

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

**Livestock Forage Disaster Program
1-LFP**

Amendment 6

Approved by: Acting Deputy Administrator, Farm Programs



Amendment Transmittal

A Reasons for Amendment

Subparagraphs 1 B, 21 B, 24 A, 58 C, and 87 E have been amended to update all 5-PL references to 6-PL.

Paragraph 6 has been amended to provide updated guidance for electronically submitting requests for equitable relief, finality, or other requests requiring a response from DAFP or SND on the DAFP Correspondence SharePoint site.

Subparagraph 21 D has been amended to update sequestration rate information.

Subparagraph 22 C has been amended to:

- clarify that an approved CCC-853 that is revised after the program deadline is a late-filed application
- document that DAFP delegated authority to STC to act on 2021 late-filed LFP applications only.

Subparagraph 23 B has been amended to update:

- the link to the report of eligible counties on the LFP SharePoint site
- references to 2-LFP.

Subparagraph 25 A has been amended to:

- clarify livestock current year inventory on the beginning date of the qualifying drought
- provide an example on eligible livestock maintained as part of a commercial operation.

Subparagraph 25 B has been amended to:

- clarify eligibility of mitigated livestock
- update the definition of systemic drought.

Amendment Transmittal (Continued)

A Reasons for Amendment (Continued)

Subparagraph 26 D has been amended to:

- clarify that acreage enrolled in conservation programs that have grazing restrictions during the normal grazing period, volunteer acreage, and acreage reported with an intended use of any other use but grazing (Gz) are ineligible grazing land
- update the example for clarity.

Subparagraph 27 A has been amended to clarify the required annual review of grazing periods and carrying capacities.

Subparagraph 27 C has been amended to provide a reference to Exhibit 7.

Subparagraph 56 A has been amended to clarify when the drought intensity factor increases during the normal grazing period.

Subparagraph 56 C has been amended to provide the daily AU feed rate, monthly value of forage, and payments rates for program year 2024.

Subparagraph 56 H has been added to provide guidance for using the LFP Payments for Same Covered Livestock Grazing in Multiple Counties Tool (LFP Multi County Tool) when a producer earns LFP benefits in multiple counties for the same covered livestock.

Subparagraph 56 I has been added to provide an example of the LFP Multi County Tool.

Subparagraph 87 C has been amended to clarify that applications revised after the program deadline are late-filed applications.

Subparagraph 87 F has been added to include policy when a producer withdraws an application.

Subparagraph 88 B has been amended to provide a reference to Exhibit 8.

Subparagraph 88 E has been amended to:

- provide clarity on recording and reporting DD reviews
- update the incorrect reference of ELAP to LFP.

Subparagraph 88 F has been amended to:

- provide that counties associated with each Service Center, if applicable, will be displayed on the DD review questionnaire
- update the example of the DD Program Review Questionnaire.

Amendment Transmittal (Continued)

A Reasons for Amendment (Continued)

Subparagraph 89 A, item 12 has been amended to clarify on the livestock current year inventory to report on the beginning date of the qualifying drought.

Exhibit 2 has been amended to:

- add the definition of aftermath for grazing purposes
- update the definition of systemic drought.

Exhibit 7 has been amended to update the instructions for accessing the CARS Crosswalk Tables.

Exhibit 8 has been added to provide an example of a Disapproved LFP Application Producer Notification Letter.

| Page Control Chart | | |
|---------------------------|--|---|
| TC | Text | Exhibit |
| 1, 2 | 1-1, 1-2 1-11 through 1-14 2-1, 2-2 2-5 through 2-14 2-19 through 2-22 2-37, 2-38 2-47, 2-48 2-125 through 2-128 2-135, 2-136 2-136.5 through 2.136.8 (add) 2-139 through 2-180 2-185 through 2-194 2-194.7, 2-194.8 2-195, 2-196 | 1, pages 1, 2 2, pages 1-4 page 5 7, pages 1, 2 8, page 1 (add) |

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Part 1 Basic Information**1 Overview****A Handbook Purpose**

This handbook has been issued to provide policy and procedure to State and County Offices for administering LFP implemented by DAFP, through SND for 2019 and subsequent crop years.

1-LDAP (Rev. 1) is **not** obsolete. State and County Offices will continue to use 1-LDAP (Rev. 1) to administer LFP for program years 2011 to 2018.

B Related Handbooks

Handbooks related to LFP include the following:

- 22-AO for program outreach guidance
- 1-APP for program appeals
- 32-AS for records management
- 1-CM for signatures, power-of-attorney, and name and address files
- 9-CM for common payment systems
- 10-CM for farm records and reconstitutions
- 2-CP for filing and revising acreage reports
- 6-CP for conservation compliance
- 7-CP for equitable relief and finality rule provisions
- 1-FI for processing payments initiated through NPS
- 58-FI for managing debts, receivables, and claims
- 61-FI for prompt payment information
- 63-FI for assignments and joint payments
- 64-FI for establishing and reporting receivables on NRRS
- 1-INFO for information policy and procedures

1 Overview (Continued)

B Related Handbooks (Continued)

- 2-INFO for providing information to the public
- 1-NAP for grazing periods, planting periods, and acres per animal unit (carrying capacities)
- 3-NAP for NCT on grazing periods, planting periods, and acres per animal unit (carrying capacities)
- 3-PL for updating subsidiary information in the web-based system
- *--6-PL for direct attribution, payment eligibility, payment limitation, and average--* adjusted gross income provisions.

C Source of Authority

LFP will be administered using funds from CCC, established under the 2014 Farm Bill, as amended.

The regulations for LFP are provided in 7 CFR Part 1416, Subparts A and C.

D Public Information

Follow instructions in 2-INFO for information about LFP.

E Modifying Provisions

Provisions in this handbook must **not** be revised without prior approval from the National Office. Any requests for revisions or amendments must be sent to the Livestock Forage Disaster Program Manager, through DAFP.

F Forms

Only forms, worksheets, applications, and other documents issued by the National Office will be used for implementing LFP.

Any document that collects data from a participant, regardless of whether the participant's signature is required:

- is subject to the Privacy Act and information collection procedures
- requires approval or clearance by the following applicable offices:
 - National Office program area
 - Farm Production and Conservation Business Center, MSD.

4 Unacceptable, Incorrect, or False Records and/or Certifications

A Reliance on Producer Records and Certifications

Livestock programs administered by DAFP require accurate information from producers. Producers **must** understand that failure to provide complete and accurate information and records could result in any or all of the following.

- An application for LFP assistance being disapproved, COC adjusted, or approved but ineligible for payment.
- The producer or producers being determined ineligible for LFP assistance for the year or multiple years.
- The producer or producers being liable under any civil or criminal fraud statute or any other statute or provision of law.

Note: See paragraph 5 for guidance on misrepresentation.

5 Misrepresentation

A Impact of Misrepresentation

[7 CFR 1416.7.] A person or legal entity who is determined to have misrepresented any fact affecting a program determination made in accordance with this part, or any other part that is applicable to this part, to receive benefits for which that person or legal entity would not otherwise be entitled, is ineligible for program payments under this part and must refund all such payments received, plus interest. The person or legal entity is ineligible and will also be denied program benefits under this part for the immediately subsequent period of at least 2 crop years, and up to 5 crop years. Interest will run from the date of the original disbursement by CCC.

For each year of ineligibility determined, a person or legal entity will refund to CCC all program payments, in accordance with 7 CFR 1416.11, received by such person or legal entity with respect to all applications under this part, as may be applicable, if the person or legal entity is determined to have knowingly misrepresented any fact affecting a program determination.

B Joint and Several Liability

All persons and legal entities with a financial interest in an operation or in an application for payment determined to have been paid incorrectly are jointly and severally liable for any refund, including related charges, that is determined to be due CCC for any reason.

6 Submitting Documents and Requests to the Washington, DC, National Office

A Overview

Where this handbook provides that a request or documentation be sent to DAFP, State Offices will submit the file electronically according to this paragraph.

Note: Requests for equitable relief or application of the finality rule for LFP applications for benefits are **not** subject to this paragraph and **must** be submitted according to 7-CP.

Responses to items sent electronically may be made electronically, by hard copy, or both.

B Electronically Submitting Requests

*--All requests for equitable relief, finality, or other requests seeking written decision, approval, or concurrence by DAFP or SND must be submitted using the DAFP Correspondence SharePoint site. Other requests include, but are not limited to, requests for an extension to a register deadline. The DAFP Correspondence SharePoint site can be accessed according to the following:

- from the Employee Central SharePoint site at <https://usdagcc.sharepoint.com/sites/fsa/SitePages/Home.aspx>, CLICK “Deputy Administrator for Farm Programs (DAFP)”
- from the Deputy Administrator Farm Programs Hub Site, CLICK “Deputy Administrator for Farm Programs (DAFP)”
- from the FPAC-FSA-DAFP page, CLICK “State and County Offices Information”
- CLICK “Correspondence Submission Form – STO ONLY”.--*

6 Submitting Documents and Requests to the Washington, DC, National Office

***--C Required Documents for DAFP Submissions**

The following **must** be included in the submission:

- a cover memo from STC, SED, or representative with a detailed written narrative explaining what is at issue and what is being sought
- a complete case file that contains **all** documents required by this handbook or other FSA directives; for example, CCC-853, CCC-855 or leases, FSA-321, FSA-578, producer's written request for relief, and other documents determining eligibility, as applicable
- COC and STC minutes documenting recommendation, concurrence, or approval, as applicable
- other information that may assist in processing the request.--*

* * *

***--7 Tolerance**

A Acreage Tolerance

LFP regulations **require** participants to accurately complete an acreage report for the grazing lands incurring losses for which assistance is being requested before completing CCC-853.

The tolerance provisions of 7 CFR Part 718 are **not** applicable to LFP. Under 7 CFR Part 1416.2, DAFP has established the following LFP policy for acreage tolerance.

Acreage tolerance means the number of acres that the reported acreage may differ from the determined acreage for all grazing acres the producer has certified as having a grazing loss because of drought or fire.

Acreage tolerance for LFP purposes is the larger of 1 acre or 5 percent of the total reported acreage, **not** to exceed 50 acres.

Note: Acreage tolerance only applies when determined crop acreage is **less** than reported crop acreage. The tolerance rule does not apply to forage reported in AUM's or livestock inventories reported on CCC-853.

LFP assistance is always provided based on the lesser of reported or determined forage crop acreage and eligibility for benefits is dependent upon the acreage discrepancy (determined acreage less than reported) being within established tolerance. Determined crop acreage may be determined based on measurement service, field visits, spot checks, or County Office reviews.

B Acreage Tolerance Calculation

Acreage tolerance will be calculated using all grazing acres the producer has certified on FSA-578 and then on CCC-853 as having a grazing loss. Use this table to calculate acreage tolerance.

| Step | Calculation |
|-------------|--|
| 1 | Add total reported acreage of all grazing acres the producer reported on FSA-578 and also certified as drought or fire affected on CCC-853. |
| 2 | Multiply total reported acreage in step 1 by 5 percent. The result of this calculation is 5 percent of reported crop acreage and with a minimum of 1.0 acre not to exceed 50.0 acres. |
| 3 | Subtract total determined acreage of grazing acres the producer certified as drought or fire affected as represented on FSA-578 and CCC-853 from the total reported acreage in step 1 to arrive at the difference between reported and determined acreage. |
| 4 | If the result of step 3 is greater than step 2, the reported acres exceed the acreage tolerance limitation. |

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Part 2 Policy and Payments

Section 1 Eligibility Provisions

21 General Information

A Purpose

This handbook provides instructions for administering LFP.

LFP pays eligible livestock owners and contract growers who are also producers of eligible grazed forage crop acreage who suffer grazing losses because of qualifying drought or fire. For drought, the loss **must** have occurred because of a qualifying drought during the normal grazing period for the county on land that is native or improved pastureland with permanent vegetative cover or is planted to a crop planted specifically for grazing for covered livestock. For fire, LFP provides payments for owners or contract growers grazing losses on rangeland managed by a Federal Agency if the eligible livestock is prohibited by the Federal Agency from grazing the normal permitted livestock on the managed rangeland because of a qualifying fire. The eligible grazing loss **must** occur within the same calendar year for which benefits are being requested.

B Payment Limitation, Attribution, and Substantive Change

--No person, legal entity (excluding general partnerships of joint ventures), or member of a-- joint venture or general partnership may receive, directly or indirectly, more than \$125,000 per program year under LFP. Payments are attributed to the 4th level of ownership in a legal entity business structure. Members, stockholders, or partners below the 4th level of ownership are ineligible for payment.

