

§ 1439.904

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the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

Type and weight range means the weight range by type of livestock and appropriate amount of energy required to provide the daily maintenance needs for livestock, as follows:

Kind/type	Weight range (lbs.)	Daily energy requirement
(1) Beef cattle (Buffalo/Beef-alo):		
Beef	Less than 400	3.01 NEm Mcal.
Beef	400-799	5.59 NEm Mcal.
Beef	800-1099	7.31 NEm Mcal.
Beef	1100+	10.75 NEm Mcal.
Beef, cow	All	13.60 NEm Mcal.
Beef, bull	1000+	11.18 NEm Mcal.
(2) Dairy cattle:		
Dairy	Less than 400	3.01 NEm Mcal.
Dairy	400-799	5.59 NEm Mcal.
Dairy	800-1099	7.31 NEm Mcal.
Dairy	1100+	10.75 NEm Mcal.
Dairy, cow	Less than 1100	23.22 NEI Mcal.
Dairy, cow	11-1299	26.66 NEI Mcal.
Dairy, cow	1300-1499	28.38 NEI Mcal.
Dairy, cow	1500+	29.67 NEI Mcal.
Dairy, bull	1000+	12.47 NEm Mcal.
(3) Equine:		
Equine	Less than 450	6.2 DE Mcal.
Equine	450-649	8.9 DE Mcal.
Equine	650-874	11.6 DE Mcal.
Equine	875+	17.3 DE Mcal.
(4) Swine:		
Swine	Less than 45	780 DE Kcal.
Swine	45-124	1630 DE Kcal.
Swine	125+	2867 DE Kcal.
Swine, sow	235+	9854 DE Kcal.
Swine, boar	235+	5446 DE Kcal.
(5) Sheep:		
Sheep	Less than 44	0.34 NEm Mcal.
Sheep	44-82	0.77 NEm Mcal.
Sheep	83+	0.95 NEm Mcal.
Sheep, ewe	150+	2.66 NEm Mcal.
Sheep, ram	150+	1.46 NEm Mcal.
(6) Goats:		
Goats	Less than 44	0.43 NEm Mcal.
Goats	44-82	0.95 NEm Mcal.
Goats	83+	1.29 NEm Mcal.
Goats, doe	125+	3.00 NEm Mcal.
Goats, doe, dairy 1994 and subsequent crop years.	125+	4.47 NEm Mcal.
Goats, buck	125+	1.80 NEm Mcal.

§ 1439.904 Region.

(a) The size of a region will consist of:

- (1) An entire reservation, even if the reservation is less than 320,000 acres; or
- (2) Contiguous acreage of at least 320,000 acres and include land acreage of an Indian reservation or tribal governed land. If a region is delineated

based on minimum size of 320,000 acres, the region shall be delineated without regard to the boundary of a reservation or tribal governed land. If the acreage affected by the natural disaster does not meet the minimum acreage requirement specified in this paragraph (a)(2), acreage will be added from surrounding land until the minimum requirement is met.

(b) The region must:

- (1) Include acreage affected by the natural disaster that is the basis for the region's designation;
- (2) Correspond to the shape of the natural disaster to the maximum extent possible;
- (3) Be defined in a manner that does not intentionally include or exclude owners or crops;
- (4) Contain some acreage of tribal governed land; and
- (5) Have suffered a livestock feed emergency as defined in §1439.903.

§ 1439.905 Responsibilities.

(a) During the operation of this program, CCC shall:

- (1) Provide weather data, crop yields and carrying capacities to tribes requesting such information;
- (2) Review contracts submitted by tribal governments requesting disaster regions; and
- (3) Act as an agent for disbursing payments to eligible livestock owners in approved disaster regions.

(b) Tribal governments shall be responsible for:

- (1) Approaching CCC to obtain a contract to participate in the AILFP based on the tribe's voluntary decisions that participation will benefit its members;
- (2) Gathering, organizing, and reporting accurate information regarding disaster conditions and region;
- (3) Advising livestock owners in an approved region that they may be eligible for payments, in addition to the method and requirements for filing applications;
- (4) Accepting applications for payment from individual livestock owners;
- (5) Determining that the information provided by individual livestock owners on payment applications is accurate and complete and that the owner is eligible for payments under this program;

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(6) Submitting only accurate and complete payment applications to the designated FSA office acting as an agent for disbursing payments to eligible livestock owners.

(c) The owner or authorized representative, shall:

(1) Furnish all the information specified on the payment application, as requested by CCC;

(2) Provide any other information that the tribal government deems necessary to determine the owner's eligibility; and

(3) Certify that purchased feed was or will be fed to the owner's eligible livestock.

§ 1439.906 Program availability.

(a) When a tribal government determines that a livestock feed emergency exists due to a natural disaster, the tribal government may submit a properly completed contract requesting approval of a region. All contracts requesting region approval must be submitted by the later of December 28, 1998, or 30 days after the end of the disaster period specified on the contract.

(b) Properly completed contracts shall consist of:

(1) A completed form CCC-453, Contract To Participate; and

(2) A completed form CCC-648, Region Designation And Feed Loss Assessment; and

(3) Supportive documentation as determined by CCC including, but not limited to:

(i) A map of the region delineated in accordance with § 1439.904;

(ii) Historical production data and estimated or actual production data for the disaster year;

(iii) Climatological data provided by the State FSA office; and

(iv) A report of an on-site survey.

(c) The Deputy Administrator shall make a determination as to whether a livestock feed emergency exists not later than 30 days after receipt of a properly completed contract made in accordance with this subpart and shall notify the tribal government and State FSA office of such determination as applicable.

(d) The feeding period provided in the approved contract will be for a term not to exceed 90 days, except as pro-

vided in paragraph (e) of this section. The feeding period shall not be extended if the livestock feed emergency no longer exists. Notwithstanding the duration of any feeding period, assistance under this subpart terminates immediately and without notice when program funds are exhausted as specified in § 1439.901.

(e) The tribal government may request to extend the feeding period not to exceed an additional 90 days for each extension if disaster conditions have not diminished significantly and a livestock feed emergency continues.

§ 1439.907 Eligibility.

(a) An eligible owner must own or jointly own the eligible livestock for which payments under this subpart are requested. Notwithstanding any other provision of this subpart, livestock leased under a contractual agreement that has been in effect at least 6 months prior to the date of application for assistance made under this subpart shall be considered as being owned by the lessee if the lease:

(1) Requires the lessee to furnish the feed for such livestock; and

(2) Provides for an interest in such livestock, such as the right to market a share of the increase in weight of livestock.

(b) A State or non-tribal local government or subdivision thereof, or any individual or entity determined to be ineligible in accordance with § 1400.501 of this chapter are not eligible for benefits under this subpart.

(c) Any eligible owner of livestock, including the tribe, may file a CCC-approved AILFP payment application with the tribal government. When such a payment application is filed, the owner and an authorized tribal government representative shall execute the certification contained on such payment application no later than the deadline established by CCC upon approval of the region.

(d) To be eligible for benefits under this subpart, livestock owners must own or lease tribal governed land in the delineated region; and have had livestock on such land at the time of disaster that is the basis for the region's designation.