



Livestock Indemnity Program (LIP): Montana

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Background

Disaster assistance programs were common in the 1980s, 1990s, and during several years earlier in this decade. Some were ongoing or “standing” disaster programs and others were *ad hoc* disaster programs.

Ongoing disaster assistance programs were established and authorized through time by federal legislation commonly known as “farm bills.” Farm bills authorized permanent or “standing” disaster programs such as the Emergency Conservation Program (ECP) and the Emergency Loan Program (EM).

The ECP was designed for initiatives such as emergency water conservation measures in periods of severe drought. Cost share funds available for these conservation programs depended on the annual federal appropriations process. ECP cost share funds for emergency water conservation have been used by Montana ranch operators to provide water for range livestock.

The EM allowed the Farm Service Agency to provide financial assistance to producers so that they could recover from production and physical losses due to drought and other natural disasters. Emergency loans could be made to eligible ranchers and farmers located in counties declared disaster areas by the President or the Secretary of Agriculture to replace essential property, pay production costs for the disaster year, pay essential family living expenses, reorganize the farm or ranch operation, and refinance certain types of farm/ranch debt.

Other disaster programs were authorized, often during or following periods of widespread natural disaster, through a different process than “farm bill” authorization. Typically federal appropriations legislation appropriated funding for ongoing disaster programs previously authorized by farm bill legislation and authorized and appropriated funding for *ad hoc* disaster programs. For instance, the *Agricultural Assistance Act of 2007* authorized and appropriated funding for several *ad hoc* disaster programs including a Livestock Indemnity Program and a Livestock Compensation Program.

Eligibility criteria and payment rates for the former *ad hoc* disaster programs like the Livestock Indemnity Program were often changed from one *ad hoc* disaster program to the next. As the fundamental elements of former *ad hoc* programs were never known to producers prior to the establishment of a program to provide relief from a widespread disaster, producers were subjected to changing loss thresholds and eligibility requirements. For instance, under the Livestock Indemnity Program 2007, producers

could be compensated for losses between January 1, 2005 and February 28, 2007. However, producers incurring losses in more than one of the 2005, 2006 and 2007 calendar years were required to select the losses in only one of these three years for compensation.

The *Food, Conservation and Energy Act of 2008*, the most recent farm bill, changed the nature of disaster programs. The statute included the *Supplemental Agricultural Disaster Assistance (SADA)* initiative that authorized a portfolio of permanent or “standing” disaster assistance programs. The **Livestock Indemnity Program (LIP)** is one of the disaster programs authorized under this title.

Overview of the LIP Program

LIP provides payments to eligible livestock owners and contract growers for livestock death losses in excess of normal mortality due to adverse weather. The indemnity payment rate for livestock owners is 75 percent of the average fair market value of applicable livestock on the day before death, as determined by the Farm Service Agency. The indemnity payment rate for contact growers is 75 percent of the average income loss sustained with respect to the dead livestock, as determined by the Farm Service Agency.

LIP does NOT have a risk management purchase requirement for program benefit eligibility.

Basics of the LIP

The basic elements of the LIP include the triggers that make LIP available to producers, eligible weather events, eligible livestock, signup requirements, Notice of Loss, Application for Payment, and LIP Loss and Payment Calculations.

Triggers: LIP payments will be based on **individual producers’ eligible losses due to adverse weather conditions.**

No Secretarial Disaster Declaration, Presidential Disaster Designation, State, county or other trigger is needed to define eligibility for **LIP.**

Eligible Adverse Weather Events: Several adverse weather events may cause livestock deaths that can be compensated under **LIP.** These include blizzards, tornadoes, lightning, earthquakes, floods, extreme cold, extreme heat, wildfire and disease.

Wildfire that causes livestock deaths must be related to an adverse weather event. Disease that causes livestock death must be related to or exacerbated by an eligible adverse weather event to be an eligible cause of livestock death under **LIP**.

Drought is **not** an eligible adverse weather event for the cause of livestock death under **LIP** except when associated with anthrax.

Eligible Livestock: To be eligible for LIP, livestock must be maintained for **commercial use** as part of a **farming operation**.

An eligible owner must own eligible livestock on the day the livestock died to qualify for **LIP**. Furthermore, the eligible livestock must have died in the calendar year for which **LIP** benefits are requested.

