

Overview of USDA Program Flexibilities for Hurricane Recovery

Sections in this document:

- [Hurricanes Debby, Helene and Milton](#)
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USDA's Farm Production and Conservation agencies - Farm Service Agency (FSA), Natural Resources Conservation Service (NRCS) and Risk Management Agency (RMA) are ready to assist impacted producers and adding flexibilities to its disaster assistance programs.

Flexibilities Specific to Hurricanes Debby, Helene and Milton Recovery

Emergency Animal Mortality Disposal

NRCS provides technical and financial assistance to agricultural producers, including poultry and livestock producers, through its Environmental Quality Incentives Program (EQIP) to help with immediate needs and long-term support to recover from hurricanes and other natural disasters. This includes emergency animal mortality disposal for poultry.

- Because of the need to dispose of poultry and livestock quickly to mitigate environmental and disease impacts, hurricane-impacted producers can begin disposing of poultry once an initial application is submitted.
- NRCS is using the flexibility of an early-start waiver to producers once an initial application is submitted.
- An initial application includes a call, letter or email to NRCS with producer name(s); farm location(s) address; farm number, if available; phone number; and estimated number and type of poultry or livestock.

Livestock Indemnity Program (LIP)

LIP provides benefits to livestock owners and contract growers for livestock deaths in excess of normal mortality caused by eligible loss conditions including eligible adverse weather.

- FSA will not penalize producers for taking steps to end the suffering of animals caused by natural disasters. Law requires that losses are appropriately documented to attribute all animal mortalities to the natural disaster.
- Animals injured by the hurricane or related weather event that are sold within 30 days of the disaster event at a reduced rate also qualify for LIP assistance if the 2024 LIP price is higher than the sale price.
- While late filed applications are always accepted and considered, we are extending the date for submission of LIP notice of loss and application for payment until March 3, 2025, for 2024 losses.



- LIP assistance extends to contract growers of poultry and swine and other confinement livestock in cases where the contract specifies that the producer has an ownership share or a financial interest in the livestock lost and shares in the risk of production.
- FSA has issued guidance to FSA County Committees and local staff to exercise maximum flexibility in determining acceptable loss documentation and to ensure LIP applications are acted on timely.

Emergency Assistance for Livestock, Honey Bees, and Farm-raised Fish (ELAP)

ELAP assists with grazing losses due to hurricanes and flooding eligible on affected acres, up to 150 days of grazing, for all non-federally managed land. ELAP provides assistance for purchased and produced feed losses due to hurricanes (hay bales, stacked hay, corn, silage, etc.). Feed purchased above normal due to hurricanes are eligible for ELAP assistance. *The ELAP referenced assistance is limited to the value of the acres lost due to hurricane and the number of livestock a producer had at the time of loss.*

- FSA is authorizing the eligibility of ELAP transportation assistance in hurricane-impacted states to assist with above normal costs to transport livestock to feed and/or transportation of feed/forage to livestock.
- FSA is also authorizing ELAP water hauling assistance in hurricane-impacted states to assist with above normal costs associated with water hauling.
- Late filed applications are always accepted and considered by the County Committee, but to ease the reporting burden producers have until Jan. 30, 2025, to submit an ELAP notice of loss and application for payment for 2024 losses.

Emergency Conservation Program (ECP)

ECP provides funding and technical assistance for farmers and ranchers to restore farmland damaged by natural disasters.

- FSA authorized an extended ECP signup that begins Oct. 15, 2024, and runs through June 1, 2025, in states affected by hurricanes Debby, Helene and Milton.
- Executed Emergency Response (ER-850) authorization of emergency National Environmental Policy Act (NEPA) circumstances to expedite FSA approval of practices involving surface debris removal, fence restoration and non-ground disturbing activities.
- Waiver of onsite inspection requirement for non-engineering practices for ECP and EFRP.
- Waiver of requirement for producers to obtain prior approval to conduct surface debris removal, fence repair and hazard tree removal to support critical disaster recovery efforts. Producers should contact FSA for any questions on allowable activities.

Emergency Forest Restoration Program (EFRP)

EFRP assists eligible owners of nonindustrial private forestland to restore the land by removing debris, repairing forestland roads, and replacing fence.

- FSA authorized an extended EFRP signup that begins Oct. 15, 2024, and runs through June 1, 2025, in states affected by hurricanes Debby, Helene and Milton.
- Waiver of requirement for producers to obtain prior approval to conduct surface debris removal, fence repair and hazard tree removal to support critical disaster recovery efforts. Producers should contact FSA for any questions on allowable activities.
- FSA is waiving the requirement for an on-site inspection for non-engineering practices in states affected by hurricanes.
- FSA has executed an Emergency Response (ER-850) to authorize use of emergency NEPA circumstances to expedite FSA approval for practices involving surface debris removal, fence restoration, and non-ground disturbing activities.