--The following rules apply according to 6-PL:--

- payment attribution (including common attribution)
- minor child
- substantive change.

--For more information, see 6-PL.--

C AGI Provisions

The statutory AGI limitation in 7 CFR Part 1400 relating to limits on AGI for persons, or legal entities, **excluding** joint ventures and general partnerships, apply to each applicant for LFP. Specifically, a person or legal entity with an AGI that exceeds \$900,000 will **not** be eligible for benefits under LFP.

21 General Information (Continued)

D Sequestration Reduction

The Balanced Budget and Emergency Deficit Control Act passed by Congress in 2011 requires USDA to implement reductions to LFP. In general, sequestration entails the permanent cancellation of budgetary resources by a uniform percentage. This uniform percentage reduction is applied to all programs, projects, and activities within a budget account.

LFP payments will have a sequestration percentage applied to the payment amount determined after all reductions have been applied. The sequestration percentage:

- amount is applied at the payment entity/producer level
- amount is not attributed to members
- amount is applied to the producer receiving the payment after the payment has been attributed for payment limitation purposes
- amount is reduced from the determined payment amount for the producer as the last step before sending the payment information to NPS
- percentage is determined based on the COC or designee approval date entered according to CCC-853, Part G
- *--rate is 5.7 percent until 2030 according to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.--*

Note: The sequestration percentages apply to the * * * year of the application **approval date** regardless of the program year of the application.

22 LFP Application Period (Continued)

C Late-Filed Provisions

COC and STC do not have authority to approve programmatic relief for late-filed CCC-853's. An approved CCC-853 that is revised after the program deadline is a late-filed application. A late-filed CCC-853 will be reviewed according to the following table.

Notes: Neither COC nor STC are under any obligation to recommend relief. COC is not required to submit cases to STC that COC believes do not warrant relief, nor is STC required to submit cases to DAFP that STC believes do not warrant relief. If relief is not recommended by either COC or STC, the late-file application will be disapproved, and the County Office will notify the participant in writing of the decision on the participant's request for late-filed CCC-853 with appropriate appeal rights according to 1-APP (based on the reviewing authority's decision that CCC-853 was late and that relief was not appropriate). Cases do not have to be submitted to STC or DAFP for disapproval of relief.

--DAFP delegated authority to STC to act upon late-filed 2021 LFP applications after the announcement of additional livestock disaster assistance through ELRP. This delegation of authority was applicable for LFP program year 2021 only.

| IF CCC-853 is submitted... | THEN... |
|---|--|
| after the deadline but it is not accompanied by a written request of the participant for late-filing | County Office will issue a letter to the participant explaining that FSA cannot process CCC-853 because it was filed after the deadline. The letter *--must advise the participant that the participant may, within 30 calendar--* days of the receipt of the letter advising that CCC-853 was filed late, file a written appeal with COC of the notification by County Office according to 1-APP. |
| after the application deadline and is either accompanied by a written request for late filing or the participant has filed a timely appeal of the county FSA office's notification that the application cannot be processed | <p>COC will review and make a determination of whether relief is appropriate and, if so, forward a recommendation to STC for final action. STC will review the participant's request and COC recommendation.</p> <p>Note: If the matter comes to COC by appeal, follow 1-APP for acknowledging and scheduling an appeal. Neither COC nor STC are under any obligation to recommend relief. COC or STC can disapprove CCC-853 and choose not to forward a recommendation for relief of approval of the late-filed CCC-853 to DAFP. STC will forward an appropriate recommendation to DAFP to grant programmatic relief according to paragraph 6.</p> <p>DAFP may:</p> <ul style="list-style-type: none"> • grant relief to approve the late-filed CCC-853 <p style="margin-left: 40px;">Note: The FSA representative will sign and date CCC-853 with the effective DAFP decision date.</p> <ul style="list-style-type: none"> • deny relief and disapprove CCC-853. <p>Note: State Offices will advise COC to notify the participant in writing that relief has been disapproved by DAFP. The letter must include appropriate appeal rights according to 1-APP.</p> |

23 Eligible Grazing Losses

A Eligible Grazing Losses Because of Drought

An eligible livestock producer may receive assistance under LFP for grazing losses a qualifying drought that occurred **during the grazing period in the calendar year for which benefits are being requested**. Grazing losses for the covered livestock **must** occur on land that is:

- native or improved pastureland with permanent vegetative cover
- planted to crops planted specifically for providing grazing for covered livestock such as:
 - small grains
 - forage sorghum
 - annual crabgrass, annual ryegrass, or mixed forage

Note: 7 CFR Part 1416.205(a)(2) specifically provides that corn stalks and grain sorghum stalks are **not** considered crops planted specifically for providing grazing for covered livestock.

- physically located in a county that is, during the normal grazing period for the specific type of grazing land or pastureland for the county, rated by the U.S. Drought Monitor as having any of the following:
 - D2 (severe drought) intensity in any area of the county for at least 8 consecutive weeks during the normal grazing period for the specific type of grazing land or pastureland for the county
 - D3 (extreme drought) intensity in any area of the county at any time during the normal grazing period for the specific type of grazing land or pastureland for the county

23 Eligible Grazing Losses (Continued)**A Eligible Grazing Losses Because of Drought (Continued)**

- D3 (extreme drought) intensity in any area of the county for:
 - at least 4 weeks during the normal grazing period (nonconsecutive weeks) for the specific type of grazing land or pastureland for the county
 - or is rated as having a D4 (exceptional drought) intensity in any area of the county at any time during the normal grazing period for the specific grazing land or pastureland for the county
- D4 (exceptional drought) intensity in any area of the county for at least 4 weeks during the normal grazing period (nonconsecutive weeks) for the specific type of grazing land or pastureland for the county.

Notes: The grazing losses that occur because of a qualifying drought **must** occur during the normal grazing period for the specific type of grazing land during the calendar year for which benefits are being requested. Whenever an intensity rating of D2, D3, or D4 occurs in any area of the county, the entire county is eligible under a qualifying drought and eligible livestock producers who certify a grazing loss are eligible for LFP.

--The "FSA Eligibility Tool" provided by the U.S. Drought Monitor located at <https://droughtmonitor.unl.edu/FSA/Home.aspx> can be used as a resource to verify county eligibility for LFP. The search criteria requires the start and ending dates of the specific grazing period by county and State.--

23 Eligible Grazing Losses (Continued)

B Determining Beginning Date of Qualifying Drought

The National Office receives drought data from the U.S. Drought Monitor on a weekly basis. The determination of the beginning date of a qualifying drought by pasture type is based on the start and ending dates of a D2, D3, or D4 drought intensity ratings on the U. S. Drought Monitor weekly report data. The U.S. Drought Monitor report is created weekly on Tuesdays, released on Thursdays, and is effective until the following Monday. For D2, D3b, and D4b qualifying drought, the start date of qualifying drought, for counting the duration of consecutive or non-consecutive weeks for eligibility purposes, is the later of either the Tuesday report date or the beginning date of the grazing period if it falls within that week's report. The end date is the required number of weeks from the start date for eligibility purposes, which is the date of qualifying drought. Since the duration requirement for D3a and D4a is 1 day, the date of qualifying drought is the later of either the beginning date of the week's qualifying report, or the first date of the grazing season, if it falls within that qualifying week's report. The date of qualifying drought as determined, must fall during the established grazing period for the county and pasture type.

The National Office will notify State and County Offices eligible for LFP by posting a list of eligible counties by pasture type every Thursday at

--<https://usdagcc.sharepoint.com/sites/FPAC-FSA-FPAC-FSA-LFPStateProgramSpecialists/LFP%20Eligibility%20Reports/Forms/AllItems.aspx> under--
“LFP Eligible Counties”.

The LFP Eligible Counties Report contains the following columns:

- State
- County
- Program Year
- Pasture Type
- D2 Qualifying Drought Start and End Dates (duration of 8 consecutive weeks)
- D3a Qualifying Drought Start and End Dates (duration of 1 day)
- D3b Qualifying Drought Start and End Dates (duration of 4 non-consecutive weeks)
- D4a Qualifying Drought Start and End Dates (duration of 1 day)
- D4b Qualifying Drought Start and End Dates (duration of 4 non-consecutive weeks)
- Date of Qualifying Drought
- Drought Factor
- Grazing Period Start and End Dates
- Maximum Eligible Payment Months
- Payment Factor.

Note: The report only contains counties that are eligible for 1 or more pasture types. If a county is **not** listed, that county is **not** eligible for any pasture types.

23 Eligible Grazing Losses (Continued)

B Determining Beginning Date of Qualifying Drought (Continued)

COC will use the County Eligibility Report found in the Livestock Forage Program Application software in the “Report” section of the main menu to determine the beginning date of each qualifying drought to determine the eligibility of covered livestock. See

--2-LFP for instructions on accessing the LFP Reports option.--

The beginning date of a qualifying drought is used to determine livestock eligibility, according to paragraph 25, and grazing land eligibility according to paragraph 26. The beginning date of a qualifying drought for a specific type of grazing land or pastureland is the earliest date of the following:

- the **last day** of the 8-consecutive-week period during the normal grazing period for the specific type of pasture that the county was rated D2 on the U.S. Drought Monitor

Example: Normal grazing period for native pasture in County A is April 1 through October 31. County A had a D2 drought intensity rating for 8 consecutive weeks for the period April 5 through May 30, 2019. The last day of the 8-week period that the county reached the D2 drought intensity rating was May 30, which is the beginning date of the qualifying drought.

- the **first day** that a county was rated a D3 or D4 on the U.S. Drought Monitor during the normal grazing period for the specific type of grazing land, during the normal grazing period for the specific type of grazing land.

Note: See subparagraph 56 A for drought intensity payment factors.

Example 1: Normal grazing period in County B for improved pasture is March 1 through September 1. County B was rated a D3 drought intensity rating on March 8. The beginning date of the qualifying drought for County B’s improved pasture type is March 8. County B continued with a D3 drought intensity rating on the March 15, April 12, and April 19 reports, 4 non-consecutive weeks. March 8 remains the beginning date of the qualifying drought; however, the county triggers for an additional payment factor from 3 to 4 because of the additional non-consecutive weeks of a D3 drought intensity rating.

Example 2: Normal grazing period in County B for improved pasture is January 1 through September 1. County B was rated a D4 on January 1. January 1 is the beginning date of the qualifying drought for County B’s improved pasture type.

23 Eligible Grazing Losses (Continued)

B Determining Beginning Date of Qualifying Drought (Continued)

Because of the different drought intensity factor criteria, the LFP eligible counties report may list multiple qualifying start dates for a county by pasture type. The beginning date of a qualifying drought is the **earliest** qualifying start date for that specific type of pasture.

| PASTURE_TYPE | D2_START | D2_END | D3A_STAR | D3A_END | D3B_STAF | D3B_END | D4A_STAF | D4A_END | D4B_STAR | D4B_END | DATE OF | FSA_STAT | FSA_COU |
|---------------------------|----------|----------|----------|---------|----------|----------|----------|---------|----------|---------|----------|----------|----------|
| LONG SEASON SMALL GRAINS | 20191119 | 20200113 | 20191105 | | 20191105 | 20200224 | 20200317 | | | | 20191105 | 48-TX | Jim Hogg |
| NATIVE PASTURE | | | 20200211 | | 20200211 | 20200309 | 20200317 | | | | 20200211 | 48-TX | Jim Hogg |
| FULL SEASON IMPROVED | | | 20200211 | | 20200211 | 20200309 | 20200317 | | | | 20200211 | 48-TX | Jim Hogg |
| SHORT SEASON SMALL GRAINS | 20191119 | 20200113 | 20191105 | | | | | | | | 20191105 | 48-TX | Jim Hogg |
| ANNUAL RYEGRASS | | | 20200211 | | 20200211 | 20200309 | 20200317 | | | | 20200211 | 48-TX | Jim Hogg |

Example: Jim Hogg County has a native pasture in D3 with a qualifying start date of February 11, 2020; a D3b qualifying start date of March 9, 2020; and a D4a qualifying start date of March 17, 2020. The earliest qualifying start date for native pasture is the D3a qualifying start date of February 11, 2020, and that is the date the county will use as the “beginning date of the qualifying drought” to determine livestock and grazing land eligibility.

