <p><b>Important:</b> CCC-853 shall be approved or disapproved as certified by the producer after applicable COC adjustment fields are completed.</p>

442 CCC-853, Livestock Forage Disaster Program Application (Continued)

**B Scenario for Completed Example of CCC-853**

Luther Hill’s livestock operation consists of 100 head of adult beef cows, 100 nonadult beef cattle 550 pounds or more, and 3 head of equine in Alfalfa County, Oklahoma. The eligible livestock graze on 1,000.0 acres of native pasture that Mr. Hill owns with a carrying capacity of 5.6 acres per animal unit and on 500 acres of annual ryegrass with a carrying capacity of 4 acres per animal unit. The normal grazing period for native pasture in Alfalfa County is April 15 through October 15 and the normal grazing period for annual ryegrass is October 16, 2012, through April 14, 2013. In calendar year 2013, Alfalfa County rated D2 drought intensity for at least 8 consecutive weeks during the normal grazing period for annual ryegrass on March 1, 2013, and D2 intensity for at least 8 consecutive weeks during the normal grazing period for native pasture on July 15, 2013. Mr. Hill completed CCC-853 to receive a 1-month payment for each of the eligible pasture types on May 23, 2014.

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This form is available electronically. <b>CCC-853</b> U.S. DEPARTMENT OF AGRICULTURE (04-15-2014) Commodity Credit Corporation  <b>LIVESTOCK FORAGE DISASTER PROGRAM APPLICATION</b>										1. State and County Code 48 275	2. Calendar Year 2013
										3. County Office Name Knox	4. Application Date May 22, 2013
										5. Application Number 51	
NOTE: The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a – as amended). The authority for requesting the information identified on this form is 7 CFR Part 1416, the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), and the Agricultural Act of 2014 (Pub. L. 113-79). The information will be used to determine eligibility for livestock forage disaster program benefits. The information collected on this form may be disclosed to other Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated). Providing the requested information is voluntary. However, failure to furnish the requested information will result in a determination of ineligibility for livestock forage disaster program benefits.  This information collection is exempted from the Paperwork Reduction Act as specified in the Agricultural Act of 2014 (Pub. L. 113-79, Title 1, Subtitle F – Administration).  The provisions of criminal and civil fraud, privacy and other statutes may be applicable to the information provided. <b>RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.</b>											
<b>PART A – PRODUCER INFORMATION</b>						<b>PART B – DISASTER INFORMATION</b>					
6. Producer's Name and Address (City, State and Zip Code) Luther Hill Anywhere Street Knox City, Texas 000000						7. Type of qualifying disaster condition causing grazing loss: <input checked="" type="checkbox"/> Drought <input type="checkbox"/> Fire					
						8. Date and location of qualifying fire condition(s)					
<b>PART C – LIVESTOCK INFORMATION</b>											
9. Where were the claimed livestock physically located on the beginning date of the qualifying grazing loss condition? (Include County name, farm number, etc.) Farm 750											
10. Where is the current physical location of the livestock in inventory? 750											
11. Associated Producers (List all other producers that have an ownership share of any livestock listed in Item 13 and indicate their share.) None											
12. Livestock Number	13. Livestock Kind/Type and Weight Range	14. Current Year Inventory	15. Current Year Mitigated	16. Prior Years Mitigated	17. Share %	COC USE ONLY			18. Adjusted Current Year Inventory	19. Adjusted Current Year Mitigated	20. Adjusted Prior Years Mitigated
1	Beef, Adult Cows and Bulls	100			100.00						
2	Beef, Non-Adult, 500 Pounds or More	100			100.00						
3	Equine, All	3			100.00						
<b>PART D – FORAGE INFORMATION DROUGHT</b>											
21. Livestock Number	22. Pasture Type – Owned or Cash Leased Land (Drought Affected)				23. Acres	COC USE ONLY			24. Carrying Capacity	25. Adjusted Acres	
1,2,3	Native Pasture				1,000.00				10.0		
1,2,3	Annual Ryegrass				500.00				4.0		
<b>PART E – PASTURE INFORMATION</b>											
26. Livestock Number	27. Pasture Type – AUM/AU Leased Land (Drought Affected)				28. Animal Units	COC USE ONLY			29. Adjusted Animal Units		

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## 830 Livestock Eligibility (Continued)

## L Water Transporting Eligibility (Continued)

To be eligible to receive ELAP benefits for water transporting, the producer **must** meet all of the following:

- meet the definition of an eligible producer as defined in paragraph 816
- suffers losses resulting from additional cost of transporting water to eligible livestock:
  - as defined in subparagraph A, during the eligible drought
  - that were grazing eligible grazing lands:
    - defined in subparagraph F
    - that had adequate livestock watering systems or facilities **before** the eligible adverse weather or eligible loss condition occurred
    - to which the producer is **not** normally required to transport water
  - that were grazing eligible grazing types as defined in subparagraph E during the normal grazing period.
- transporting water to eligible livestock to fill tanks or troughs located in a county designated on the Drought Monitor as a D3 or greater in any area of the county on or after October 1, 2013.

**Note:** Transporting water to fill earthen structures is **not** eligible under ELAP.

**Important:** The National Office will notify State and County Offices of counties eligible for losses resulting from the additional cost of transporting water by posting a list of eligible counties, by State, by pasture type, every Thursday at <http://fsaintranet.sc.egov.usda.gov/ffas/farbill/ccc/> under “LFP Eligible Counties”, as provided in subparagraph 411 B. The column titled “D3 a Qualifying Date” on the LFP Eligible Counties Report provides the beginning dates of the D3 drought occurring at any time during the normal grazing period.

**830 Livestock Eligibility (Continued)****M Documentation of Water Transporting**

Producers will have to show documentation that water was transported during the eligible drought to eligible livestock that are on eligible grazing land. Documentation must include the method used to transport water (personal labor/equipment, hired labor/rented equipment, or contracted water transportation service), the number of gallons of water transported and the number of eligible livestock the water was transported to. Acceptable documentation will include verifiable or reliable documentation.

Verifiable records include records provided by the producer who may be verified by COC through an independent source and are used to substantiate the amount of water transported. Verifiable records include but are not limited to the following:

- water bills/invoices
- hired labor receipts for transporting water
- contract receipts for transporting water.

Reliable records may be considered acceptable, as determined by COC. Reliable records may include but are not limited to the following:

- contemporaneous records
- producer diaries
- calendars.