



Farm Production
and Conservation

Farm Service
Agency

Farm Programs

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TO: Michael L. Foster
SED, Montana State FSA Office

Carl Mattson
Montana State Committee Chair

FROM: Bradley Karmen *Jean O'Neil*
for Acting Deputy Administrator for Farm Programs

OCT 30 2018

**SUBJECT: Request for 2017/2018 LIP Adverse Weather Event,
Your Memorandum of September 12**

This is in response to your memorandum that the period of October 1, 2017, through April 30, 2018, be considered one eligible adverse weather event for LIP in Montana for all eligible livestock owners.

The request to consider October 1, 2017, through April 30, 2018, as one eligible adverse weather event for all livestock owners in the State for LIP is disapproved. As noted below, each application must document an eligible adverse weather event or eligible cause of loss and FSA can only approve applications that satisfy the eligibility criteria. The broad designation or declaration you requested cannot be used to substantiate any individual application or groups of applications.

We understand that the winter of 2017-2018 was difficult for livestock owners in Montana. You mentioned that the loss of newborn calves was the biggest struggle as the weather made for challenging conditions to feed, protect, and take care of newborn calves. Also, we are aware that one of the main challenges your State faced and faces in implementing LIP is a lack of official weather data in your State to substantiate an eligible adverse weather event.

Livestock owners who make an application seeking compensation for injury or death of livestock due to an eligible adverse weather event or eligible cause of loss are the persons or legal entities primarily responsible for providing documentation that is acceptable to FSA and that substantiates their claims. Each application stands on its own. COC's must make fact finding determinations based on each application to determine if an eligible adverse weather event or eligible cause of loss occurred. While FSA may utilize whatever available resources may exist to verify the actual occurrence of an alleged adverse weather event or eligible cause of loss, it is neither the responsibility or obligation of FSA to document eligible loss conditions for applicants.

As stated in our July 30, 2018, memorandum to your office, a livestock taskforce was formed and met to address barriers in LIP implementation. The taskforce met the week of

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September 24 and identified program implementation issues in policy and procedure, in addition to possible solutions. One issue that the taskforce addressed was how to assist States, such as Montana, that do not have official weather data throughout the State to support claimed livestock losses in a specific area. To assist Montana livestock producers in obtaining weather data to support their claimed livestock losses, and to assist COC's in documenting evidence that is used to substantiate an eligible adverse weather event, the taskforce developed the following policy:

Livestock owners must provide documentation acceptable to FSA based on FSA's comparison of that documentation to other sources that are widely accepted as credible for recording and tracking weather. These sources can include:

- An individual's or legal entity's personal weather data contemporaneously uploaded to a public domain that either appears to correlate or is consistent with weather observed at nearest available official weather stations or is determined to be credible based on COC's personal knowledge of weather in the area
- National Weather Service Record Data
- NOAA
- Department of Transportation
- CoCoRAHS
- Extension Service
- Media that provides an eligible adverse weather event occurred.

COC's may use its knowledge of adverse weather in order to determine if a livestock owner's individual claim of eligible adverse weather event is credible; however, any fact finding by COC affirming that an eligible adverse weather event occurred must be corroborated by news accounts, media, or other similar loss applications. COC's must document in the minutes the documentation to substantiate that the claimed adverse weather event occurred and the knowledge and/or data the COC used to make its determination.

If you have any questions or concerns regarding this matter, please contact Amy Mitchell at (202) 720-8954.