In this example, Jim Hogg County has 5 different pasture types eligible for LFP with 2 different beginning dates of qualifying drought (November 5, 2019, and February 11, 2020). When completing CCC-853, livestock inventories may differ according to pasture types because of those differing dates of qualifying drought *--and must be reported accordingly on CCC-853. The use of different “Livestock Number” identification in Part C, item 10, according to paragraph 89 may be used to assign livestock to applicable forage, however the total livestock entered in Part C cannot exceed the total livestock inventory or mitigated livestock for the producer to ensure that the maximum payment amount from total livestock monthly feed costs is calculated correctly.--*

23 Eligible Grazing Losses (Continued)

B Determining Beginning Date of Qualifying Drought (Continued)

Note: See the County Eligibility Report found in the Livestock Forage Program Application software in the “Report” section of the Main Menu that identifies pasture type, *--disaster type, payment factor, and beginning date of drought. See 2-LFP for--* instructions on accessing the LFP Reports option.

| State: Texas County: Jim Hogg | | United States Department of Agriculture Farm Service Agency 2020 Livestock Forage Program County Eligibility Report | | Prepared Date:03/15/2020 Page:1 of 1 Records on Report: 5 |
|----------------------------------|---------------|--|---------------------------|---|
| Pasture Type | Disaster Type | Payment Type | Beginning Date of Drought | |
| Short Season | Drought | 3 Month | 11/05/2019 | |
| Annual | Drought | 3 Month | 02/11/2020 | |
| Long Season | Drought | 4 Month | 11/05/2019 | |
| Full Season | Drought | 4 Month | 02/11/2020 | |
| Native Pasture | Drought | 4 Month | 02/11/2020 | |

C Eligible Grazing Losses Because of Fire

An eligible livestock producer may receive assistance for grazing losses because of a qualifying fire only if both of the following apply, the:

- grazing losses occurred on rangeland that is managed by a Federal Agency
- eligible livestock producer is prohibited by the Federal Agency from grazing the normal permitted livestock on the managed rangeland because of a fire.

Note: The grazing losses that occur because of a qualifying fire on land managed by a Federal Agency **must** occur during the calendar year that benefits are being requested.

Example 1: A fire occurred on Federally managed rangeland on March 20, 2019, and the producer was prohibited from grazing the permitted number of livestock because of the fire. The grazing loss occurred during the 2019 calendar year. The producer would file a 2019 CCC-853 for grazing losses incurred for 2019.

23 Eligible Grazing Losses (Continued)

C Eligible Grazing Losses Because of Fire (Continued)

Example 2: A fire occurred on Federally managed rangeland on July 24, 2019, and the producer was prohibited from grazing the permitted number of livestock because of the fire. The producer was prohibited from grazing the rangeland beginning July 24, 2019, through December 31, 2019. The grazing loss occurred during the 2019 calendar year. The producer would file a 2019-year CCC-853 for grazing losses incurred for 2019. The producer is also prohibited from grazing the permitted number of livestock during the 2020 calendar year because of the July 24, 2019, fire. The producer would also be eligible to file a 2020-year CCC-853 for grazing losses incurred for 2020.

Note: A separate eligibility determination for all other LFP program requirements will need to be made by COC or delegate on the 2020 LFP application.

D Beginning Date of Qualifying Fire on Federally Managed Land

Although a local County Office and/or COC may have knowledge of a fire occurrence on Federally managed rangeland their respective county, COC's will request documentation from the Federal Agency that manages the rangeland to substantiate that a qualifying fire has occurred. The documentation provided by the Federal Agency, at a minimum, must include the following:

- location of fire
- cause of fire
- date the fire started
- date the livestock producers were prohibited from grazing their normal permitted livestock and/or whether their grazing days reduced because of the fire.

Based on the information provided by the Federal Agency, COC will use the information to determine the beginning date when the Federal Agency excluded the permitted livestock from grazing the rangeland managed by the Federal Agency.

Example: COC became aware of a fire that started on June 15. The Federal Agency notified the livestock producers on July 15 that the fire had burnt the allotment and their permitted livestock would have to be removed from the grazing land effective June 21. COC determined that the beginning date of the qualifying fire was June 21 since that was the day the permitted livestock were excluded from grazing on the Federally managed land.

23 Eligible Grazing Losses (Continued)

D Beginning Date of Qualifying Fire on Federally Managed Land (Continued)

County Offices must submit a request through their State Office to the National Office Livestock Assistance Program Manager requesting that the software be made available for accepting LFP applications for fire. The request must include the following information:

- name of county
- calendar year or years software needs to be made available for accepting applications
- documentation from the Federal Agency showing that a qualifying fire occurred, including the following:
 - location of fire
 - cause of fire
 - date fire started
 - date the livestock producers were prohibited from grazing their normal permitted livestock and/or whether their grazing days were reduced because of the fire.

24 Eligible Livestock Producers for LFP**A Definition of Eligible Producer**

[7 CFR 1416.3] Eligible producer means, in addition to other requirements as may apply, an individual or legal entity who is an owner, operator, landlord, tenant, or sharecropper, who shares in the risk of producing a crop or livestock and who is entitled to share in the crop or livestock available for marketing from the farm, or would have shared had the crop or livestock been produced, and who also meets the requirements below. The term eligible producer can include a livestock owner or contract grower who satisfies other requirements of this part, that is:

- **an individual or entity seeking to be an eligible producer under this part, must submit a farm operating plan in accordance with part 1400 of this chapter and be a:**
 - **Citizen of the United States;**
 - **Resident alien; for purposes of this part, resident alien means “lawful alien”;**
 - **Partnership of citizens of the United States;**
 - **Corporation, limited liability corporation, or other farm organizational structure organized under State law;**
 - **Indian tribe or tribal organization, as defined in section 4(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).**

--Note: For minor children, see 6-PL and 1-CM.--

25 Eligible Covered Livestock for LFP

A Eligible Covered Livestock

To be considered eligible covered livestock, livestock **must** meet **all** of the following conditions:

- be weaned grazing animals such as adult and nonadult beef cattle, adult and nonadult beefalo, adult and nonadult buffalo/bison, adult and nonadult dairy cattle, alpacas, deer, elk, emus, equine, goats, llamas, ostriches, reindeer, or sheep
- be livestock that would normally have been grazing the eligible grazing land or pastureland in the eligible county:
 - during the normal grazing period for the specific type of grazing land or pastureland for the eligible county during the qualifying drought

Note: Livestock that would **not** have normally been grazing the land in the eligible county will **not** be eligible to be included in the calculation for determining monthly feed cost. However, if the livestock would normally have been grazing the eligible grazing land but the producer had to move the livestock to another county for grazing, the livestock would be eligible to be included when calculating the monthly feed cost.

- when the Federal agency prohibited the eligible livestock producer from using the managed rangeland for grazing because of a qualifying fire
- be livestock that the eligible livestock producer:
 - during the 60 days before the beginning date of a qualifying drought or fire, owned, leased, purchased, entered into a contract to purchase, or was a contract grower

***--Important:** The number of livestock in inventory on the beginning date of the qualifying drought is the current year inventory entered on CCC-853, item 12.--*

- sold or otherwise disposed of because of a qualifying drought during:
 - the current production year
 - 1 or both of the 2 production years immediately preceding the current production year
- be livestock produced and maintained for commercial use or be livestock that is produced and maintained for producing livestock products for commercial use, such as milk from dairy, as part of the contract grower's or livestock producer's farming operation on the beginning date of the qualifying drought or fire

25 Eligible Covered Livestock for LFP (Continued)

A Eligible Covered Livestock (Continued)

- **not** have been livestock produced or maintained for reasons other than commercial use, as part of a farming operation including, but not limited to:
 - wild free roaming livestock
 - racing or wagering
 - hunting
 - consumption by the owner
- ***--Example:** Mike Jones owns 5 horses on the date of qualifying drought. Mr. Jones uses the horses for ranch work on his commercial livestock operation, but also uses them for pleasure riding and rodeo. Accordingly, since Mr. Jones does use the horses as part of his commercial livestock operation, Mr. Jones' 5 horses are considered eligible livestock.--*
- **not** have been produced or maintained for reasons other than commercial use as part of the producer's farming operation
- **not** have been livestock that were or would have been in a feedlot, on the beginning date of the qualifying drought or fire, as part of the normal business operation of the producer.

The eligible covered livestock categories are:

- Adult beef cows or bulls
- Non-adult beef cattle
- Adult beefalo cows or bulls
- Non-adult beefalo
- Adult buffalo or bison cows or bulls (includes water buffalo)
- Non-adult buffalo or bison (includes water buffalo)
- Adult dairy cows or bulls
- Non-adult dairy cattle
- Alpacas
- Deer
- Elk
- Emu
- Equine
- Goats
- Llamas
- Reindeer
- Sheep
- Ostrich (effective program year 2022 and subsequent years).

Note: Unweaned non-adult beef cattle, beefalo, buffalo, bison, or dairy cattle are not considered grazing animals as defined and are not eligible for LFP.

25 Eligible Covered Livestock for LFP (Continued)

B Eligible Mitigated Livestock

Eligible mitigated livestock are livestock of an eligible livestock producer that would normally have been grazing the eligible grazing land or pastureland in the qualifying drought county during the normal grazing period, and meets **at least 1** of the following:

- were sold during the 60 calendar days before the beginning date of a qualifying drought *--because of drought (current year mitigated livestock)
- were sold **before** the 60 calendar days before the beginning date of the qualify drought because of drought and meet **all** of the following:
 - the county was rated as having a qualifying drought according to paragraph 23 in the program year immediately preceding the current program year
 - the county was suffering a systemic drought, as defined, from the previous calendar year
 - during the week the livestock were sold, the county had a U.S. Drought Monitor rating of D2 or greater
 - livestock were sold in 1 of the following years:
 - current program year (current year mitigated livestock)
 - 1 year immediately preceding the current program year (prior year mitigated livestock)
 - 2 years immediatly preceding the current program year (prior year mitigated livestock).

Note: The livestock kind/type/weight class at the time of sale is the same category of covered mitigated livestock used for LFP application purposes. Sales of unweaned livestock are not considered eligible mitigated livestock.

Systemic drought means the U.S. Drought Monitor indicates that a D1 or greater drought condition is continuous from the end of the previous program year grazing period.--*

Current year mitigated livestock means livestock that are sold or disposed of during the current program year.

25 Eligible Covered Livestock for LFP (Continued)**B Eligible Mitigated Livestock (Continued)**

Prior year mitigated livestock means livestock that are sold or disposed of during the prior program year or 2 program years immediately preceding the current program year.

Note: Livestock sold because of fire are not considered mitigated livestock.

Example 1: Livestock Sold (Part of Normal Business Operation)

Producer Sam has a cow/calf operation in County A which he derives income from the sale of stockers. The stockers are normally born in February and are weaned when they reach 500 pounds. The stockers are then placed on long season small grain grazing land in County A to graze during the normal grazing period (November 15 to May 15). Producer Sam's normal practice is to sell the stockers to the feedlot on approximately May 15.

County A met the D2 for 8 consecutive weeks on March 29, 2019. Producer Sam sold the stockers on March 15, 2019, 2 months earlier than normal during the current production cycle, because of the severity of drought conditions. The stockers would be considered current year mitigated livestock. However, they will not be considered mitigated livestock in future program years because the stockers would not have been eligible covered livestock that would normally have been grazing eligible grazing land in future product years.

26 Eligible Grazing Land for LFP (Continued)

D Ineligible Grazing Land (Continued)

- *--acreage enrolled in WRP or other conservation program that has grazing restrictions during the normal grazing period--*
- irrigated pastures or crop acreage
- acreage intended for grain, such as corn and grain sorghum, where the stalks or aftermath is grazed

Note: 7 CFR Part 1416.205(a)(2) specifically provides that corn stalks and grain sorghum stalks are **not** considered crops planted specifically for the purpose of providing grazing for covered livestock.

- seeded small grain crops or sorghum forage crops that are planted after the final planting date for the planting period
- first year seeded biennial or perennial forage crop
- double cropped acreage combinations not approved by STC according to 2-CP
- cover crops
- *--grazing land leased on an AUM-only basis, when the lessee incurs no additional expense for pasture maintenance, wells, fences, etc.
- volunteer acreage as defined in 2-CP
- acreage reported on FSA-578 with an intended use of any other use but grazing (Gz), according to 2-CP--*
- grazing land that is leased under any of the following conditions:
 - basis of weight gain
 - cost per head, per day or per month.