Tree Assistance Program (TAP)

Provides financial assistance to eligible orchardists and nursery tree growers to replant or rehabilitate eligible trees, bushes, and vines lost by hurricanes and other natural disasters. TAP assistance extends to trees/bushes/vines that have not died but are no longer capable of production (not economically viable).

- Producers have until Jan. 30, 2025, to submit a notice of loss and State Committees may waive the requirement for site inspections.
- Once land has been restored to pre-disaster condition, producers can apply for TAP financial assistance to replace damaged trees, bushes and vines to bring the land back into production.

Environmental Compliance Flexibilities for ECP, EFRP and TAP

- In response to 2024 hurricanes Debby, Helene and Milton, FSA provided flexibility for ECP and EFRP applicants to start *non-ground disturbing* activities like surface debris removal and fence restoration without FSA prior approval or on-site inspection.
- On Dec. 5, FSA announced additional flexibilities allows FSA to streamline the environmental compliance process for certain *ground-disturbing* practices related to hurricanes Debby, Helene and Milton.
- These additional flexibilities also apply to TAP to allow eligible orchardists and nursery tree growers to complete site preparations in order to replant eligible trees, bushes and vines and offset the costs of getting the land back into production.
- Due to emergency circumstances, FSA received a categorical exclusions waiver that will allow alternative arrangements to meet National Environmental Policy Act (NEPA) compliance for seven ground disturbing activities.
- Because these activities occur in locations where the natural disaster event itself caused the ground disturbance, these restoration activities have low potential to adversely impact resources.



- The exclusions wavier covers the following practices:
 - Fence replacement
 - Sediment removal, incorporation, grading, shaping and leveling
 - Tree, root and stump removal
 - Roads, bridges and culverts necessary to facilitate forest restoration
 - Burning of woody debris
 - Vegetation removal, including tree stumps, on 40 or more total acres
 - Clear cutting operations for timber on 100 or more total acres
- The program flexibilities will allow FSA to more quickly complete an environmental review to determine the impact to natural and cultural resources for the disaster area as a whole rather than on an individual case-by-case basis.
- These flexibilities also allow participants to restore private agriculture and forestland to pre-disaster conditions and prevent subsequent damage.
- They also address hazards to public health and safety, critical infrastructure, and mitigate hazards to natural resources like woody debris or sediments and removing downed vegetation and other debris.

Emergency Haying and Grazing of Conservation Reserve Program (CRP) Acres

Haying and grazing of CRP acres is authorized under certain conditions to provide emergency relief to livestock producers due to certain natural disasters. There are two types of haying and grazing authorization: emergency and non-emergency.

- FSA is temporarily authorizing ***emergency haying and grazing*** of CRP acreage in Alabama, Florida, Georgia, Indiana, Kentucky, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia to support affected livestock producers who have suffered forage losses from hurricanes Debby, Helene and Milton.
- This authority is available until the beginning of the 2025 PNS for the applicable State where the CRP acreage is located.
- CRP participants may provide haying or grazing rights to hurricane-impacted livestock producers.
- CRP acreage eligible for emergency haying and grazing includes all practices except CP12 (wildlife food plot) and CP38 State Acres for Wildlife Enhancement (SAFE) if grazing is not included in the SAFE proposal. Emergency haying and grazing is only authorized on land enrolled through the Conservation Reserve Enhancement Program (CREP) if the CREP agreement specifically permits the activity.
- CRP participants not affected by storms Debby, Helene, and Hurricane Milton are not authorized to engage in emergency haying and grazing activities unless the county is otherwise declared eligible for CRP emergency haying and grazing because of drought conditions or loss of forage.
- ***Non-emergency haying and grazing*** provisions are available to CRP participants provided the activity is included in the CRP contract's Conservation Plan of Operations.



Disaster Designations

- FSA will immediately implement Presidential Disaster Declarations upon FEMA's approval of individual and/or public assistance in counties affected by hurricanes to deploy access to emergency loans and disaster set aside to help producers recover from disaster events.
- In the absence of a Presidential Disaster Declaration, FSA will facilitate an Administrator's Physical Loss Notification (APLN) in affected counties suffering physical losses (buildings, structures, livestock losses) to support access to emergency loans and disaster set aside.
- Additionally, FSA is working with affected states to assemble crop loss information and State Emergency Board recommendations necessary to facilitate USDA Secretarial Disaster Designations for counties not approved through Presidential Disaster Declaration or an FSA Administrator's Physical Loss Notification (APLN).

The following FSA program flexibilities are available for counties with a Primary or Contiguous Disaster Designation due to a Named Storm.