Eligible livestock include many types and weight ranges. The general types of livestock considered eligible for owners are as follows (with key types included in **Appendix A: Definitions** of this paper): adult/non-adult beef cattle; adult/non-adult dairy cattle; adult/non-adult buffalo and beefalo; equine (maintained for commercial use as part of a farming operation); elk; reindeer; deer; sheep; alpacas; emus; swine; goats; llamas; and poultry. To be considered eligible livestock for contract growers, the livestock must be poultry or swine and meet certain additional requirements.

Signup Requirements: For livestock owners and contract growers who suffer livestock losses in calendar year 2010 and in subsequent years, producers must file a **notice of loss** within **30 calendar days** of when the loss of livestock is apparent.

Notice of Loss: A **notice of loss** can be reported by a producer to the local county Farm Service Agency office by telephone, fax or e-mail.

Proof of death of livestock must be provided and may include but is not limited to, any or a combination of the following: rendering truck receipts or certificates; national guard receipts of carcass removal; veterinary records; tax assessor records; private insurance documents; or a measurement of loss requested by the producer and completed by the Farm Service Agency.

Documentation must be provided in the **notice of loss** that identifies the kind/type/weight range of the livestock and the number of livestock in each category.

In some cases, none of the forms of proof previously identified may be available to verify the loss of livestock. Third party certification of loss may be accepted only when a participant certifies in writing that no other form of proof of death is available and the third party verification includes the number and physical location of livestock in inventory at the time the deaths occurred.

The third party providing the certification must be a reliable source in a position to have knowledge of the dead livestock and shall not be affiliated with the operation. (For example, the third party could not be a hired hand or a family member of the participant).

Application for Payment: To apply for an **LIP** payment, eligible livestock owners and contract growers shall file the appropriate form with the local Farm Service Agency office.

In calendar year 2010 and subsequent calendar years, an **application for payment** must be filed no later than 30 calendar days after the end of the calendar year in which the loss of livestock occurs.

LIP Loss and Payment Calculations: These calculations are initiated by first determining the **Total Eligible Number Lost**. Then the **Net Total LIP Payment** is calculated.

The calculations for the **Total Eligible Number Lost** are:

Total Eligible Number Lost = Total Number of Head Lost – **Net Loss Threshold**

Net Loss Threshold = **Loss Threshold** – Number of Head Lost due to non-weather related events

Loss Threshold = Beginning Inventory X **Normal Mortality Rate**

The calculations for the **Net LIP Payment** are:

Gross Calculated LIP Payment = **Total Eligible Number Lost** (by livestock kind/type and weight range) x **Payment Rate** (by livestock kind/type and rate range). The **Payment Rate** for livestock deaths suffered by a livestock owner is 75 percent of the average market value on the day before the date of livestock death as established by the Farm Service Agency.

Total Gross Calculated LIP Payment = Sum of all **Gross Calculated LIP Payments**

Net Total LIP Payment = **Total Gross Calculated LIP Payment** – any other compensation from a Federal disaster program for the same or similar loss or any other allowable reduction (at this time none are known).

Payments and Limitations: The **Net Total LIP Payment** will be made to program participants.

LIP will pay up to \$100,000 per crop year per person. However, this limit applies the sum of all payments from **LIP, LFP, ELAP and SURE**.

In 2009 and subsequent years persons or legal entities that have **non-farm** Adjusted Gross Income levels that exceed \$500,000 are not eligible for **LIP**.

Example of Livestock Death Loss and LIP Payments

A ranch in Carter County was severely impacted by a long-lasting blizzard that began on February 12. Following the blizzard the rancher immediately notified the local Farm Service Agency office that he had suffered death losses in his cow-calf herd. Prior to the storm the rancher had the following livestock inventory:

Mature cows-----500 head
Mature herd bulls-----16 head
Replacement heifers
(400-799 pounds)-----75 head
Saddle horses-----6 head

The rancher calves in late March so there were no current-year calves in the inventory at the time of the blizzard.

Largely due to drifting snow during the blizzard, the rancher lost 30 mature cows, 1 bull and 15 replacement heifers. The saddle horses were near the barn and put into stalls during the blizzard, so none were lost.

Consider the calculations for the **Eligible Number Lost** and **Net LIP Payment** for each type and weight range of livestock.

Loss Threshold = Beginning Inventory x **Normal Mortality Rate** (Refer to Table 1)

Loss Threshold for Mature Cows = 500 head x 1.00% = 500 head x 0.01 = 5 head

Loss Threshold for Mature Bulls = 16 head x 1.00% = 16 head x 0.01 = 0.16 head = 0 Bulls

Loss Threshold for Replacement Heifers = 75 head x 3.60 % = 75 head x 0.036 = 2.7 head = 3 head

Loss Threshold values are rounded to the nearest whole animal using conventional rounding rules.