*--**Example:** Livestock Owner A has a lease agreement with Producer B under which Livestock Owner A pays \$.30 per day for 100 yearlings grazed on Producer B's pasture. Livestock Owner A pays **only** for the number of days the 100 yearlings graze; therefore, Livestock Owner A is not at risk as a forage crop producer on this leased acreage. Livestock Owner A's land leased under this arrangement is **ineligible** acreage for LFP.--*

26 Eligible Grazing Land for LFP (Continued)

E Lease Agreements

COC or CED, if delegated, will review all acreage leases, including CCC-855's to determine whether:

- the lease conveys control, however limited, to the lessee
- lessee is at risk of a loss of production of forage on the grazing land or pastureland crop acreage for which benefits are being requested for LFP.

Notes: If the lease prohibits the sublease of the land, the sublessee associated to the sublease will be ineligible for LFP benefits on that acreage.

The determination of eligible crop acreage share and risk in the acreage must be *--the same for all other FSA and RMA program purposes, including but not limited to ARC/PLC, NAP, ELAP, and PRF.--*

Eligibility determinations must be documented in the COC minutes. These include things such as that cash leased grazing land or pastureland that meets the eligibility criteria for leased grazing land or pastureland under LFP. In cases where a CED, if delegated, makes a determination of crop acreage share and risk in the grazing land and pastureland may result in an adverse determination, the CED must obtain concurrence from COC.

The name of the lessee on the lease must reflect the name of the applicant requesting benefits on CCC-853 for the leased land.

Acreage leases and rental agreements for Private, 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.

If a lease (considered a combination lease) provides for a guaranteed amount per month and a share of the crop or crop proceeds, the agreement will be considered a cash lease.

Note: Some grazed forage leases on a cost-per-head-per-month basis are combination leases where the tenant is responsible for expenses, such as fence maintenance and repair, maintenance of property and wells, windmills, stock tanks, and materials and labor to rebuild handling facilities, and conducting controlled burns or mechanical control of cedar trees and other shrubs, etc., which is tantamount to a guaranteed amount of lease. The risk of the expenses under leases of this type, whether actually incurred or not, is the same as a guaranteed minimum and the arrangement is viewed as a cash lease, whether or not the lease also provides for a share to the landlord or not.

27 Normal Grazing Periods for LFP (Continued)

A Establishing Normal Grazing Periods and Carrying Capacities for LFP (Continued)

- acres per animal unit, grazing days, and final harvest date (grazing period ending date) are loaded in the NCT for the applicable crop according to 3-NAP
- loaded into the LFP Normal Grazing Period Table
- *--document review of normal grazing periods and carrying capacities in the STC minutes.

An annual review of normal grazing periods and carrying capacities must be completed along with NAP according to 1-NAP (Rev. 2), subparagraph 277 F. The review must be thoroughly documented in the STC minutes. Any recommended changes by STC must be submitted to DAFP for consideration according to 1-NAP (Rev. 2), subparagraph 277 F.--*

B Establishing Both Warm and Cool Season Grazing Periods for LFP

STC's may seek approval from DAFP to establish **both** warm and cool season grazing periods. Before a State can establish both warm and cool season grazing periods, DAFP approval must be obtained.

Note: The establishment of both **warm and cool season** grazing periods:

- does **not require** the grazing periods to be equal in length of time
- combined **will not** exceed 12 months
- **cannot** result in an overlap of the grazing periods.

27 Normal Grazing Periods for LFP (Continued)

C Eligible Grazing Types

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

- full season improved pasture with permanent vegetative cover (nonirrigated)
- native pasture with permanent vegetative cover (nonirrigated)
- full season improved mixed forage planted specifically for providing grazing for covered livestock (nonirrigated)
- warm season improved pasture with permanent vegetative cover (nonirrigated)
- cool season improved pasture with permanent vegetative cover (nonirrigated)
- short season small grain crops planted specifically for the purpose of providing grazing for covered livestock (nonirrigated)
- short season spring small grains planted specifically for the purpose of providing grazing for covered livestock (nonirrigated)
- short season fall/winter small grains 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)
- annual crabgrass planted specifically for the purpose of providing grazing for covered livestock (nonirrigated)
- forage sorghum crops planted specifically for the purpose of providing grazing for covered livestock (nonirrigated).

***--Note:** The LFP software provides a list of crops and crop types that are grouped into each pasture type. Instructions for viewing these groups in the LFP software's CARS Crosswalk can be found in Exhibit 7.--*

Section 2 Payment Rates, Limitations, and Reductions

56 Drought Payment Calculation

A General Payment Information

An eligible livestock producer will be eligible to receive LFP payments for grazing losses because of a qualifying drought equal to a factor of 1, 3, 4, or 5 times the monthly payment rate calculated according to subparagraph B.

To be eligible to receive a factor of:

- 1-month payment, that is a payment equal to the monthly feed cost as determined according to subparagraph B, the eligible livestock producer **must** own or lease grazing land or pastureland that is physically located in a county that is rated a D2 severe drought (intensity) in any area of the county for at least 8 consecutive weeks during the normal grazing period for the specific type of grazing land or pastureland in the county
- 3-month payment, that is a payment equal to 3 times the monthly feed cost as determined according to subparagraph B, the eligible livestock producer **must** own or lease grazing land or pastureland that is physically located in a county that is rated at least a D3 (extreme drought) intensity in any area of the county at any time during the normal grazing period for the specific type of grazing land or pastureland for the county
- 4-month payment, that is a payment equal to 4 times the monthly feed cost as determined under subparagraph B, the eligible livestock producer **must** own or lease grazing land or pastureland that is physically located in a county that is rated a D3 (extreme drought) intensity in any area of the county for at least 4 weeks during the normal grazing period for the specific type of grazing land or pastureland for the county or is rated a D4 (exceptional drought) intensity in any area of the county at any time during the normal grazing period for the specific type of grazing land or pastureland for the county
- 5-month payment, that is a payment equal to 5 times the monthly feed cost as determined under subparagraph B, the eligible livestock producer **must** own or lease grazing land or pastureland that is physically located in a county that is rated a D4 (exceptional drought) intensity in any area of the county for at least 4 weeks during the normal grazing period for the specific type of grazing land or pastureland for the county.

***--Note:** During the established normal grazing period, the drought intensity may increase. Producers with an approved CCC-853 may then be eligible for an increased payment factor not to exceed the maximum payment amount for the eligible livestock. The payment software will automatically calculate the additional payment amount and send it to NPS if the drought intensity factor increases for a county.--*

56 Drought Payment Calculation (Continued)

B LFP Monthly Payment Rate

The monthly payment rate will be equal to 60 percent of the **lesser of** either of the following:

- the monthly feed cost for all weaned covered livestock owned or leased by the eligible livestock producer
- the monthly feed cost calculated by using the normal carrying capacity of the eligible grazing land of the eligible livestock producer.

In the case of an eligible weaned livestock producer that sold or otherwise disposed of covered livestock because of drought conditions in 1 or both of the 2 previous production years, the payment rate will be equal to 80 percent of the monthly payment rate. See subparagraph 25 B for eligible mitigated livestock.

C Monthly Feed Cost Payment Rates for Covered Livestock

The monthly feed cost for covered livestock is based, in part, on the number of pounds of corn equivalent per head, as established by FSA, determined necessary to provide the energy requirements for the specific kind/type of livestock for 30 calendar days.

The AU daily feed rate and monthly forage value determined according to **7 CFR 1416.207** is the following.

| Year | Daily AU Feed Rate | Monthly Value of Forage |
|-------------|---------------------------|--------------------------------|
| 2019 | \$0.9781 | \$29.34 |
| 2020 | \$1.0629 | \$31.89 |
| 2021 | \$1.0393 | \$31.18 |
| 2022 | \$1.5763 | \$47.29 |
| 2023 | \$1.9374 | \$58.12 |
| *--2024 | \$1.7521 | \$52.56--* |

56 Drought Payment Calculation (Continued)

C Monthly Feed Cost Payment Rates for Covered Livestock (Continued)

The following provides the monthly payment rate per head by covered livestock category. See Exhibit 6 for the Standard AU Conversion Chart.

| Kind of Livestock | Type | Weight Range | Payment Rate Per Head | | | | | |
|-------------------|----------|----------------------|-----------------------|---------|---------|----------|----------|------------|
| | | | 2019 | 2020 | 2021 | 2022 | 2023 | *--2024 |
| Beef | Adult | Cows and Bulls | \$29.34 | \$31.89 | \$31.18 | \$47.29 | \$58.12 | \$52.56 |
| | Nonadult | 500 pounds or more | \$22.01 | \$23.92 | \$23.38 | \$35.47 | \$43.59 | \$39.42 |
| | Nonadult | Less than 500 pounds | \$14.67 | \$15.94 | \$15.59 | \$23.64 | \$29.06 | \$26.28 |
| Dairy | Adult | Cows and Bulls | \$76.29 | \$82.91 | \$81.07 | \$122.95 | \$151.12 | \$136.66 |
| | Nonadult | 500 pounds or more | \$22.01 | \$23.92 | \$23.38 | \$35.47 | \$43.59 | \$39.42 |
| | Nonadult | Less than 500 pounds | \$14.67 | \$15.94 | \$15.59 | \$23.64 | \$29.06 | \$26.28 |
| Beefalo | Adult | Cows and Bulls | \$29.34 | \$31.89 | \$31.18 | \$47.29 | \$58.12 | \$52.56 |
| | Nonadult | 500 pounds or more | \$22.01 | \$23.92 | \$23.38 | \$35.47 | \$43.59 | \$39.42 |
| | Nonadult | Less than 500 pounds | \$14.67 | \$15.94 | \$15.59 | \$23.64 | \$29.06 | \$26.28 |
| Buffalo/ Bison | Adult | Cows and Bulls | \$29.34 | \$31.89 | \$31.18 | \$47.29 | \$58.12 | \$52.56 |
| | Nonadult | 500 pounds or more | \$22.01 | \$23.92 | \$23.38 | \$35.47 | \$43.59 | \$39.42 |
| | Nonadult | Less than 500 pounds | \$14.67 | \$15.94 | \$15.59 | \$23.64 | \$29.06 | \$26.28 |
| Sheep | All | | \$7.34 | \$7.97 | \$7.79 | \$11.82 | \$14.53 | \$13.14 |
| Goats | All | | \$7.34 | \$7.97 | \$7.79 | \$11.82 | \$14.53 | \$13.14 |
| Deer | All | | \$7.34 | \$7.97 | \$7.79 | \$11.82 | \$14.53 | \$13.14 |
| Equine | All | | \$21.71 | \$23.60 | \$23.07 | \$34.99 | \$43.01 | \$38.90 |
| Elk | All | | \$15.85 | \$17.22 | \$16.84 | \$25.54 | \$31.39 | \$28.39 |
| Reindeer | All | | \$6.46 | \$7.02 | \$6.87 | \$10.42 | \$12.80 | \$11.56 |
| Alpacas | All | | \$24.17 | \$26.27 | \$25.68 | \$38.95 | \$47.88 | \$11.56 |
| Emus | All | | \$15.02 | \$16.32 | \$15.96 | \$24.20 | \$29.75 | \$26.90 |
| Llamas | All | | \$10.71 | \$11.64 | \$11.38 | \$17.26 | \$21.21 | \$19.18 |
| Ostrich | All | | | | | \$26.01 | \$31.97 | \$28.91--* |

Note: A grazing animal is defined as those species of livestock that, from a nutritional and physiological perspective, are weaned and satisfy more than 50 percent of their net energy requirement through the consumption of forage grasses and legumes, regardless of whether they are grazing or are present on grazing land or pastureland. Unweaned livestock are not considered a grazing animal and are ineligible for LFP.

The monthly feed cost for covered livestock will be calculated by multiplying the monthly payment rate per head, from the table, times the number of eligible covered livestock.

56 Drought Payment Calculation (Continued)**D Example of Monthly Payment Rate Calculation**

The LFP monthly payment rate for losses because of qualifying drought are calculated at 60 percent of the lesser of step 1 or step 2 below as follows:

Step 1: The monthly feed cost for all covered livestock calculated by multiplying the monthly feed cost payment rate for each specific kind, type and weight range from the table in subparagraph C, times the number of head of eligible covered livestock for each specific kind/type and weight range of livestock and totaling the result.

Example: Participant has 100 head of adult beef cows that suffer a grazing loss during 2019, because of a qualifying drought. The monthly feed cost for the 100 head of adult beef cows equals the monthly payment rate from the table in subparagraph C times the number of head of eligible covered livestock.

100 head adult beef cattle x \$29.34 (monthly payment rate per head) =
\$2,934 (monthly feed cost payment rate for adult beef cattle).

