



ELAP- Farm Raised Fish Updates
June 4, 2021

**Farm
Service
Agency**

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Introduction

J. Latrice Hill

FSA National Outreach Director

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the chat box.
- All questions not answered today will be
reviewed for responses later.

ELAP Farm-Raised Fish Updates





Major Change:

Food fish and other aquatic species are now eligible for ELAP.

Freeze is an eligible loss condition for the physical loss of Farm-Raised Fish for the 2021 and subsequent ELAP program years.



What is ELAP?

The Emergency Assistance for Livestock, Honey Bees and Farm Raised Fish Program provides financial assistance to eligible producers of livestock, honeybees and farm raised fish for losses due to disease, certain adverse weather events or loss conditions, including blizzards and wildfires, as determined by the Secretary.





Eligible Fish:

- Any game/bait fish raised for sport by recreational anglers and reared in a controlled environment.
- Any species of aquatic organisms grown as food for human consumption and reared in a controlled environment.
- Fish raised as food for fish that are consumed by humans and reared in a controlled environment.
- Ornamental fish propagated and reared in an aquatic medium in a controlled environment.





Eligibility:

- To be eligible losses must have occurred on or after January 1, 2021.
- 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 eligible adverse weather or loss condition.





Documentation:

Aquaculture producers will need to provide records upon request to:

- document the proof of eligible loss event
- and demonstrate the beginning and ending inventory,

Acreage reports for the surface acres of water where their aquatic species are raised. (Acreage reports for 2021 must be filed by Sept. 30, 2022.)



Documentation:

- An application for payment after the end of the calendar year in which the loss occurred.





Documentation: (continued)

- Sale invoices or receipts
- Fish marketing statements
- Ledgers of income
- Income statements of deposit slips





Documentation (continued):

FSA is waiving the requirement for only farm-raised fish producers to file their notices of loss within 30 calendar days of when the loss is apparent to the producer.

Notice of losses for the 2021 program year must be filed no later than January 31, 2022.



Documentation *(continued)*:

FSA 860 if the applicant certifies as either a:

- SDA farmer or rancher
- limited resource farmer or rancher
- beginning farmer or rancher
- veteran farmer or rancher





Market Values

State Committees will establish graduated average fair market values for the different types and sizes of eligible farm-raised fish produced in the state, except ornamental fish.

A single average fair market value will be established for each different type of ornamental fish regardless of the size of the ornamental fish.



New/Revised Definitions

Aquacultural Facility – For ELAP Purposes
Only: A commercial operations that is
conducted:

- On private property
- In water in a controlled environment



New/Revised Definitions (continued)

Aquacultural Species: any of the following species of aquatic organism grown by a commercial operator on private property in a controlled environment

- Game and bait fish
- Food for human consumption
- Fish raised as feed for fish that are consumed by humans
- Ornamental fish propagated and reared in aquatic human medium.

Eligible Aquacultural species must be:

- Seeded in the aquacultural facility
- Planted or seeded in containers, wire baskets, net pens, or similar devices designed for the protection and containment of the seeded aquacultural species.





Controlled Environment

The producer must provide evidence to the COC's satisfaction that the farm-raised fish are being controlled, maintained, and harvested according to normal practices.

Evidence must prove that the aquatic environment is properly maintained, and the potential hazards are being removed.





Controlled Environment: (continued)

Eligible Farm-Raised Fish must meet the following:

Predator Control – losses of aquacultural species due to pressure from other aquatic or nonaquatic species or man are **not** a major factor.

Must use the following good aquacultural practices:

Not placed in an area prone to suffer loss from predators

Placed in an environment designed to prevent loss from predators

The operator of the aquacultural facility has control over the property on which the aquacultural species are located by way of land ownership or lease

The operator of the aquacultural facility is free to conduct aquacultural operations without interference from persons with no interest in the operation.



Multiple Benefits

Producers can receive benefits from both NAP and ELAP for eligible losses covered by each program, as authorized by the 2015 Consolidated and Further Continuing Appropriations Act.



Questions?

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1. For any particular farmed aquatic species there may be multiple markets for different life stages. Markets are dynamic. How will market prices be established and modified over time?

Answer: State Committees have requirements to set prices. It will vary on a graduated payment structure. It's up to the State Committee to determine the size for that market.

2. A farmer can expect a certain percentage of loss during a production cycle. This loss can vary for life stage, production system and geographic location. How will these percentages be determined?

Answer: Percentages will be determined the same way as of the market prices. Geographic locations determine what size, type, species are and what mortality rates will be.

3. Does this include storm losses from 2020 (Hurricane Sally)?

Answer: If losses become apparent in 2021 they may be eligible for ELAP benefits if all other eligibility requirements are met.

4. What about 2020 losses not realized until 2021? Are they still eligible?

Answer: If losses become apparent in 2021 they may be eligible for ELAP benefits if all other eligibility requirements are met.

5. Does FSA consider a pond a controlled environment?

Answer: Could be, but several factors come into play to demonstrate that it is a controlled environment:

Farm-raised fish owners must have implemented practices for the following:

Flood Prevention by placing the aquatic facility in an area not prone to flood and incases of a raceway, devices or structures designed for control of water level

Growing medium that provides nutrients necessary for the production of the farm-raised fish and protects the farm-raised fish from harmful species or chemicals.

