



*"Working for Nebraska beef producers - pasture to plate."*

## **Disaster Assistance Programs & State Regulations to Consider During Emergencies**

**Livestock Indemnity Program (LIP):** LIP is a USDA-FSA disaster assistance program that is available to help producers recoup losses experienced by adverse weather events. As producers assess their individual situations, whether it be the blizzard in the West or the flooding in the East, here are a couple of key things to reminder:

1. Producers must notify their local FSA office of livestock losses within 30 days of when those losses become apparent. This 30-day notification window is critical. A phone call to the county FSA office works for this notification. To find your local FSA office, please visit <https://offices.sc.egov.usda.gov/locator/app?state=ne&agency=fsa> **This is the first and most important step.**
2. Documentation of losses is also critical. FSA will need some sort of supporting evidence of your losses, and this can include things such as: veterinarian certification, other independent third-party certification, rendering receipts, dated photos or video. Those things are an important part of the application process.
3. FSA will also need to know the type or weight of the animals lost. Adult animals, so bulls and cows, vs. calves or yearlings, are broken out differently in the LIP program, so that part of the record is important.
4. Documentation of weather conditions that contributed to the losses is needed. Include temperature, wind speed and precipitation conditions.

For the most recent Fact Sheet about LIP, please visit [https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdafiles/FactSheets/2018/livestock\\_indemnity\\_program\\_fact\\_sheet\\_dec\\_2018.pdf](https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdafiles/FactSheets/2018/livestock_indemnity_program_fact_sheet_dec_2018.pdf)

**Emergency Livestock Assistance Program (ELAP):** ELAP, another USDA-FSA disaster assistance program, covers some livestock losses that do not fall under LIP. Specific to the current adverse weather situations in Nebraska, ELAP may be applicable as it can, in certain situations, financially assist with livestock feed losses, such as bales that may have been destroyed in the flood.

For the most recent Fact Sheet about ELAP, please visit

[https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdafiles/FactSheets/2018/elap\\_livestock\\_assistance\\_fact\\_sheet-may\\_2018.pdf](https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdafiles/FactSheets/2018/elap_livestock_assistance_fact_sheet-may_2018.pdf)

**Emergency Conservation Program (ECP):** ECP can provide some cost-share assistance to rehabilitate farmland and pasture damaged by natural disasters. The approved ECP practices under this authorization include debris removal; fencing replacement and repair; grading, shaping and leveling of impacted fields; conservation structure rehabilitation; and shelterbelt rehabilitation. To date, 45 Nebraska counties have been approved to begin accepting applications for ECP funds. It is critical that producers contact their local FSA county office about this



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program before taking any action to repair damages. <https://www.thefencepost.com/news/usda-announces-availability-of-additional-emergency-programs-in-nebraska/>

For the most recent Fact Sheet about ECP, please visit [https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdafiles/FactSheets/2017/emergency\\_conservation\\_program\\_oct2017.pdf](https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdafiles/FactSheets/2017/emergency_conservation_program_oct2017.pdf)

**Environmental Quality Incentives Program (EQIP):** EQIP is a USDA-NRCS program that may provide cost assistance to properly dispose of dead livestock. Producers who have not already disposed of livestock can apply for EQIP now, receive a waiver, and begin immediate disposal before receiving an approved EQIP contract. NRCS is taking applications through April 5, 2019. The second cut-off date is May 1, 2019. Additional application cutoff dates may be announced if there is demand and available funding.

Producers who have suffered other damages due to the blizzard and flooding – such as damaged fencing, water sources, or windbreaks – may also seek assistance from NRCS through general EQIP funding. The sign-up period for general EQIP is continuous and has no cut off application date. For more information about the programs and assistance available from NRCS, contact your local USDA Service Center or visit [www.ne.nrcs.usda.gov](http://www.ne.nrcs.usda.gov).

**Emergency Grazing of Conservation Reserve Program (CRP acres):** USDA has authorized emergency grazing of CRP acres for all Nebraska counties due to the impacts of recent adverse weather. The emergency grazing authorization is effective immediately and ends April 30, 2019. CRP participants who use this option will need to obtain a modified conservation plan, which includes emergency grazing provisions, from NRCS. CRP participants can allow others to use their CRP acres under this emergency grazing authorization; however, the livestock owners also will need to complete FSA paperwork indicating their grazing land was adversely impacted by severe weather. There will be no reduction in CRP rental payments to CRP contract holders who use the emergency grazing authorization. CRP contract holders are not permitted to charge livestock producers for the emergency grazing option.

#### **Recent Gubernatorial Executive Orders Waiving Certain Regulatory Requirements:**

1. Executive Order 19-02 provides for several transportation waivers for all commercial motor vehicles and motor carriers engaged in the business of transporting equipment, materials, and storm debris in conjunction with response and recovery events. The following are waived through April 15, 2019:
  - a. Federal hours-of-service regulations are waived through April 15, 2019. However, no motor carrier operating under this waiver shall require or allow an ill or fatigued driver to operate a motor vehicle. Please keep a copy of this EO in your vehicle as evidence of your direct support to the State of Nebraska during this emergency period. To view this EO visit <https://bit.ly/2HGETBf>
  - b. Length and weight hauling requirements of federal and state law are also suspended through the duration of the motor carrier's assistance in the disaster relief effort.