56 Drought Payment Calculation (Continued)

G Adjusting LFP Payments for Same Covered Livestock Grazing in Multiple Counties (Continued)

| Step | Action |
|------|--|
| 7 | <p>To adjust an eligible livestock producer’s LFP payment for the same covered livestock by kind, type, and weight range manually and enter the LFP payment adjustment *--amount on CCC-853, item 43. Load the LFP payment adjustment amount,--* according to paragraph 140, in the web-based software in the Producer Summary Screen, “Other Compensation” field. Go to step 8.</p> <p>Note: The entry of the “Other Compensation” field is not required before a producer’s signature, nor does it require a producer to re-sign CCC-853.</p> <p>Example John Rancher received a payment of \$5,281 on 100 head of adult beef cows grazing native pasture in Colusa County in 2019. He filed a 2019 CCC-853 in Moduc County for 100 adult beef cows that are grazing native pasture at a different time during the year. All of the 100 head of adult beef cows grazing in Colusa County earned a payment of \$5,281. Moduc County was rated D3 drought intensity for 1 day during the normal grazing period for native pasture. ECPR, Part E for John Rancher in Moduc County displays a total net calculated payment amount for the 100 head of adult beef cows of \$5,281.</p> <p>John Rancher’s LFP payment in Moduc County must be adjusted for the 100 head of adult beef cows by an amount equal to \$1,760, because the producer’s same covered livestock received \$5,281 in Colusa County as follows:</p> <p>*--\$1,760 will be manually entered in CCC-853, item 43 and loaded in the--* web-based software on the Producer Summary Screen in the “Other Compensation” field for John Rancher’s 2019 LFP application in Moduc County.</p> <p>\$5,281 - \$1,760 (LFP payment adjustment amount) = \$3,521 LFP payment to be issued in Moduc County.</p> |
| 8 | <p>Print CCC-853 and either have the producer review the document for accuracy, sign, and date or attached the new CCC-853 to the previously signed CCC-853. Enter producer’s signature date in CCC-853 software according to paragraph 140. LFP payment software will automatically process the payment.</p> |

56 Drought Payment Calculation (Continued)

G Adjusting LFP Payments for Same Covered Livestock Grazing in Multiple Counties (Continued)

Example: Sam Sneed's 200 head of adult beef cows grazed on native pasture in Harney County from June 1 through September 15, 2019. Harney County was rated a D3 drought intensity on July 15, 2019.

Sam had 100 head of adult beef cows which grazed in Malheur County from January 1 through May 31, 2019, in which Sam was paid \$7,042 from a factor of 4 monthly payments. Sam stated the 100 head of adult beef cows in Malheur County were the same livestock which he had grazing in Harney County.

ECPR, Part E shows that Malheur County, for Sam Sneed, used a drought intensity factor of 4 to calculate the total net calculated payment amount on the 100 head of adult beef cows of \$7,042.

$\$8,802$ (maximum payment amount for 100 head) - $\$7,042$ (monthly payment issued in Malheur County) = $\$1,760$ (payment remaining for the 100 head in Harney County).

When comparing the payment remaining to be issued to the payment calculated to be paid on the 100 head of adult beef cows in Harney County for Sam Sneed, they eligible livestock producers' calculated payment amount must be adjusted for the producer's payment in the amount of \$3,521. The \$3,521 must be entered into the "Other Compensation" (CCC-853, item 43) on the producer's application for Harney County.

***--H LFP Payments for Same Covered Livestock Grazing in Multiple Counties Tool Instructions**

The LFP Payments for Same Covered Livestock Grazing in Multiple Counties Tool, or commonly referred to as the LFP Multi County Tool, was developed to assist County Offices with correctly calculating the maximum benefits a producer can receive for the same livestock grazing in multiple counties. The LFP software currently does not limit a producer's payments if multiple applications are filed for the same livestock grazing in multiple counties, which results in reductions needing to be calculated and entered on LFP applications that are not the initial application paid.

The LFP Multi County Tool can be found on the LFP SharePoint site at <https://usdagcc.sharepoint.com/sites/FPAC-FSA-FPAC-FSA-LFPStateProgramSpecialists/SitePages/Home.aspx>.--*

56 Drought Payment Calculation (Continued)

***--H LFP Payments for Same Covered Livestock Grazing in Multiple Counties Tool Instructions (Continued)**

The following are instructions to complete the LFP Multi County Tool.

| Item | Name | Description |
|------|--|--|
| 1 | State | Use the drop-down menu to enter the State completing the tool. |
| 2 | County | Use the drop-down menu to enter the county completing the tool. |
| 3 | Program Year | Use the drop-down menu to enter the program year. |
| 4 | Producer Name | Enter the producer's name. |
| 5 | Difference | The tool will display the difference between items 26 and 27. |
| 6 | Same Covered Livestock Combination | Text only. |
| 6A | Combination Reason | Text only. These items are what will be entered in item 20. |
| 6B | Current Year, Current Year Mitigated, Prior Year Mitigated | Use the drop-down menu to indicate if the livestock are current year, current year mitigated, or prior year mitigated. |
| 6C | Number of Same Covered Livestock | Enter the inventory of total livestock impacted for validation purposes. Example: If a producer has 100 head of adult cows and 50 head of greater than 500-pound nonadult cattle, enter "150". |
| 6D | Number of Counties Impacted | Enter the number of counties that are impacted for the same covered livestock combination. |
| 6E | Description | Enter a description to identify item 6A. Example: Adults cows grazed in Worth and Cerro Gordo. |
| 6F | Validation Message | The worksheet will display a message if the numbers in item 6C do not match what was entered in items 19 and 20. |
| 7 | State – County | The worksheet will display the State and county for applications that may need adjustment. |
| 8 | Total Gross LFP Payment | The worksheet will display the total gross LFP payment from the data in items 11 through 21 for each county. |
| 9 | Adjustment | Enter the amount of the adjustment for the applicable county's reductions that apply. |
| 10 | Adjusted Gross LFP Payment | The worksheet will display the difference between items 8 and 9. |
| | Message Box | A message will display if additional or fewer adjustments must be made. |

--*

56 Drought Payment Calculation (Continued)

*--H LFP Payments for Same Covered Livestock Grazing in Multiple Counties Tool
Instructions (Continued)

| Item | Name | Description |
|------|--|---|
| 11 | State Name | Use the drop-down menu to enter the State for which the application is created. |
| 12 | County Name | Use the drop-down menu to enter the county for which the application is created. |
| 13 | Livestock Kind/Type | Use the drop-down menu to enter the livestock kind and type. Note: All livestock on the application, including mitigated, must be loaded for the calculator to function properly. |
| 14 | Current Year, Current Year Mitigated, Prior Year Mitigated | Use the drop-down menu to indicate if the inventory is current year inventory, current year mitigated, or prior year mitigated. |
| 15 | Inventory from Application | Enter the inventory for the applicable livestock kind and type from the application. |
| 16 | Share | Enter the share for the applicable inventory from the application. |
| 17 | Payment Factor | Enter the drought intensity factor for the application. |
| 18 | Total Gross LFP Payment from ECPR | Enter the total gross LFP payment from the ECPR of the applicable application. |
| 19 | Same Covered Livestock Inventory | Enter the number of livestock that are covered in multiple counties. |
| 20 | Combination Reason from Above | Enter the applicable combination reason letter (A, B, C, etc.) that matched the combination reason from item 6A. |
| 21 | Comments | If validations exist, such as missing shares or missing inventory from the application, a warning message will display. |
| 22 | Livestock Kind/Type Impacted | The calculator will display the livestock kind and type for livestock identified in item 19. |
| 23 | Number of Livestock | The calculator will display the number of livestock impacted based on item 6D. If the numbers between items 6D and 19 do not calculate properly, the combination reason letter (A, B, C, etc.) will display stating they are not fully accounted. |
| 24 | Current Year, Current Year Mitigated, Prior Year Mitigated | The calculator will display if the livestock are current year, current year mitigated, or prior year mitigated for the livestock group. |
| 25 | Combination Reason | The calculator will display the description from item 6E. The combination reason letter will display if the calculator does not calculate properly for the livestock. |
| 26 | Total Paid for Livestock | The calculator will display the sum of the total payment amount for the livestock that were impacted in item 19 based on AU. |

--*

58 General Payment Information

A Assignments and Offsets

For LFP, County Offices will:

- accept assignments according to 63-FI
- apply offsets according to 58-FI.

B Issuing Payments to Deceased Individuals, Closed Estates, and Dissolved Entities

For LFP, County Offices will process payments to deceased individuals, closed estates, and dissolved entities according to 1-CM.

C Payment Eligibility Requirements

Producers with qualifying livestock and qualifying losses must also meet payment limitation and payment eligibility criteria to be considered eligible for program benefits. The following must be on file before a payment will be issued:

- *--current CCC-902 on file for the participant on CCC-853 according to 6-PL
- CCC-901 on file for legal entities according to 6-PL
- CCC-903 on file for the person or legal entity according to 6-PL--*
- **not** be in violation of fraud provisions, including FCIC fraud provisions, according to 1-CM and 3-PL (Rev. 1)
- compliance with:
 - *--average AGI provisions according to 6-PL
 - controlled substance provisions according to 1-CM
 - substantive change provisions according to 6-PL.

County Offices will record determinations for the applicable criteria in the web-based eligibility system according to 6-PL.--*

58 General Payment Information (Continued)**D Conservation Compliance Provisions**

AD-1026 applicable to the year for which LFP benefits are requested **must** be on file for the participant according to 6-CP.

If AD-1026 applicable for the year for which LFP benefits are requested is:

- already on file for the participant, and affiliates, if applicable, it is **not** necessary to obtain a new AD-1026 for LFP
- **not** on file for the participant, and affiliates, if applicable, County Office will obtain a completed AD-1026 applicable to the year for which LFP benefits are requested.

If a new AD-1026 is required to be filed, payments may be issued to eligible participants upon signing in AD-1026, item 10. It is **not** necessary to withhold payments pending NRCS HEL or WC determinations. The continuous certification statement on AD-1026 requires participants to refund program payments if an NRCS determination results in the discovery of a HELC/WC violation.

E Prevention of Improper Payments

IPIA requires Federal agencies to evaluate programs to determine whether internal controls are sufficient to prevent improper payments. County Offices must take all steps necessary to ensure that program and payment eligibility requirements have been met before issuing any payments.

F Definition of Improper Payment

Improper payment, as defined by OMB, means any payment that should **not** have been issued or was issued in an incorrect amount under statutory, contractual, administrative, or other legally applicable requirement.

59-86 (Reserved)

87 Applying for Benefits (Continued)

B Signing and Certifying CCC-853

--When signing CCC-853, item 44A, the producer is:--

- applying for LFP benefits based on the eligible grazed forage crop acreage previously reported according to 2-CP for the participant listed on CCC-853, item 6
- certifying **all** of the following:
 - information provided on CCC-853 is true and correct
 - livestock claimed on CCC-853 are eligible livestock according to paragraph 24
 - that during the 60 days before the beginning date of the qualifying drought and/or fire condition, the participant owned, leased, purchased, entered into a contract to purchase, or is a contract grower of the eligible livestock, and/or sold livestock because of a qualifying drought condition(s), and that these livestock were either grazing or would be grazing the participant's eligible pastureland and/or rangeland during the grazing period

***--Note:** Producer is to only apply for benefits on the animals that were owned, leased, or contracted that were grazing or were intended for grazing during the grazing period for the calendar year that benefits are being applied for.

- if producer has applied for LFP benefits on the same livestock in any other County--* Office location, and if applicable, report the county and State location, and the number of livestock kind, type, and weight range on other LFP application(s)
- all supporting documentation provided are true and correct copies of the transaction reported
- that an eligible grazing loss occurred because of a qualifying drought or fire on Federally managed grazing land for which the producer was prohibited from grazing the normal permitted livestock on the Federally managed rangeland
- physical location and date of qualifying fire condition, if applicable
- the names of all other producers that have an interest in the claimed livestock, including their share

87 Applying for Benefits (Continued)

B Signing and Certifying CCC-853 (Continued)

- authorizing FSA officials to:
 - enter upon, inspect, and verify all applicable livestock and acreage in which the participant has an interest for confirming the accuracy of the information provided
 - review, verify, and authenticate all information provided on CCC-853 and supporting documents
 - contact other agencies, organizations, or facilities to verify data provided by a participant from such agencies, organizations, or facilities
- acknowledging that:
 - failure to provide information requested by FSA is cause for disapproval of CCC-853
 - providing a false certification to FSA is cause for disapproval of CCC-853, and is punishable by imprisonment, fines, and other penalties.

Note: Participants who receive assistance **must** keep records and supporting documentation for 3 years following the end of the year in which CCC-853 for payment was filed.