As there were no death losses reported due to non-weather related events, the **Loss Threshold** estimates are also the **Net Loss Threshold** values.

Total Eligible Number Lost = Total Number of Head Lost – **Net Loss Threshold**

Total Eligible Number of Mature Cows Lost = 30 cows – 5 head = 25 head of mature cows.

Total Eligible Number of Mature Bulls Lost = 1 bull – 0 bulls = 1 bull.

Total Eligible Number of Replacement Heifers Lost = 15 head – 3 head = 12 head of replacement heifers.

Gross Calculated LIP Payment = **Total Eligible Number Lost** x **Payment Rate** (Refer to Table 2 or Table 3).

LIP Payment for
Mature Cows Lost = 25 head x \$694.98 = \$ 17,375

LIP Payment for
Mature Bulls Lost = 1 head x \$903.48 = \$903

LIP Payment for
Replacement Heifers Lost = 12 head x \$463.41 = \$5,561

Total Gross Calculated LIP Payment = **\$23,839**

Selected Program Details

County-level Farm Service Agency personnel quickly become conversant with handbook requirement unique to each disaster program. The explanations that follow may allow a producer to be more aware of new program provisions and implementation requirements.

Drought is Not an Eligible Adverse Weather Event: Drought is **not** an adverse weather event because feed can be purchased or otherwise obtained during the event

Table 1: Montana Normal Mortality Rates

Kind	Type	Weight Range	Normal Annual Mortality Rates
Alpacas			5.00%
Beef	Non Adult	Less than 400 pounds	3.60%
		400 pounds to 799 pounds	3.60%
		800 pounds or more	1.00%
	Adult	Cow	1.00%
		Bull	1.00%
Buffalo/Beefalo	Non Adult	Less than 400 pounds	3.60%
		400 pounds to 799 pounds	3.60%
		800 pounds or more	1.00%
	Adult	Cow	1.00%
		Bull	1.00%
Chickens	Layers/Roasters		13.70%
	Broilers/Pullets		13.70%
	Chicks		13.70%
Dairy	Non Adult	Less than 400 pounds	3.60%
		400 pounds to 799 pounds	3.60%
		800 pounds or more	1.00%
	Adult	Cow	1.00%
		Bull	1.00%
Deer			Not Established
Ducks	Ducks		6.50%
	Ducklings		10.00%
Elk			2.20%
Emus			Not Established
Equine			5.40%
Geese	Goose		6.50%
	Gosling		10.00%
Goats	Bucks		5.00%
	Nannies		5.00%
	Slaughter Goats/Kids		10.00%
Llamas			5.00%
Reindeer			Not Established
Sheep	Rams		4.90%
	Ewes		4.90%
	Lambs		13.60%
Swine	Sows/Boars	Over 450 pounds	2.90%
	Sows/Boars/Barrows/Gilts	151 to 450 pounds	2.90%
	Lightweight Barrows/Gilts	50 to 150 pounds	2.90%
	Feeder Pigs	Under 50 pounds	10.00%
Turkeys	Toms/Fryers/Roasters		6.50%
	Poults		10.00%

Table 2: Payment Rates for Eligible Livestock for Livestock Owners

Kind	Type	Weight Range	2009 Payment Per Head	2010 Payment Per Head
Alpacas			\$262.50	
Beef	Non Adult	Less than 400 pounds	\$319.44	
		400 pounds to 799 pounds	\$463.14	
		800 pounds or more	\$722.13	
	Adult	Cow	\$694.98	
		Bull	\$903.48	
Dairy	Non Adult	Less than 400 pounds	\$366.09	
		400 pounds to 799 pounds	\$732.19	
		800 pounds or more	\$722.13	
	Adult	Cow	\$1,464.38	
		Bull	\$1,464.38	
Buffalo/Beefalo	Non Adult	Less than 400 pounds	\$303.47	
		400 pounds to 799 pounds	\$440.24	
		800 pounds or more	\$686.03	
	Adult	Cow	\$611.76	
		Bull	\$1,147.05	
Swine	Boars/Sows	Over 450 pounds	\$114.98	
	Sows/Boars/Barrows/Gilts	151 to 450 pounds	\$75.44	
	Lightweight Barrows/Gilts	50 to 150 pounds	\$52.59	
	Feeder Pigs	Under 50 pounds	\$29.74	
Sheep	Rams		\$107.24	
	Ewes		\$82.49	
	Lambs		\$104.58	
Goats	Bucks		\$65.28	
	Nannies		\$65.28	
	Slaughter Goats/Kids		\$48.56	
Chickens	Layers/Roasters		\$13.66	
	Broilers/Pullets		\$1.92	
	Chicks		\$0.20	
Turkeys	Toms/Fryers/Roasters		\$12.30	
	Poults		\$1.80	
Ducks	Ducks		\$3.33	
	Ducklings		\$0.53	
Geese	Goose		\$21.05	
	Gosling		\$4.42	
Deer			\$412.50	
Elk			\$572.59	
Emus			\$150.00	
Equine			\$637.50	
Llamas			\$210.00	
Reindeer			\$412.50	