2. Executive Order 19-03 is related specifically to livestock operations. The following are waived through April 15, 2019:
  - a. State law requiring owners and/or custodians of dead livestock to bury or compost within 36 hours of learning of the death, provided such death was a result of recent extreme weather events. Owners and/or custodians of dead livestock must bury or compost *within a reasonable amount of time*.
  - b. State law requiring an owner and/or operator of an animal feeding operation to notify the Department of Environmental Quality (DEQ) within 24 hours after a discharge of livestock waste or potential discharge to waters of the state. This notification requirement is amended to within 24 hours *after learning* of the potential or actual discharge. The owner/operator must provide a written report to DEQ within two weeks after this initial notification. To view this EO please visit <https://bit.ly/2UTmK5X>
3. Executive Order 19-04 suspends requirements for trip permits pertaining to vehicle registrations, and for fuel tax permit requirements, to all commercial motor vehicles and motor carriers engaged in the business of transporting equipment, materials, and storm debris in conjunction with response and recovery events. To view this EO, visit <https://bit.ly/2HGBFxo>

## **Emergency holding pond management recommendations during wet weather events from Nebraska Extension and NDEQ:**

1. Be vigilant in monitoring lagoon and runoff holding pond levels. Application to saturated soils is preferable to allowing a storage basin to overflow.
2. Pumping operations should be monitored continuously to minimize potential for runoff or equipment malfunction.
3. If you do experience an overflow, you are required by law to notify NDEQ of any discharge within 24 hours *after learning of the event, per Executive Order 19-04*, by telephone and within five working days. The emergency response number to call is **(877) 253-2603**.
4. To be considered a legal discharge, you must have records that indicate the holding pond was below the start-pump level prior to the onset of the rain event causing the discharge.
5. Please visit <https://bit.ly/2TttqGF> for more information.

## **Disposal of Animal Carcasses**

1. If carcasses are managed as the result of an emergency with the potential to impact immediate or long-term animal or public health and safety, both NDA and NDEQ should be contacted, in addition to local emergency management authorities.



<https://nema.nebraska.gov/overview/county-emergency-management-directorscoordinators>

2. On-site burial within 36 hours after knowledge of death and at least four feet below the surface of the ground dramatically lowers the possibility of spreading a disease. (*Per Executive Order 19-04, owners and/or custodians of dead livestock must bury or compost within a reasonable amount of time.*)
  - a. A state permit to bury on-site or on an adjacent property is NOT required; nevertheless, there are obligations under state law to protect groundwater resources – namely recommended separation distances for burial sites
3. Disposal by burning requires the use of an incinerator permitted by NDEQ. During an emergency, use of an incinerator and open burning may be approved by NDEQ on a case-by-case basis. The NDEQ Air Quality Division must be contacted if any incineration or burning is under consideration. Air Quality Permit Hotline: (877) 834-0474
4. Composting of livestock mortalities is an approved method of disposal. However, proper equipment, material and management are required. Please contact NDA if this method of carcass disposal is to be used.
5. Contact a licensed rendering service for the proper transportation and disposal of dead animals.
6. For more information, contact the NDEQ Waste Management Section: (402) 471-4210 or click [here](#) for a factsheet.

## **Other Resources:**

1. Nebraska Emergency Management Agency, <https://nema.nebraska.gov/>
2. The Disaster Assistance Improvement Program, <https://www.disasterassistance.gov/>
3. USDA Disaster Resources Website, <https://www.usda.gov/topics/disaster/storms>
4. For up-to-date information on road/bridge closures, visit [511.nebraska.gov](http://511.nebraska.gov). Nebraska's 511 traveler information is also available on your Android or iOS device by downloading the NE 511 app.
5. NDA's Hay and Forage Hotline connects buyers with sellers of hay, pasture and other types of forage. This hotline service is available at no cost to buyers and sellers. (402) 471-4876
6. Nebraska Department of Insurance, Resources for Nebraska Flood Victims, <https://doi.nebraska.gov/sites/doi.nebraska.gov/files/doc/ConsumerAlertResourcesforFloodVictims.pdf>
7. NDEQ Natural Disaster Debris Management, [https://itap.unl.edu/NE\\_Natural%20Disaster%20Debris%20Management%202016.pdf](https://itap.unl.edu/NE_Natural%20Disaster%20Debris%20Management%202016.pdf)
8. NDEQ Flood Damaged Grain & Hay Disposal, <http://www.nda.nebraska.gov/resources/FloodDamagedGrainHayDisposal.pdf>
9. NDEQ Storm Recovery and Flooding in Nebraska: Environmental Guidance, <http://deq.ne.gov/NDEQProg.nsf/OnWeb/Disaster>
10. NDA Safety of Food and Water Affected by Flooding, <http://www.nda.nebraska.gov/fscp/foods/safety-foodwater.pdf>