C Signature Requirements

All participants' signatures **must** be received by no later than 30 calendar days after the end *--of the calendar year in which the grazing loss occurred. Applications that are revised after the program deadline are considered late-filed and must follow late-filed procedure.--*

Note: If the 30th calendar day after the end of the calendar year in which the grazing loss occurred falls on a day the County Office is not open for business during normal work hours, then all participants' signatures on CCC-853 must be received no later than the next workday.

STC or COC do **not** have authority to approve late-filed CCC-853.

See 1-CM for signature requirements.

Note: All participants' signatures must be obtained on both manual and automated CCC-853's, if applicable.

87 Applying for Benefits (Continued)

D Printing and Reviewing CCC-853

After all information is entered into the automated system, County Offices will:

- print an automated CCC-853
- if a manual CCC-853 was submitted:
 - attach the manual CCC-853 to the automated CCC-853
 - conduct a second party review of all data on the automated CCC-853 to ensure that all data is loaded correctly.

Important: The individual conducting the second party review must:

- **not** be the same individual who entered the data into the automated system
- initial and date automated CCC-853 to indicate second party review has been completed.

Note: Manual CCC-853's shall only be taken if the automated LFP application software system is **not** operational or available at the time of application. DD shall conduct second party reviews for all manual CCC-853's to ensure that manual CCC-853's are loaded in the automated system within 5 workdays from the date the participant signs.

87 Applying for Benefits (Continued)

E Supporting Documents

All supporting documents **must** be completed by the participant and on file in the County Office before CCC-853 may be acted on.

The participant **must** provide the following supporting documentation to the County Office by no later than 30 calendar days after the end of the calendar year for which benefits are requested:

- report of acreage for the grazing land incurring losses filed by the applicable crops final reporting date or the report of acreage is determined acceptable under late-filed provisions according to 2-CP

Notes: Acreage and/or AUM's must be recorded and certified in CARS according to 2-CP for the producer's forage data to be interfaced into the LFP application software system. State, Federal, tribal permits, and/or leases in AUM's or acres must be recorded in CARS accordingly.

FSA-578, intended use must **not** be revised after the crop's acreage reporting date according to 2-CP.

- evidence that grazing land is owned or leased

Note: If the 30th calendar day after the end of the calendar year for which benefits are requested falls on a day the County Office is not open for business during normal work hours, then all participants must provide the supporting documentation to the County Office no later than the next workday.

- copy of contract grower contracts
- evidence that participant is prohibited by the Federal Agency from grazing the normal permitted livestock on the managed rangeland because of a fire.

Additional supporting documents including, but **not** limited to, the following **must** be completed by the participant and be on file in the County Office before a payment can be issued:

- AD-1026, according to 6-CP
- *--CCC-901, if applicable according to 6-PL
- CCC-902, according to 6-PL

Note: A CCC-903 COC determination must also be completed according to 6-PL.

- CCC-941, or other acceptable document according to 6-PL to determine compliance--* with average AGI provisions.

87 Applying for Benefits (Continued)***--F Withdrawing Applications**

If a producer requests to withdraw their LFP application, the producer must request this in writing. The withdrawal request must be attached to the producer's application, and the signature date must be removed from the application in the LFP software. The removal of the signature date in the LFP software will return the application to "Initiated" status according to 2-LFP.--*

88 Acting on CCC-853's**A Approving CCC-853's**

COC or CED, if delegated **must** act on **all** completed and signed CCC-853's submitted.

Important: DD review of initial CCC-853's **must** be completed according to subparagraph D before CCC-853's may be approved or disapproved.

CCC-853 must be approved or disapproved as certified by the participant. When more than 1 type of livestock is claimed, CCC-853 must be approved or disapproved based on all livestock claimed. However, COC does have authority to make adjustments to information reported on CCC-853 when documentation warrants making adjustments.

Example: Jim Brown files CCC-853 that includes 100 adult beef cows reported in item 14. COC has documentation that only 98 adult beef cows meet eligibility requirements as eligible covered livestock in inventory on the beginning date of the qualifying drought. In this case, on CCC-853, COC can enter "98" in item 18 for adult beef cows and then approve CCC-853 for the 98 eligible adult beef cows. Jim Brown would be provided appeal rights according to 1-APP for the 2 adult beef cows **not** used in the calculation of LFP benefits.

88 Acting on CCC-853's (Continued)

A Approving CCC-853's (Continued)

Before approving CCC-853, COC or CED, if delegated **must**:

- ensure that **all** program eligibility requirements are met
- be satisfied with **all** the following:
 - livestock claimed are eligible livestock according to paragraph 25
 - all forage information entered on the application meets eligibility requirements according to paragraph 26
 - participant is an eligible livestock producer according to paragraph 24
 - reasonableness of the number and type of livestock claimed
 - all signature requirements are met.

Note: See subparagraph B when:

- COC questions any data provided by participant
- disapproving CCC-853.

If all program eligibility requirements are met, COC has determined that the information on CCC-853 is accurate and all supporting documentation has been received, COC or delegate will approve CCC-853 and thoroughly document approval in the COC minutes.

B COC Adjusting or Disapproving CCC-853's

COC or CED, if delegated **must** act on all completed and signed CCC-853's submitted.

Important: DD review of initial CCC-853's **must** be completed according to subparagraph D before CCC-853's may be approved or disapproved.

CCC-853 must be approved or disapproved as certified by the participant. When more than 1 type of livestock is claimed, CCC-853 must be approved or disapproved based on all livestock claimed. However, COC does have authority to adjust certain information reported on CCC-853 when documentation warrants making adjustments.

Example: Jim Brown files CCC-853 that includes 100 adult beef cows reported in item 14. COC has documentation that only 98 adult beef cows meet eligibility requirements as eligible covered livestock in inventory on the beginning date of the qualifying drought. In this case, on CCC-853, COC can enter "98" in item 18, for adult beef cows and then approve CCC-853 for the 98 eligible adult beef cows. Jim Brown would be provided appeal rights according to 1-APP for the 2 adult beef cows **not** used in the calculation of LFP benefits.

88 Acting on CCC-853's (Continued)

B COC Adjusting or Disapproving CCC-853's (Continued)

If it is determined that any information provided on CCC-853 is **not** reasonable or is questionable, including but not limited to current year inventory, additional verifiable documentation or evidence must be requested from the participant, in writing, to support the data provided. Other agencies, organizations, or facilities may also be contacted to verify information provided by participants or in limited cases on farm visits may be required to verify information.

Important: See subparagraph C when contacting other agencies, organizations, or facilities to verify information provided by participants.

Exception: COC's will **not** require tax records; however, participant may voluntarily provide tax records.

If all program eligibility requirements are **not** met or it is determined that the information on CCC-853 or any additional supporting documentation provided by participant, is **not** accurate or reasonable, then the following actions will be taken by COC:

- adjust or disapprove CCC-853
- notify participant of the adjustment or disapproval
- provide participant applicable appeal rights according to 1-APP
- thoroughly document reason for the adjustment or disapproval in COC minutes.

Note: See:

- subparagraph 22 C for late-filed provisions
- paragraph 4 for unacceptable, incorrect, or false records and certifications
- paragraph 5 for misrepresentation
- *--Exhibit 8 for an example of an adverse determination letter.--*

88 Acting on CCC-853's (Continued)

C Verifying Data With Other Agencies, Organizations, or Facilities

When contacting agencies, organizations, or facilities to verify data provided by a participant, the County Office must be specific in the information requested. The request should include, but is **not** limited to, the following:

- participant's name and address
- animal kind and type
- why the request is being made
- what information is being requested.

D DD Review of Initial CCC-853's

DD's must review the first five CCC-853's submitted, for both qualifying drought conditions and fire conditions, in each Service Center before approval or disapproval. The review will ensure that:

- separate CCC-853's are submitted by participant and physical location County Office
- signature requirements, including power of attorney, are met
- no State or County Office developed forms, worksheets, applications, or other documents are being used to obtain or collect the data required from participants
- all program eligibility determinations have been properly completed and documented
- all supporting documentation has been received
- supporting data required for payment eligibility is properly completed and on file; such as AD-1026, CCC-901, CCC-902, CCC-941, and accurate subsidiary and SCIMS data
- payment calculations are correct and payment eligibility is met.

Note: DD's must document review on CCC-770 LFP for each CCC-853.

DD's must perform a follow up review after approval/disapproval by COC to ensure that the determination was adequately documented in COC minutes for:

- approvals, see subparagraphs 26 E and 28 A
- disapprovals, see subparagraph 88 B.

A DD review of the initial CCC-853's and supporting documentation submitted is critical to ensuring that LFP is being administered according to the procedures provided in this handbook and the regulations in 7 CFR Part 1416, Subparts A and C.

88 Acting on CCC-853's (Continued)

D DD Review of Initial CCC-853's (Continued)

Reviewing the initial CCC-853's and supporting documentation in a timely manner:

- identifies possible weaknesses in the administration of LFP that may be resolved by additional training, clarified procedures, modified software, or require the County Office to complete CCC-770 LFP for each CCC-853 filed before payment is issued
- prevents numerous participants from being impacted by erroneous LFP administration
- allows corrections to be made in a timely manner before erroneous payments are issued.

E Recording/Reporting DD Reviews

Within 10 workdays of completing the applicable review, DD's must provide a written report to SED describing the review findings, including a list of errors discovered and the overall status of the implementation of LFP in the County Office.

FSA's reporting mechanism for program year 2023 and subsequent years is easily accessible and provides the information needed for the required reviews. The reporting mechanism uses *--the Internal Control Reviews SharePoint site, which allows SED's, DD's, SND, and--* DAFP to review the progress and results of the required reporting. It also allows SND to use the information to provide internal review reporting.

A questionnaire on the Internal Control Reviews SharePoint site must be completed by DD's or delegate. This questionnaire includes standardized questions for DD's to provide data that allows SED's and SND to collect data for the State and national levels. This data also provides SED with the required information to qualify as a written report to meet the requirements.

Note: The questionnaire should be submitted once all applicable required reviews for each Service Center are completed.

*--All reviews must be completed and recorded on the SharePoint site by the later of May 1 or 90 calendar days after the first date of designated drought for the county each program year of implementing LFP. The National Office will review reports of all DD reviews completed, including those determined incomplete. These reviews will allow the National Office to do the following:

- identify common findings
- provide a process to review LFP policy--*
- assist the State Offices with addressing common findings in their state, including steps to reduce errors.

88 Acting on CCC-853’s (Continued)

F Accessing and Using the Internal Control Reviews SharePoint

The **Internal Control Reviews SharePoint** site for required reporting is located at https://usdagcc.sharepoint.com/sites/fsa-dafp/Internal_Control_Reviews?e=1%3A020f17a56ff1425a9791d6167bcb2f21.

Note: County Office employees will **not** have access to this SharePoint site.

The Internal Control Reviews SharePoint site contains the following links:

- Program Contacts
- DD Program Review Questionnaire
- DD Program Review Reports.

Note: The Internal Control Reviews SharePoint site will be updated to include multiple program reviews in addition to LFP.

The **DD Program Review Questionnaire** will be used for all applicable programs that include DD review requirements. Standardized questions will display for each program. Any findings should be reported to the selected programs.

Once all the required reviews are complete for the Service Center, the following are the items and the action steps needed for the DD or delegate to complete the LFP questionnaire.

| Item | Action |
|---------------------------------------|--|
| State and District Information | |
| State | Select the State from the drop-down menu. |
| District | Select the applicable district number for the applications reviewed from the drop-down menu. |
| Service Center | Select the Service Center name for the applications reviewed from the drop-down menu. |
| *--Counties | The counties associated with the Service Center will be displayed.--* |
| Name of Reviewer | Using the search, find the representative that completed the review(s). Note: This may be DD, acting DD, or someone delegated to complete the required DD review of the applications in this Service Center. |
| State Executive Director Name | This entry populates automatically with the SED name for the State selected. Note: This field is not locked and may be updated if SED has changed or its incorrect. |

88 Acting on CCC-853's (Continued)

F Accessing and Using the Internal Control Reviews SharePoint (Continued)

The following is an example of the DD Program Review Questionnaire.

*--

District Director Review Tracking

District Directors are to complete this form after they have completed all required program reviews for each Service Center. Do not complete and submit this form until all reviews for the Service Center are complete.