of drought. Therefore, drought is not an eligible weather event except when anthrax, as related to a condition that occurs as a result of drought, results in the death of eligible livestock.

Livestock deaths because of insufficient or contaminated water or feed during a drought are considered to be the result of management decisions and are **not** eligible for LIP.

Extreme Heat and Extreme Cold as Eligible Adverse Weather Events: The state-level offices of the Farm Service Agency are responsible for establishing criteria for livestock deaths because of extreme heat or cold. Farm Service Agency personnel will be required, in each case where extreme heat or extreme cold is the cause of death, to document that the cause of loss was because of extreme heat or extreme cold, that management decisions were not the cause of loss, and that the extreme heat or cold was so abnormal that it could reasonably cause the deaths.

Livestock Deaths due to Disease: Participants who apply for livestock deaths caused by disease are required to provide documentation to support how the disease was accelerated or exacerbated by an eligible adverse weather event before an LIP application can be approved.

For example, blackleg is frequently a fatal disease for young cattle. Blackleg is almost entirely preventable by vaccination; therefore blackleg is **not** an eligible cause of death loss under LIP.

Ineligible Livestock: Livestock produced or maintained for reasons other than commercial use as part of a farming operation are ineligible for LIP, including for recreational purposes, home consumption by the owner, hunting, pets, pleasure, roping, and show.

If an animal raised for commercial purposes in a farming operation is pregnant at the time of a death caused by an eligible adverse weather event, the animal that died is eligible for payment under LIP. However, the unborn animal is **not** considered eligible livestock under LIP.

Animals that die before they reach full-term or near full-term and would not normally survive under normal conditions do not qualify for LIP benefits. However, there are conditions under which newborn or stillborn animals are eligible for LIP. Animals that are born full-term or near full-term shall qualify for LIP payments if both of the following apply: (1) the death was the direct cause of the eligible adverse weather event, and (2) the birth produced a fully developed carcass that normally would have survived under normal weather conditions.

Eligible Livestock Owners: An eligible livestock owner for LIP is one who assumes the production and market risks associated with the livestock and meets the following conditions:

1. Had legal ownership of the eligible livestock for which benefits are being requested on the day the livestock died, and under conditions that no contract grower could have been eligible for benefits with respect to the animal; and
2. Is an individual or entity that is either a:
 - a. citizen of the United States
 - b. resident alien
 - c. partnership of the United States
 - d. corporation, limited liability corporation, or other farm organizational structure organized under State law
 - e. any Native American tribe as defined under the Indian Self-Determination and Education Assistance Act
 - f. any Native American organization or entity chartered under the Indian Reorganization Act; or
 - g. an economic enterprise under the Indian Financing Act of 1974.

An individual or entity that did **not** have legal ownership on the day the livestock died is **not** an eligible livestock owner for LIP benefits.

Eligible Contract Growers: An eligible livestock grower for LIP is one who meets the following conditions:

1. Possessed an independent financial interest in eligible livestock or products derived from such livestock, as defined by a written agreement with the owner of eligible livestock, setting specific terms, conditions and obligations of the parties involved about the production of livestock on the day the livestock died;
2. Suffered a loss of income as a direct result of the death of specific livestock subject to terms, conditions, and obligations of the written contract with the owner of specific livestock (the contract grower **shall** provide a copy of the grower contract to the Farm Service Agency administrative county office); and

3. Is an individual or entity that is:
- a. A citizen of the United States
 - b. A resident alien
 - c. A partnership of the United States
 - d. A corporation, limited liability corporation, or other farm organizational structure organized under State law
 - e. Any Native American tribe as defined under the Indian Self-Determination and Education Assistance Act
 - f. Any Native American organization or entity chartered under the Indian Reorganization Act, and economic enterprise under the Indian Financing Act of 1974.

