



# DISASTER ASSISTANCE

## NAP & ELAP for Shellfish Producers

### NAP

#### NAP Overview

The Noninsured Crop Disaster Assistance Program (NAP) provides financial assistance to producers of noninsurable crops to protect against natural disasters that result in lower yields or crop losses or prevents crop planting. To qualify for assistance, covered crop losses must occur as a result of an eligible cause of loss during the coverage period and directly cause, accelerate, or exacerbate destruction or deterioration of the eligible crop as determined by the county committee.

NAP offers basic 50/55 coverage equivalent at 50% of a producer's inventory value and 55% of the average market price. (Must have greater than 50% loss for payment.)

Additionally, buy-up coverage levels are available. Coverage is available from 50% to 65% of the inventory value, in 5% increments, at 100% of the average market price. Producers must have successfully grown the crop in a prior year to be eligible for buy-up coverage.

#### Service Fees and Premium Cost

The NAP service fee is \$325 per crop per administrative county, up to \$825 per producer per administrative county, not to exceed \$1,950 per producer.

Shellfish producers selecting buy-up coverage must pay the service fee in addition to a premium. Premiums will be calculated using the maximum dollar value selected by the producer on form CCC-471, "Application for Coverage." The maximum premium for a person or legal entity that is a NAP covered producer is \$15,750. If the NAP covered producer is a joint operation, the maximum premium is based on the number of multiple persons or legal entities comprising the joint operation.

Producers who qualify as beginning, limited resource, socially disadvantaged, or veteran farmers or ranchers are eligible for basic (50/55) coverage, a service fee waiver and 50% reduction of buy-up premium. To receive the waiver, producers must file form CCC-860, "Socially Disadvantaged, Limited Resource, Veteran, or Beginning Farmer or Rancher Certification."

### ELAP

#### ELAP Overview

The Emergency Assistance for Livestock, Honeybees, and Farm Raised Fish Program (ELAP) provides emergency assistance to eligible producers of livestock, honeybees, and farm-raised fish who have losses because of disease, adverse weather, or other conditions, including losses because of blizzards and wildfires.

ELAP does not require a producer to secure coverage prior to experiencing a loss. A producer can apply for ELAP at the time of the loss.

There is no service fee for participating in ELAP. For an eligible farm-raised fish producer, payments for farm-raised fish death losses will be based on a national payment factor of either of the following:

- 75% of the calculated payment
- 90% of the calculated payment, for producers who meet the definition of beginning, socially disadvantaged limited resource, or veteran farmers as self-certified to on form CCC-860.



## NAP

### Eligible Causes of Loss

Eligible causes of loss must be the result of a natural disaster directly affecting the crop during the coverage period:

- Damaging weather, such as drought, freeze, hail, excessive moisture, excessive wind, lightning or hurricanes;
- Adverse natural occurrences, such as earthquake or flood; and
- Conditions related to damaging weather or adverse natural occurrences, such as excessive heat, plant disease, volcanic smog, wildfire or insect infestation may also be considered.

For mollusks that are not planted or seeded in containers, net pens, wire baskets, on ropes, or similar devices designed for containment and protection of the mollusks, the only eligible cause of loss of mollusks or missing mollusk inventory is a National Oceanic and Atmospheric Administration-determined tropical storm, typhoon, or hurricane.

**NOTE:** Losses resulting from management decisions or typical mortality rates during the production cycle, are not eligible.

### Eligible Aquacultural Operations

To be eligible for NAP, shellfish must be raised:

- by a commercial operator on private property, meaning:
  - ♦ producer owns or leases property with readily identifiable boundaries or GPS coordinates
  - ♦ owner or lessee has total control of the water column and/or the ground under the specific type of water.
- in water in a controlled environment, meaning:
  - ♦ Eligible aquacultural species must be:
    - placed in the designated facility or environment by the producer and must not be growing naturally in the facility or wild caught
    - placed, planted, or seeded in containers, wire baskets, net pens, or similar devices designed for the protection and containment of the seeded aquacultural species.

## ELAP

### Eligible Losses

ELAP covers:

- Death losses, in excess of normal mortality, of eligible farm-raised fish caused by an eligible adverse weather or loss condition incurred in the county where the eligible adverse weather or loss condition occurred.

### Eligible Causes of Loss

The loss must be the direct result of an eligible adverse weather or loss condition, including but not limited to:

- Earthquakes;
- Excessive heat;
- Excessive wind;
- Floods;
- Freeze;
- Hurricane;
- Tidal surge;
- Tornadoes; and
- Volcanic eruption.

### Eligible Producer

An eligible producer is a person or legal entity who, in addition to meeting other payment eligibility requirements, is an owner, operator, landlord, tenant, or sharecropper, who shares in the risk of producing an eligible:

- Aquatic species that is propagated and reared in a controlled environment that is being maintained for commercial use as part of the producer's farming operation; and
- Who:
  - ♦ Owns or leases property with readily identifiable boundaries;
  - ♦ Has control of the waterbed, the ground under the specific type of water and not just control over a column of water; and
  - ♦ Provides purchased or produced feed to the farm-raised fish, if applicable.



## NAP

### Timeline

The NAP Crop Year for shellfish runs from October 1 - September 30. For example, NAP Crop Year 2025 runs from October 1, 2024 - September 30, 2025.

#### 1. Obtain Coverage

Eligible producers must apply for coverage and pay the applicable service fee or certify as a beginning, limited resource, socially disadvantaged, or veteran farmer on Form CCC-860 by September 30th preceding the production year. (Example: Coverage for 2025 production of shellfish must be obtained by September 30, 2024.)