State and District Information

| | | | |
|---|---|--|--|
| State <input type="text" value="-"/> | District # <input type="text" value="-"/> | Service Center <input type="text"/> | County(ies) <input type="text" value="-"/> |
| Name of Reviewer <input type="text" value="Find items"/> | State Executive Director Name <input type="text"/> | State Executive Director Email <input type="text"/> | Executive Officer Name <input type="text"/> |
| Executive Officer Email <input type="text"/> | Administrative Officer Name <input type="text"/> | Administrative Officer Email <input type="text"/> | Program Chief <input type="text" value="Find items"/> |

Program Review Details

| | | |
|---------------------------------|--------------------------------------|--|
| Program <input type="text"/> | Program Year <input type="text"/> | Did the review indicate any concerns or findings in the administration of the program? <input type="text"/> |
|---------------------------------|--------------------------------------|--|

What was the corrective action(s) taken?

I certify that all reviews are done for this Service Center:

Date Completed All Reviews

Additional DD Comments
Use the field below to add additional comments.

Attachments
Include all completed CCC-770s for these reviews in the attachment field below.

There is nothing attached.

Attach file

--*

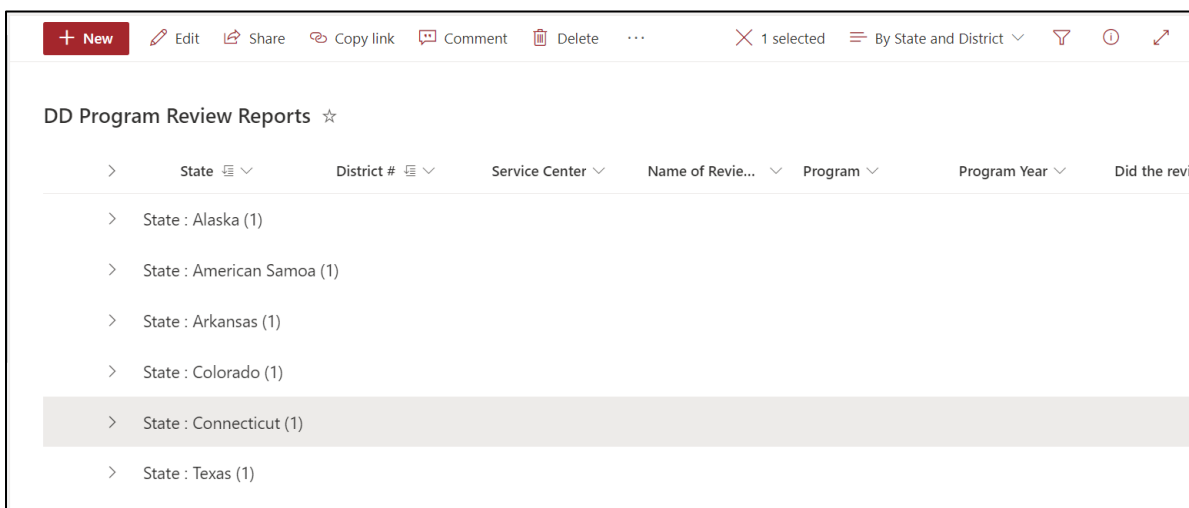
88 Acting on CCC-853's (Continued)

***-F Accessing and Using the Internal Control Reviews SharePoint (Continued)**

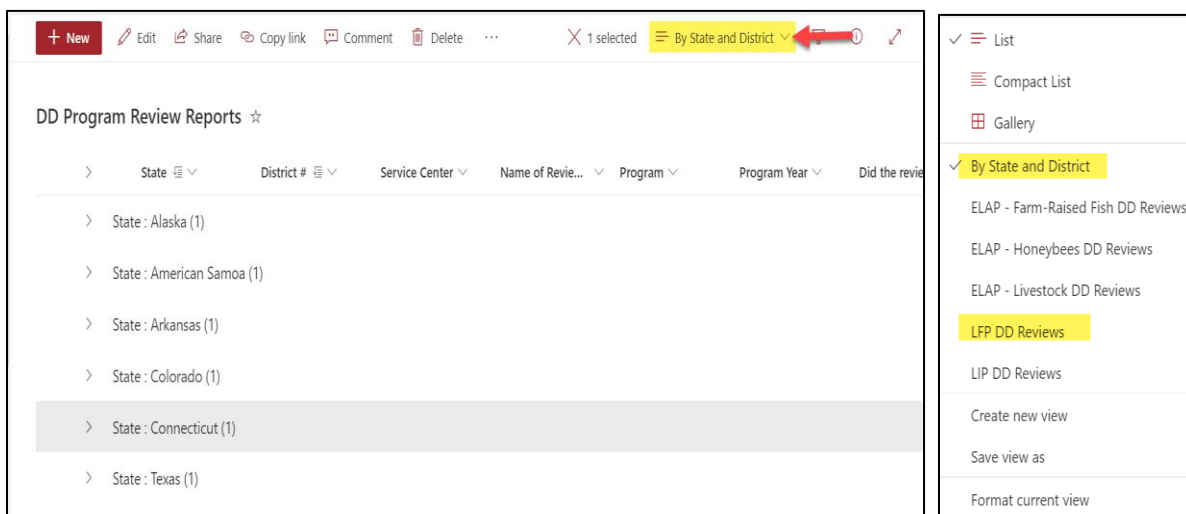
The “**DD Program Review Reports**” will allow anyone with access to the Internal Control Reviews SharePoint to monitor and review the completed questionnaires. There are several different views created within the reports link. The following are examples of report views created by the National Office that are applicable to LFP:

- By State and District (default)
- LFP DD Reviews.

The following is an example of the DD Program Review Reports on the default page “By State and District”.



The following is a screenshot of how to access the different views.



--*

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

A Completing Manual CCC-853 (Continued)

| Item | Instruction |
|--------------------------------------|--|
| Part B - Disaster Information | |
| 8 | <p>Check (✓) appropriate box or boxes to indicate the type of qualifying disaster conditions causing the grazing loss. Indicate whether the grazing loss is a result of drought, fire, or both. If:</p> <ul style="list-style-type: none"> •*--fire is checked, go to item 9 • drought is checked, go to item 10.--* <p>Note: A producer cannot receive assistance for grazing losses because of drought and fire on the same acres.</p> |
| 9 | <p>Enter date and location of the qualifying fire conditions that occurred on Federal managed rangelands only, for which the producer is prohibited by the Federal Agency from grazing the normal permitted livestock covered by the Federal lease. Leave item 8 blank if fire was not selected as a qualifying grazing loss condition in *--item 8.</p> <p>Each date and location of a qualifying fire condition will be sequentially numbered, starting with 1. This will be used to identify the fire event numbers, by occurrence in Part E, item 32.--*</p> |
| * * * | * * * |

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

A Completing Manual CCC-853 (Continued)

| Item | Instruction |
|---|--|
| Part C - Livestock Information Drought | |
| 10 | <p>Enter sequential corresponding number to be associated to each livestock kind, type, and weight range to be entered in item 11 will be assigned by the automated system.</p> <p>Example: <u>Item 10</u> <u>Item 11</u></p> <p style="padding-left: 40px;">1 Adult Beef Cows 2 Nonadult Beef Cattle > 500 lbs. 3 Sheep</p> <p>Note: An entry is only required in this field for those livestock that are or would have been grazing the drought affected pasture or grazing land. This entry can be used to assign specific livestock kind/type/weight class to specific forage in Part C; however, livestock inventories should not be duplicated and exceed total livestock inventory or mitigated livestock for the producer to ensure that the maximum payment amount from total livestock monthly feed costs is calculated correctly.</p> |
| 11 | <p>Enter covered livestock by kind, type, and weight range that were owned/leased by the producer or that the producer was a contract grower of during the 60 calendar days before the beginning date of the applicable qualifying drought.</p> <p>Note: Livestock kind, type, and weight range can be obtained from the local FSA office or LFP Fact Sheet available at http://disaster.fsa.usda.gov.</p> |
| 12 | <p>Enter number of covered livestock owned/leased by the producer or that the producer was a contract grower of that was in inventory 60 calendar days before the beginning date of the applicable qualifying drought.</p> <p>*--Important: The number of livestock in inventory on the beginning date of the qualifying drought is the current year inventory entered in this item.--*</p> |
| 13 | <p>Enter number of covered livestock that were sold or otherwise disposed of because of a qualifying drought condition during the current production year.</p> <p>Note: The current production year is defined as the calendar year in which the grazing loss occurred for which benefits are being requested.</p> <p>Example: The normal grazing period for the specific type of grazing land (native pasture) is May 1 through October 1, 2020. The D2 designation occurred on August 17, 2020. The qualifying 8 consecutive week drought condition occurred August 17, 2020. The producer sold 48 head of livestock on July 17, 2020, because of drought conditions. The 48 head of livestock were sold within the current calendar year, because of the qualifying drought condition, would be considered mitigated livestock in the current production year. The 48 head of livestock would be entered in item 13.</p> |

Reports, Forms, Abbreviations, and Delegations of Authority

Reports

None.

Forms

This table lists all forms referenced in this handbook.

| Number | Title | Display Reference | Reference |
|---------------|--|--------------------------|---------------------------------|
| AD-1026 | Highly Erodible Land Conservation (HELIC) and Wetland Conservation (WC) Certification | | 58, 87, 88 |
| CCC-770 LFP | Livestock Forage Disaster Program (LFP) Checklist | 91 | 88 |
| CCC-853 | Livestock Forage Disaster Program Application | 89 | Text, Ex. 2 |
| CCC-853-1 | Estimated Livestock Forage Disaster Program Payment Calculation Worksheet | 90 | |
| CCC-855 | Annual Lease Agreement Certification Statement | 28 | 2, 6, 22, 26 |
| CCC-901 | Members Information | | 58, 87, 88 |
| CCC-902 | Farm Operating Plan | | 58, 87, 88 |
| CCC-903 | Worksheet for Payment Eligibility and Payment Limitation Determinations | | 58, 87 |
| CCC-941 | Average Adjusted Gross Income (AGI) Certification and Consent to Disclosure of Tax Information | | 87, 88 |
| FSA-321 | Finality Rule and Equitable Relief | | 6 |
| FSA-578 | Report of Acreage | | 2, 6, 7, 22, 24, 25, 26, 87, 89 |

Reports, Forms, Abbreviations, and Redelegations of Authority (Continued)

Abbreviations Not Listed in 1-CM

The following abbreviations are not listed in 1-CM.

| Approved Abbreviation | Term | Reference |
|-----------------------|---|-----------------------|
| 2014 Farm Bill | Agricultural Act of 2014 (Pub. L. 113-79) | 1 |
| AU | animal unit | Text, Ex. 6 |
| AUD | animal unit day | 57, 90 |
| AUM | animal unit month | Text |
| CARS | Crop Acreage Reporting System | 26, 27, 87, 89, Ex. 7 |
| ECPR | Estimated Calculated Payment Report | 56 |
| IPIA | Improper Payments Information Act of 2002 | 2, 58 |
| PRF | Pasture, Rangeland, Forage | 26 |
| PRF/AF | Pasture, Rangeland, Forage/Annual Forage | 21 |
| RI-PRF | Rainfall Index-Pasture, Rangeland, Forage | 21 |
| SND | Safety Net Division | 1, 6, 88 |

Re delegations of Authority

COC may delegate authority to CED’s to approve only routine CCC-853’s with supporting documentation.

Important: CED’s will **not** be delegated authority to disapprove any CCC-853.

Definitions of Terms Used in This Handbook

Acreage Tolerance

Acreage tolerance means the number of acres that the reported acreage may differ from the determined acreage for all grazing acres the producer has certified as having a grazing loss because of drought or fire.

Adult Beef Bull

Adult beef bull means a male beef bovine animal that was at least 2 years old and used for breeding purposes on or before the beginning date of a qualifying drought or fire.

Adult Beef Cow

Adult beef cow means a female beef breed bovine animal that had delivered 1 or more offspring. A first-time bred beef heifer will also be considered an adult beef cow if it was pregnant on or before the beginning date of a qualifying drought or fire.

Adult Beefalo Bull

Adult beefalo bull means a male hybrid of beef and bison that was at least 2 years old and used for breeding purposes before the beginning date of a qualifying drought or fire.

Adult Beefalo Cow

Adult beefalo cow means a female hybrid of beef and bison that had delivered 1 or more offspring before dying. A first-time bred beefalo heifer will also be considered an adult beefalo cow if it was pregnant on or before the beginning date of a qualifying drought or fire.

Adult Buffalo/Bison Bull

--Adult buffalo/bison bull means a male animal of those breeds, including water buffalo, that-- was at least 2 years old and used for breeding purposes on or before the beginning date of a qualifying drought or fire.