Conservation Reserve Program (CRP)

- In counties with a primary or contiguous disaster designation due to a named storm, emergency haying of CRP is authorized for up to 60 calendar days and emergency grazing of CRP is authorized for up to 90 calendar days.
- Cost share assistance is available to producers who remove, or replant CRP trees downed, damaged, or destroyed due to hurricanes.
- Participants with CRP trees damaged by hurricanes may choose to voluntarily terminate CRP tree practice contracts with less than 5 years remaining in the contract with no refunds.

Noninsured Crop Disaster Assistance Program (NAP)

NAP provides financial assistance to producers of non-insurable crops to protect against natural disasters (including hurricanes) that result in lower yields, crop losses, or prevents crop planting. NAP coverage must have been obtained prior to the sales closing date for the crop.

- FSA is waiving the 72-hour notification requirement for losses to hand-harvested crops.
- FSA has provided flexibility for staff to perform loss adjustment activities and/or waive field inspections in cases where the cause of loss can be verified through other means.

Marketing Assistance Loans (MAL)

MALs provide producers interim financing at harvest time to meet cash flow needs.

- FSA is providing additional delivery time for farm-stored commodities delivered to the Commodity Credit Corporation (CCC) and providing additional time for producers to deliver MAL commodities to a buyer to repay MAL with sales proceeds.
- FSA is postponing MAL foreclosure letters applicable to losses or damages due to named storms for up to 90 calendar days.



Farm Storage Facility Loans

The Farm Storage Facility Loan Program (FSFL) provides low-interest financing so producers can build or upgrade permanent and portable storage facilities and equipment.

- Borrowers in counties with a primary or contiguous disaster designation due to a named storm experiencing a financial hardship may request an annual installment deferral that will extend the next installment due date by one year.

Crop Insurance

- RMA is providing flexibility for producers on providing notice of loss. Given the loss of life and property, this allows producers to have additional time to give notice of loss or meet other important deadlines.
- RMA is simplifying the claims adjustment process for multiple crops, allowing reported acreage certified to be used as determined for claims purposes reducing some of the burden of onsite field determinations.
- RMA is waiving appraisals in situations where the crop will not be harvested due to extensive hurricane damage and simplifying loss adjustment when the crop has been adulterated or has zero market value due to flood waters.

Environmental Quality Incentives Program (EQIP)

Through EQIP, NRCS can help producers plan and implement conservation practices on disaster impacted lands.

- Practices can address:
 - Immediate soil erosion protection
 - Minimizing noxious and invasive plant proliferation
 - Protecting water quality
 - Restoring livestock infrastructure necessary for grazing management
 - Emergency animal mortality management
 - Debris removal
- States have the flexibility to use the **Act Now** process for expediting technical and financial assistance.

Emergency Watershed Protection (EWP)

Through EWP, NRCS helps communities address watershed impairments that pose an imminent hazard to life and property caused by floods, fires, windstorms, and other natural disasters.

- EWP work can include:
 - Removing debris from stream channels, road culverts, and bridges
 - Reshaping and protecting eroded banks
 - Correcting damaged drainage facilities
 - Repairing levees and structures
 - Reseeding damaged areas
 - Relocating people, or their homes, out of hazard prone areas.
- EWP requires an eligible project sponsor who acts as the fiscal agent for a proposed project. Eligible sponsors include cities, counties, towns, conservation districts, or any federally recognized Native American tribe or tribal organization.



- NRCS may bear up to 75%, or 90% for limited resource areas, of the construction cost of emergency measures. The remaining 25% or 10% must come from local sources and can be in the form of cash or in-kind services.

Technical Assistance

NRCS can provide technical assistance to assist impacted communities by providing technical information to help them repair damaged farms and ranches in the wake of a natural disaster.

- NRCS conservationists can offer advice on:
 - Covering and protecting exposed soil
 - Improving soil health
 - Directing floodwater away from areas vulnerable to erosion
 - Preventing future erosion and more.

Flexibilities Specific to Hurricanes Occurring 2016 Through 2023

Documentation Waiver in Nine States for Hurricanes Occurring 2016 - 2023

- Typically, ECP and EFRP applicants must submit a cost share performance certification and payment request with supporting receipts and documentation after restoration activities are complete.
- To expedite emergency conservation program payments, FSA is authorizing a documentation waiver for approved applicants in Alabama, Georgia, Florida, North Carolina, South Carolina, Tennessee, Virginia, West Virginia and Puerto Rico.
- This waiver applies to hurricanes occurring Oct. 1, 2016, to Sept. 30, 2023, only.
- Through this waiver, approved ECP and EFRP participants are no longer required to submit supporting documentation to verify restoration activities.
- Instead, the technical agency, FSA, or the producer will certify that practices are complete and meet USDA practice standards.
- After verification is complete, FSA will issue the cost-share payment.
- FSA spot check provisions still apply so program participants should still maintain all invoices, receipts and documentation.
- Participants selected for spot check will be notified in writing and will be required to supply receipts and other supporting documentation to justify the total installation cost claimed.