

78 **Eligible Loss Conditions****A Farm-Raised Fish Physical Losses**

Eligible loss conditions for farm-raised fish * * * include * * *, but are **not** limited to, the following:

- earthquakes
- excessive heat * * *
- excessive wind * * *
- floods
- hurricane
- tidal surge
- tornados
- volcanic eruption
- freeze * * *
- eligible adverse weather events approved by COC according to subparagraph 8 B.

***--B Farm-Raised Fish Feed Losses**

Eligible loss conditions for farm-raised fish feed losses include, but are **not** limited to, the following:

- earthquakes
- floods
- hurricane
- lightning
- tidal surge
- tornados
- volcanic eruption
- wildfire
- eligible adverse weather events approved by COC according to subparagraph 8 B.--*

***--C Ineligible Loss Conditions**

Losses because of managerial decisions or losses of aquacultural species normally incurred in the production cycle of the aquacultural species, that is, normal death losses, are **not** eligible for ELAP. In addition, ineligible loss conditions for farm-raised fish physical and feed losses include, but are not limited to:

- brownouts, as defined in Exhibit 2
- failure of power supply--*

78 Eligible Loss Conditions (Continued)

*--C Ineligible Loss Conditions (Continued)

- growing environments that do **not** meet the requirements provided in subparagraphs 76 B and C
- collapse or failure of equipment or apparatus used in the aquacultural facility

Example: Damaging weather interrupts electrical power service outside of the facility causing an aquacultural facility’s aeration equipment to fail. The loss of aquacultural species because of the lack of oxygen from the aeration equipment failure is not eligible because a natural disaster did **not** directly impact the aquacultural species.

Note: If the damaging weather destroyed the facility’s equipment and backup generators, then the loss of aquacultural species because of the lack of oxygen from the aeration equipment failure would be eligible because a natural disaster did directly impact the aquacultural species.

- losses due to natural mortality.--*

79 Farm-Raised Fish Physical Losses

A **Required Documentation**

*--For eligible farm-raised fish physical losses, the participants must provide the following required documentation:

- acreage report (surface acres of water)
- verifiable or reliable documentation, as provided in subparagraphs C and D 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
- documentation, as provided in subparagraph B, to determine an aquaculture facility or environment as eligible.--*

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79 Farm-Raised Fish Physical Losses (Continued)

***--B Required Documentation for Eligible Aquaculture Facility or Environment**

Eligible farm-raised fish participants **must** provide records, as **required** by COC, to determine whether the aquacultural species are produced in an eligible aquaculture facility or environment. **Required** records include, but are **not** limited to:

- feeding and fertilization
- hatchery operations
- leases
- onsite specialized equipment
- predator control
- production site preparation
- proof of stocking levels
- reproduction
- water quality
- proof that the participant is following best management practices as determined by STC.

Note: The following types of best management practices should be considered:

- the size and depth of the aquatic facility meets the needs of the aquatic species to survive throughout the production year
- aquatic species are adapted or adaptable to the location
- any other management practice that is applicable.

C Verifiable and Reliable Death Loss Records

Verifiable records include records provided by the producer that may be verified by COC through an independent source and are used to substantiate the number or pounds of fish lost. Reliable records may be considered acceptable, as determined by COC.--*

Acceptable verifiable or reliable records may include, but are **not** limited to:

- acreage reports (surface acres of water)
- loan records
- private insurance documents
- property tax records (these are records actually filed with or in support of tax records which can be verified through a third party, such as a taxing authority; not just a record with “for tax purposes” annotated on them)

79 Farm-Raised Fish Physical Losses (Continued)

--C Verifiable and Reliable Death Loss Records (Continued)--

- sales and purchase receipts
- chattel inspections
- sales receipts.

Important: COC **must** follow procedure established in paragraph 104 when acting on supporting documentation, such as verifiable and reliable records and producer's certification statements.

*--If documentation is **not** available or provided, COC may accept producer's certification of the farm-raised fish death loss if other similar producers of farm-raised fish have comparable losses, as determined by COC.--*

***--D Beginning and Ending Inventory**

Verifiable records include records provided by the producer that may be verified by COC through an independent source and are used to substantiate the beginning and ending inventory immediately before and after the eligible loss condition. Reliable records may be considered acceptable, as determined by COC. See subparagraph C for acceptable verifiable or reliable records.

If the producer provides acceptable documentation of beginning inventory on the beginning date of the eligible loss condition and COC determines that the documentation is reliable and is already adjusted for normal mortality, as described in subparagraph F, then FSA **must not** apply STC-established normal mortality rates as provided in subparagraph G.--*

If farm-raised fish beginning inventory just before the loss **cannot** be provided, FSA may calculate the beginning inventory by considering the stocking rate of the fish, the feeding practices for the fish (if they are provided by the producer), and applying normal mortality, *--as determined by STC according to subparagraph G, to arrive at the expected beginning--* inventory.

Some fish operations may not be able to provide enough documentation to reliably certify beginning inventory. If available, these operations may provide the original stocking rates, feeding schedules, etc., so that FSA can apply STC-established normal mortality rates to extrapolate numbers and arrive at the reliable, expected beginning inventory before the *--eligible loss condition.--*

If the fish operator does not provide acceptable documentation to assist FSA in determining the beginning and ending inventory of fish, then the producer will not be eligible to receive benefits for the physical loss of fish.