Adult Buffalo/Bison Cow

--Adult buffalo/bison cow means a female animal of those breeds, including water buffalo, that-- had delivered 1 or more offspring. A first-time bred buffalo/bison heifer will also be considered an adult buffalo/bison cow if it was pregnant on or before the beginning date of a qualifying drought or fire.

Adult Dairy Bull

Adult dairy bull means a male dairy breed bovine animal at least 2 years old used primarily for breeding dairy cows on or before the beginning date of a qualifying drought or fire.

Definitions of Terms Used in This Handbook (Continued)**Adult Dairy Cow**

Adult dairy cow means a female dairy breed bovine animal used for the purpose of providing milk for human consumption that had delivered one or more offspring. A first time bred dairy heifer will also be considered an adult dairy cow if it was pregnant on or before the beginning date of a qualifying drought or fire.

***--Aftermath**

Aftermath means the crop residue after mechanical harvest that may be consumed by livestock, such as but not limited to cornstalks, wheat stubble, or dormant alfalfa.--*

Agricultural Operation

Agricultural operation means a farming operation.

Application

Application means CCC-853.

Commercial Use

Commercial use means used in the operation of a business activity engaged in as a means of livelihood for profit by the eligible livestock producer.

Contract

Contract means, with respect to contracts for the handling of livestock, a written agreement between a livestock owner and another individual or entity setting the specific terms, conditions, and obligations of the parties involved regarding the production of livestock or livestock products.

Contract Grower

Contract grower means a person or legal entity, other than a feedlot, that was engaged in a farming operation not as an owner of covered livestock but in a business whose income is dependent on the actual weight gain of the livestock or number of offspring produced from the livestock.

Covered Livestock

Covered livestock means livestock of an eligible livestock producer that, at any time during the 60 calendar days before the beginning date of a qualifying drought or fire as determined by the Secretary, the eligible livestock producer:

- owned, leased, purchased, or entered into a contract to purchase
- is a contract grower

Definitions of Terms Used in This Handbook (Continued)

Covered Livestock (Continued)

- sold or otherwise disposed of because of qualifying drought conditions during the current production year
- sold or otherwise disposed of because of drought conditions in 1 or both of the 2 production years immediately preceding the current production year. Notwithstanding the foregoing portions of this definition, covered livestock for “contract growers” will **not** include livestock in feedlots.

Current Year Mitigated Livestock

Current year mitigated livestock means livestock that are sold or disposed of during the current program year.

Equine Animal

Equine animal means a weaned domesticated horse, mule, or donkey.

Farming Operation

Farming operation means a business enterprise engaged in producing agricultural products.

Federal Agency

Federal Agency means, with respect to the control of grazing land, an agency of the Federal Government that manages rangeland on which livestock is generally permitted to graze. For the purposes of LFP, it includes, but is **not** limited to:

- BIA
- BLM
- FS.

Goat

Goat means a weaned domesticated, ruminant mammal of the genus Capra, including Angora goats.

Grazing Animals

Grazing animals mean those species of livestock that, from a nutritional and physiological perspective, satisfy more than 50 percent of their net energy requirement through the consumption of growing forage grasses and legumes. Species of livestock for which more than 50 percent of their net energy requirements are not recommended to be met from consumption of forage grasses and legumes, such as poultry and swine, are excluded regardless of whether those species are grazing or are present on grazing land or pastureland.

Definitions of Terms Used in This Handbook (Continued)**Nonadult Beef Cattle**

Nonadult beef cattle means a weaned beef breed bovine animal that on or before the beginning date of a qualifying drought or fire does **not** meet the definition of adult beef cow or bull.

Nonadult Beefalo

Nonadult beefalo means a weaned animal hybrid of beef and bison that or before the beginning date of a qualifying drought or fire does not meet the definition of a beefalo cow or bull.

Nonadult Buffalo/Bison

--Nonadult buffalo/bison means a weaned animal of those breeds, including water buffalo, that-- on or before the beginning date of a qualifying drought or fire does **not** meet the definition of adult buffalo/bison cow or bull.

Nonadult Dairy Cattle

Nonadult dairy cattle means a weaned bovine animal, of a breed used for providing milk for human consumption, that on or before the beginning date of a qualifying drought or fire, does **not** meet the definition of adult dairy cow or bull.

Normal Carrying Capacity

Normal carrying capacity means, with respect to each type of grazing land or pastureland in a county, the normal carrying capacity that would be expected from the grazing land or pastureland for livestock during the normal grazing period in the county, in the absence of a drought or fire that diminishes the production of the grazing land or pastureland.

Normal Grazing Period

Normal grazing period means, with respect to a county, the normal grazing period during the calendar year with respect to each specific type of grazing land or pastureland in the county served by the applicable COC.

Owner

Owner means 1 who had legal ownership of the livestock for which benefits are being requested during the 60 calendar days before the beginning of a qualifying drought or fire.

Definitions of Terms Used in This Handbook (Continued)

Prior Year Mitigated Livestock

Prior year mitigated livestock means livestock that are sold or disposed of during the prior program year or 2 program years immediately preceding the current program year.

Sheep

Sheep means a weaned domesticated, ruminant mammal of the genus Ovis.

Systemic Drought

--Systemic drought means the U.S. Drought Monitor indicates that a D1 or greater drought condition is continuous from the end of the previous program year grazing season.--

U.S. Drought Monitor

U.S. Drought Monitor is a system for classifying drought severity according to a range of abnormally dry to exceptional drought. It is a collaborative effort between Federal and academic partners, produced on a weekly basis, to synthesize multiple indices, outlooks, and drought impacts on a map and in narrative form. This synthesis of indices is reported by the National Mitigation Center at <http://droughtmonitor.unl.edu>.

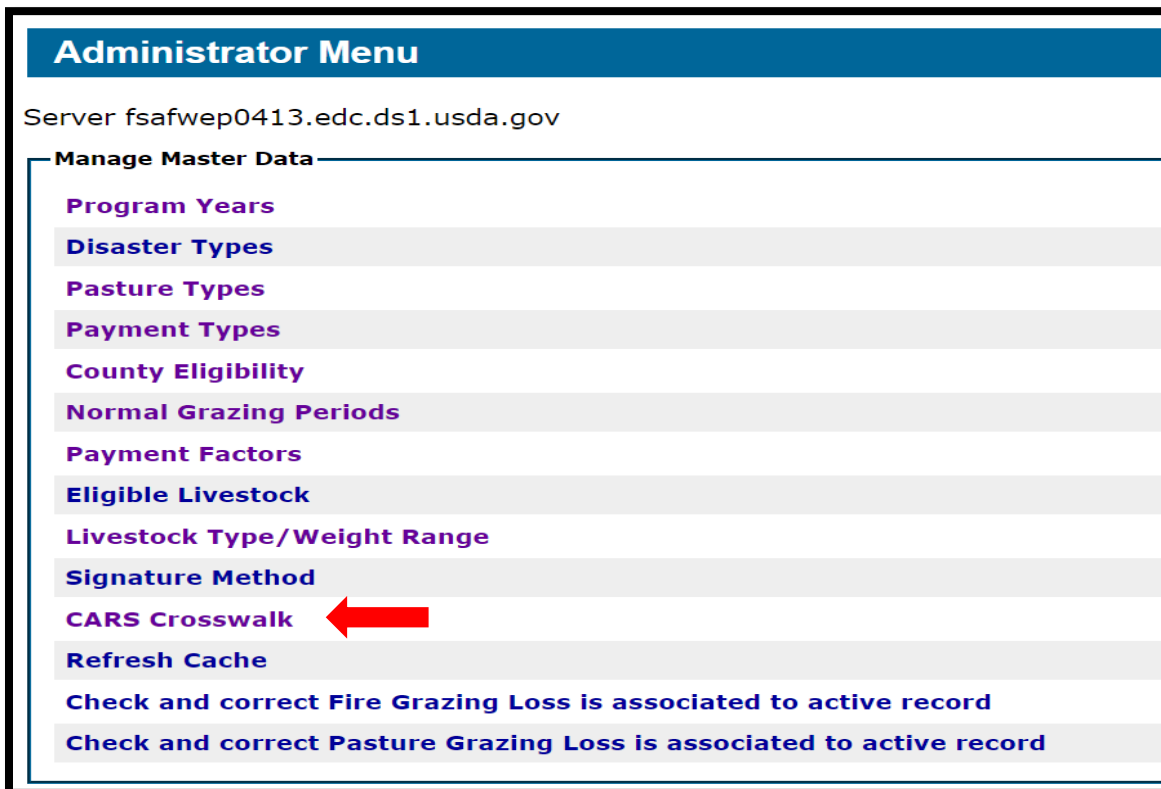
CARS Crosswalk Tables

In the LFP Application Software Admin Menu, authorized State Office specialists have access to CARS Crosswalk Tables that illustrate eligible crops under each LFP pasture type. This can be *--accessed at <https://intranet.fsa.usda.gov/fsa/applications.asp> by doing the following.

1. Select “LFP – Livestock Forage Program”, “LFP Home Page”, and “Admin Menu” on the Livestock Forage Program (LFP) main page.--*



2. Select “CARS Crosswalk”.



CARS Crosswalk Tables (Continued)

- Select the program year, disaster type, and pasture types. A list of all the eligible crops will be listed for each program year, disaster type, and pasture type.

CARS Crosswalk Go Back to Admin Menu

Program Year: 2022

Disaster Type: Drought

Pasture Types: Long Season Small Grains

| Status | Crop | Report Unit | State | Action |
|----------|---|-------------|-------|---|
| Approved | Barley(0091) | Acres | All | - Delete - |
| Approved | Barley(0091) | Acres | All | - Delete - |
| Approved | Millet(0080) | Acres | ID | Edit Delete - |
| Approved | Mixed Forage(0296) 2+ | Acres | All | - Delete - |
| Approved | Oats(0016) | Acres | All | - Delete - |
| Approved | Oats(0016) | Acres | All | - Delete - |
| Approved | Oats(0016) | Acres | All | - Delete - |
| Approved | Oats(0016) | Acres | All | - Delete - |
| Approved | Rye(0094) | Acres | All | - Delete - |
| Approved | Triticale(0158) | GZ | Acres | All - Delete - |
| Approved | Wheat(0011) Hard Amber Durum, Spring(HAD) | GZ | Acres | All - Delete - |
| Approved | Wheat(0011) Hard Amber Durum, Winter(HAW) | GZ | Acres | All - Delete - |
| Approved | Wheat(0011) Hard Red Spring(HRS) | GZ | Acres | All - Delete - |
| Approved | Wheat(0011) Hard Red Winter(HRW) | GZ | Acres | All - Delete - |
| Approved | Wheat(0011) Hard White Spring(HWS) | GZ | Acres | All - Delete - |
| Approved | Wheat(0011) Hard White Winter(HWR) | GZ | Acres | All - Delete - |
| Approved | Wheat(0011) Soft Red Winter(SRW) | GZ | Acres | All - Delete - |
| Approved | Wheat(0011) Soft White Spring(SWS) | GZ | Acres | All - Delete - |
| Approved | Wheat(0011) Soft White Winter(SWW) | GZ | Acres | All - Delete - |

If there is a crop missing that a State would like to be considered, submit a request memo along with supporting documentation that provides research and scientific support and justification for the request to the LFP Program Manager by email. The request will be provided to DAFFP for consideration.

***--Example of Disapproved LFP Application Producer Notification Letter**

The following is an example of a disapproved LFP application letter to a producer.

XXXX County Farm Service Agency
000 IL, Hwy 1
Anytown, NE XXXXX
Phone: (000) 000-0000
Fax: (000) 000-0000

Date:

Mr. Producer
P.O. Box 100
Anytown, NE XXXXX

Dear Producer:

This letter is in reference to the application you filed seeking benefits under the 20XX Livestock Forage Disaster Program (LFP). We have processed your application.

As provided in policy procedure in handbook 1-LFP and 7 CFR Part 1416.201 thru 1416.207, your application was reviewed. [Provide summary of producer case.] The Somewhere County FSA Committee determined that your 20XX LFP application did not meet the program eligibility requirements because of the following:

- [List reason why the application was disapproved and why. Ensure that all policy and regulations are cited accurately.]

If you believe that the county committee has not properly considered the individual facts of your 20XX LFP application, you have the following options:

[Insert the applicable appeal rights according to 1-APP.]

If you do not timely exercise one of the proceeding options, this is the final administrative determination with respect to this matter in accordance with the regulations at 7 CFR Part 780 and 7 CFR Part 11.

Sincerely,

[Insert CED's Name]
County Executive Director

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