



Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish Program (ELAP) - Farm-Raised Fish Assistance

OVERVIEW

The Agricultural Act of 2014 (2014 Farm Bill) authorized up to \$20 million in a fiscal year (FY) for the Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish Program (ELAP) to provide emergency assistance to eligible producers of livestock, honeybees and farm-raised fish. ELAP covers losses due to an eligible adverse weather or loss condition, including blizzards and wildfires, as determined by the Secretary of Agriculture, that occurs on or after Oct. 1, 2011. ELAP covers losses that are not covered under other Supplemental Agricultural Disaster Assistance Payment programs established by the 2014 Farm Bill, specifically the Livestock Forage Disaster Program (LFP) and the Livestock Indemnity Program (LIP).

A national payment factor may be applied to ELAP if program requests exceed \$20 million in a program year.

ELAP is administered by the Farm Service Agency (FSA) of the U.S. Department of Agriculture (USDA).

ELIGIBLE FARM-RAISED FISH PRODUCER

An eligible producer of farm-raised fish is a producer:

- Of any aquatic species that is propagated and reared in a controlled environment which is being maintained for commercial use as part of the producer's farming operation;
- Must have:
 - owned or leased property with readily identifiable boundaries;
 - had control of the waterbed, the ground under the specific type of water and not just control over a column of water;
 - provided purchased or produced feed to the farm-raised fish.

ELIGIBLE FARM-RAISED FISH

To be eligible for farm-raised fish death losses, the farm-raised fish must have been:

- Bait or game fish that were propagated and reared in a controlled environment;
- Maintained for commercial use as part of a farming operation;
- Destroyed as a direct result of an eligible adverse weather or loss condition;
- Physically located in the county where the eligible adverse weather or loss condition occurred on the beginning date of the the eligible adverse weather or loss condition.

To be eligible for farm-raised fish feed losses, the farm-raised fish must be:

- An aquatic species that is propagated and reared in a controlled environment;
- Maintained and harvested for commercial use as part of a farming operation;
- Physically located in the county where the eligible adverse weather or loss condition occurred on the beginning date of the eligible adverse weather or loss condition.

Alligators and turtles are **not** eligible for farm-raised fish losses under ELAP.

ELIGIBLE FARM-RAISED FISH LOSSES

ELAP covers:

- Death losses, in excess of normal mortality, of eligible bait fish or game fish caused by an eligible adverse weather or loss condition incurred in the county where the eligible adverse weather or loss condition occurred;
- Purchased or produced farm-raised fish feed losses for feed that was intended to be fed to eligible farm-raised fish and was damaged because of an eligible adverse weather or loss condition in the county where the eligible adverse weather or loss condition occurred.

ELIGIBLE ADVERSE WEATHER AND LOSS CONDITIONS

To be eligible for ELAP benefits for farm-raised fish losses, the loss must be the direct result of an eligible adverse weather or loss condition, including but not limited to earthquakes, excessive heat (death losses only), excessive winds (feed losses only), flooding, hurricanes, tidal surge, tornadoes and volcanic eruption.

FARM-RAISED FISH DEATH LOSS PAYMENTS

ELAP payments for eligible bait and game fish death losses are based on the state's average fair market value for the type of bait or game fish lost as established by the FSA. ELAP payments for bait and game fish death losses will be based on a minimum of 75 percent of the result of:

- Number of bait or game fish lost in excess of normal mortality rates due to an eligible adverse weather or loss condition, multiplied by
- The state's average fair market value for the type of bait or game fish as established by FSA.

FARM-RAISED FISH FEED LOSS PAYMENTS

ELAP payments for eligible farm-raised fish feed losses are based on a minimum of 60 percent of the actual cost of purchased or harvested feed that was intended as feed for eligible farm-raised fish and was damaged because of an eligible adverse weather or loss condition in the program year in which the loss occurred.

SOCIALLY DISADVANTAGED, LIMITED RESOURCE AND BEGINNING FARMER AND RANCHERS

Starting with the 2012 program year (Oct. 1, 2011), an eligible farm-raised fish producer who certifies he/she is socially disadvantaged, limited resource, or a beginning farmer or rancher will have his/her payments for livestock losses under ELAP based on a national payment factor of 90 percent.

PAYMENT ELIGIBILITY AND LIMITATIONS

For 2012 and subsequent program years, no person or legal entity, excluding a joint venture or general partnership, may receive directly or indirectly, more than \$125,000 total in payments under ELAP, LFP and LIP combined. The average adjusted gross income (AGI) limitation relating to limits on payments for persons or legal entities, excluding joint ventures and general partnerships, with certain levels of average AGI will apply. Specifically, a person or legal entity with an average adjusted gross income, as defined in 7 CFR Part 1400, that exceeds \$900,000 will not be eligible to receive ELAP payments. Direct attribution provisions also apply to ELAP for 2012 and subsequent program years. Under direct attribution, any payment to a legal entity will also be considered (for payment limitation purposes) to be a payment to persons or legal entities with an interest in the legal entity or in a sub-entity.

SIGN-UP

Producers are able to apply to receive ELAP benefits at local FSA offices in USDA Service Centers beginning April 15, 2014, for eligible farm-raised fish losses suffered during 2012, 2013 and 2014 program years (losses occurring on or after Oct. 1, 2011, through Sept. 30, 2014) due to eligible adverse weather or loss conditions. For 2012 and 2013 program year losses, sign-up ends Aug. 1, 2014, and for 2014 program year losses sign-up ends Nov. 1, 2014. For 2015 and subsequent program year losses, sign-up will end no later than Nov. 1 after the end of the program year in which the farm-raised fish loss occurred.

APPLYING FOR ELAP

In addition to submitting an application for payment, producers who suffered farm-raised fish losses should submit a notice of loss to the local FSA office that maintains the farm records for their business. The following table provides the final dates to file a notice of loss and application for payment for farm-raised fish losses.

| Date of Farm-Raised Fish Loss | Final Date to File Notice of Loss | Final Date to Submit an Application for Payment |
|--|---|--|
| Program Year 2012 & 2013 | Aug. 1, 2014 | Aug. 1, 2014 |
| Program Year 2014 | Nov. 1, 2014 | Nov. 1, 2014 |
| Program Year 2015 & Subsequent Program Years | 30 days after farm-raised fish loss is apparent | Nov. 1 after the program year in which the loss occurred |

Payments may be made for eligible losses suffered by an eligible participant who is now a deceased individual or is a dissolved entity if a representative, who currently has authority to act on behalf of the estate of the deceased participant, signs the application for payment. Proof of authority to sign for a deceased individual or dissolved entity must be provided. If a participant is now a dissolved general partnership or joint venture, all members of the general partnership or joint venture at the time of dissolution or their duly authorized representative(s) must sign the application for payment.

FSA will use data furnished by the applicant to determine eligibility for program benefits. Furnishing the data is voluntary; however, without all required data program benefits will not be approved or provided.

MORE INFORMATION

To find more information about FSA programs, contact your local FSA office or USDA Service Center, or visit FSA online at www.fsa.usda.gov

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If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter by mail to U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

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