#### 2. Acreage Report and Inventory Records

FSA uses acreage reports to verify the existence of the crop, to record the value of inventory, and report the names and shares of all producers sharing in the crop. Shellfish producers must file their acreage report by September 30 for the ensuing crop year. (Example: Acreage reports for crop year 2025 must be filed by September 30, 2024.)

#### 3. Submit Monthly Inventory Records

Producers are responsible for maintaining monthly inventory records and providing this inventory to the County Committee (COC) at the time of the loss. Producers are also required to provide an updated inventory to the COC immediately following the loss event.

#### 4. Notify FSA When a Loss Occurs

Producers impacted by a weather-related/natural disaster must contact their County Office within 72 hours of damage to the crop becoming apparent.

#### 5. File a Notice of Loss

Upon the initial reporting of a loss, the County Office will provide the producer with a Notice of Loss form. The producer must complete and return the Notice of Loss Form within 15 days of the impact to their crops having become apparent.

#### 6. Loss Adjuster Visit

The County Office will help the producer to arrange a Loss Adjuster visit to their site to inspect the loss. The Loss Adjuster will take notes, take pictures, and write up an appraisal of the inventory. The Loss Adjuster will ask the producer to complete the appraisal form indicating agreement/disagreement with their reporting.

#### 7. File Application for Payment

The producer must file an application for payment, in addition to the notice of loss. This form must be filed within 60 days of the last day of the Coverage Period for the crop. The County Office can confirm what date this deadline falls on, but for most aquaculture crops the date is November 29 of the following crop year.

## ELAP

### Timeline

The ELAP Program follows the calendar year, January 1 - December 31. However, it is important to note that aquacultural acreage reporting still follows the October 1 - September 30 reporting window.

#### 1. Report Acreage

FSA uses acreage reports to verify the existence of the crop, to record the number of acres of production, and report the names and shares of all producers sharing in the crop. Shellfish producers must file their acreage report by September 30 of the preceding crop year. (Example: Acreage reports for crop year 2025 must be filed by September 30, 2024.) \*Even though ELAP works on the calendar year cycle, the acreage reporting window is still specific to the aquacultural crop year.

#### 2. Notify FSA When a Loss Occurs

Producers impacted by a weather-related/natural disaster should contact their County Office as soon as possible after damage to the crop has become apparent.

#### 3. File A Notice of Loss

Producers must fill out and sign a Notice of Loss form no later than January 30 of the calendar year following the loss.

#### 4. Submit Supporting Documentation

Producers must provide supporting documentation as requested by the County Committee (COC), including inventory records no later than January 30 of the calendar year following the loss.

#### 5. File Application for Payment

After completing the previous steps, producers must fill out and sign the Application for Payment form. The deadline for filing the Application for Payment, including all supporting documentation, is January 30 of the calendar year following the loss.





## NAP

### Producer Responsibilities - Documentation & Record Keeping Requirements

#### Management Practices Requirements:

The producer must provide evidence to COC's satisfaction that the "crop" is being controlled, maintained, and harvested according to normal practices. Evidence must prove the aquatic environment is properly maintained and the potential hazards are being removed.

#### Record Keeping Requirements:

Producers are responsible for maintaining monthly inventory reports and providing this inventory to the COC at the time of loss. Failure to provide accurate monthly inventories will result in ineligibility for NAP payments.

Producers are responsible for providing updated inventory to the COC immediately following an eligible loss event.

This inventory after the disaster must be verified by the Loss Adjuster.

It is best practice to include the following details on all inventory submissions:

- Growing practice/Management practice(s)
- Date of inventory record
- If grown in cages/bags:
  - ♦ Quantity of cages/bags
  - ♦ Density of shellfish in cages/bags
  - ♦ Size of shellfish in cages/bags
- If broadcasted:
  - ♦ Quantity and size of broadcasted shellfish

#### Spat Collection Requirements:

If a producer collects spat, and participates in the NAP Program, they must be able to show their method for maintaining the wild-caught spat as a part of their controlled inventory.

## ELAP

### Producer Responsibilities - Documentation & Record Keeping Requirements

#### Management Practices Requirements:

The producer must provide records, as required by COC, to determine whether the aquacultural species are produced in an eligible aquaculture facility or environment.

#### Record Keeping Requirements:

Producers are responsible for providing verifiable or reliable documentation, as determined acceptable by COC, of:

- Farm-raised fish death losses due to an eligible loss condition.
- Inventory on the beginning and ending date of the eligible loss condition.

It is best practice to include the following details on all inventory submissions:

- Growing practice/Management practice(s)
- Date of inventory record
- If grown in cages/bags:
  - ♦ Quantity of cages/bags
  - ♦ Density of shellfish in cages/bags
  - ♦ Size of shellfish in cages/bags
- If broadcasted:
  - ♦ Quantity and size of broadcasted shellfish

#### Spat Collection Requirements:

States will determine the eligibility of spat as a farm-raised fish for ELAP program purposes. Producers should contact their county FSA office for more details on the eligibility of spat and, if eligible, any additional management and reporting requirements.



## For More Information

This fact sheet is for informational purposes only; other eligibility requirements or restrictions may apply. To find more information about FSA disaster assistance programs, visit [farmers.gov](https://farmers.gov) or contact your local FSA office. To find your local FSA office, visit [farmers.gov/service-center-locator](https://farmers.gov/service-center-locator).