Fertilization or feeding to obtain expected production results.

Irrigation and water quality systems and practices must be in place to ensure that the farm-raised fish had adequate, quality water or aquatic medium. It includes having equipment designed to control the chemical balance and oxygenation of water.

Predator control must be in place to prevent pressure from other aquatic species, predators, and humans.

Disease control must be in place to effectively control diseases in the aquatic system.

6. Eggs and larvae are excluded. Are shellfish nurseries eligible?

Answer: Nurseries are eligible if they are post the egg and larvae stage.

7. Is death or loss due to disease covered?

Answer: No, only for honeybees and cattle tick fever.

8. What types of disasters are eligible?

Answer: Eligible losses from earthquakes, tornadoes, excessive wind, excessive heat, floods, hurricane, tidal surge, volcanic eruption, and freeze

9. What is considered excessive heat?

Answer: Excessive heat may vary on the location of the farm-raised fish. For excessive heat to be eligible it must be extreme, abnormal (unexpected) weather event not expected to have occurred during the loss period, and damaging weather event that directly causes farm-raised fish losses.

10. Is the normal fish loss threshold calculated for the time period over when the losses occurred? So, if the weather event lasted over a month, would it be the normal fish losses that would have occurred over that month? The beginning inventory would already have included losses up until the event occurred.

Answer: The normal fish loss threshold is calculated using a normal/natural mortality percentage established by each State Committee and is applied to the inventory number immediately preceding the loss event.

11. (a) What kind of declaration is required and by whom to determine an eligible event?

Answer: There are no declarations needed for a qualifying loss event for ELAP to occur.

(b) For a sudden event, such as a freeze, for which losses occur in a period of a week or so, then is the total eligible loss simply the change in beginning (immediately before the freeze) and ending inventory (immediately after the freeze)?

Answer: Yes, however the normal fish loss threshold must still be met.

12. If a grower can document a higher market price, can it be used?

Answer: No, only market prices established by the State Committee will be used.

13. Are losses due to harmful algal blooms covered for shellfish or fin fish?

Answer: No, that's not an eligible loss under ELAP.

14. Farms can and are applying for operational permits in federal marine waters (beyond state boundaries). However, Congress has not authorized a property right (e.g., a lease). Would these farms qualify for ELAP?

Answer: Producer must own or lease property with readily identifiable boundaries. The lease must show that the producer has total control of the waterbed, the ground under the specific type of water and is not only control over a column of water.

15. Further clarification is required concerning the comment predators cannot be a major factor. For pond production systems producing fish of any type, a variety of federally protected birds will prey upon or damage while attempting to catch fish. Farmers apply to Wildlife Services for a permit and US Fish and Wildlife Services for permits to deter or kill depredating birds. Would farms that hold these permits and actively work to prevent depredation be excluded from ELAP?

Answer: Producers must have control measures in place to prevent losses from all types of predators. The losses caused by any type of predator is not covered by ELAP.

16. When considering average market value of oysters there is a great difference in value when comparing farm raised and dredge/shucking oysters. Are these separate or lumped into same category when averaging market value?

Answer: State Committees set one average market value for oysters based taking into consideration different production practices.

17. Does farm raised fish include farm raised oysters?

Answer: Yes, farm-raised fish includes farm-raised oysters, if propagated and reared in a controlled environment.

18. A common oyster farming practice is to settle spat on clean shell (cultch) in a tank system and then after the spat from reached a specific size, outplant that shell to a lease. Would this production practice qualify for ELAP?

Answer: A single market prices is set by the State Committee for the size and type of farm-raised fish. The State Committee takes into account all known practices when establishing the market prices.

- (a) What about an oyster farm that is located on a lease from the state in open water- is this on a private property and in a controlled environment?

Answer: Producer must have a lease with readily identifiable boundaries. The lease must show that the producer has total control of the waterbed, the ground under the specific type of water and is not only control over a column of water.

- (b) What about those raised in baskets off bottom on bottoms?

Answer: Yes, as long as all other eligibility requirements are met.

19. As an oyster farmer who leases acreage in public waterways, but grows oysters from seed in cages, are we eligible?

Answer: Yes, as long as all other eligibility requirements are met.

20. If I were to plant spat on shell on leased bottom would this be covered. It's a controlled environment in the sense its leased bottom but, uncontrolled in the sense that there are no cages. We dredge these oysters for shucking.

Answer: Yes, only when there is a National Oceanic and Atmospheric Administration determined tropical storm, typhoon or hurricane.

21. What would be the dates of the beginning and ending inventory documents required?

Answer: The beginning date is the date immediately before the beginning date of the eligible loss condition. The ending dates is the date immediately after the end of the eligible loss condition.

22. How do you sign up?

Answer: Contact your local FSA office for an appointment. Staff will provide you with guidance on required documentation to sign up. Locate your nearest office at www.offices.usda.gov.

23. Please clarify the acreage reporting deadline.

Answer: The 2021 acreage reporting deadline for aquatic species was September 30, 2020. Late filed 2021 acreage reports are accepted through September 30, 2021. FSA is waiving the late file fee for ELAP purposes only.