Any individual or entity that did **not** have a contractual agreement with the livestock owner on the day the livestock died is **not** an eligible contract grower for LIP benefits.

Payment Limitations: For 2009 and subsequent years, no person or legal entity (excluding a joint venture or general partnership) may receive, directly or indirectly, more than \$100,000 per program year under ELAP, LEP, LIP and SURE combined. For this purpose, both indirect and direct benefits are counted by attribution. In the case of a legal entity, the same payment is attributed to the direct payee in the full amount and those that have an indirect interest to the amount of the interest.

A determination of *persons* as defined in the rules in effect for 2008 and prior years is not required in 2009 and subsequent years. However, legal entities must file information for the determination of individual members of legal entities for attribution purposes.

Reasonableness of Inventory: Producers must provide an inventory on livestock at the time of livestock deaths for which they are seeking compensation. Reasonableness of the inventory can be supported by verifiable evidence including any or a combination of the following: veterinary record, canceled check documentation, balance sheets, inventory records for tax purposes, loan records, bank statements, farm credit balance sheets, property tax records, brand inspection records, sales and purchase receipts, private insurance documents, and chattel inspections. None of these types of documents, by themselves, may be sufficient evidence to determine the reasonableness of the number of livestock in inventory

when deaths occurred. The Farm Service Agency is required to ensure that the documents submitted by participants provide verifiable evidence. The Farm Service Agency shall determine the reasonableness of the inventory using the following guidelines:

- 90 percent calving rate
- 103 to 105 percent lambing rate
- 8.5 pigs per litter

Summary

The *Food, Conservation and Energy Act of 2008*, the most recent farm bill, authorized a portfolio of permanent disaster assistance programs including the **Livestock Indemnity Program (LIP)**.

LIP provides payments to eligible livestock owners and contract growers for livestock death losses due to adverse weather. The indemnity rate is 75 percent of the average market value of the applicable livestock kind, type and weight, as established by the Farm Service Agency for the production year. LIP does **not** have a risk management purchase option for program benefit eligibility.

LIP payments will be based on an individual producer's eligible losses due to adverse weather conditions. There are no general disaster declaration requirements for eligibility for payments.

Livestock death losses due to blizzards, tornadoes, lightning, earthquakes, floods, extreme cold, extreme heat, wildfire, and in some instances, disease can be compensated under LIP. Death loss due to drought will **not** be compensated.

Livestock owners and contract holders who suffer losses in the calendar year 2010 and in subsequent years must file a notice of loss within 30 days of when the loss of livestock is apparent. Eligible livestock owners and contract growers must file for payment no later than 30 calendar days after the end of the year in which the loss of livestock occurs.

Producers will be required to substantiate their livestock losses with verifiable, reliable, or third party documents or records. They also must establish their livestock inventories concurrent with the dates of livestock losses.

Table 3: Payment Rates for Eligible Livestock for Livestock Contract Growers

Kind	Type	Weight Range	2009 Payment Per Head	2010 Payment Per Head
Chickens	Layers/Roasters		\$0.82	
	Broilers/Pullets		\$0.21	
Turkeys	Toms/Fryers/Roasters		\$1.35	
Ducks	Ducks		\$0.37	
Geese	Goose		\$2.32	
Swine	Boars/Sows	Over 450 pounds	\$47.25	
	Sows/Boars/Barrows/Gilts	151 to 450 pounds	\$11.33	
	Lightweight Barrows/Gilts	50 to 150 pounds	\$7.90	
	Feeder Pigs	Under 50 pounds	\$3.38	

Appendix A: Selected Definitions

- *Adult beef bull*: A male beef breed bovine animal that was at least 2 years old and used for breeding purposes before it died.
- *Adult beef cow*: A female beef breed bovine animal that had delivered one or more offspring before dying. A first-time bred beef heifer shall also be considered an adult beef cow if it was pregnant at the time it died.
- *Adult dairy bull*: A male bovine dairy breed animal at least 2 years old and used primarily for breeding dairy cows before it died.
- *Adult dairy cow*: A female bovine dairy breed animal used for the purpose of providing milk for human consumption that had delivered one or more offspring before dying. A first-time bred dairy heifer shall also be considered an adult dairy cow if it was pregnant when it died.
- *Adverse weather*: Damaging weather events, including, but not limited to, hurricanes, floods, blizzards, disease, wildfires, extreme heat, and extreme cold.
- *Agricultural Operation*: A farming operation.
- *Commercial Use*: Used in an operation of a business activity engaged in as a means of livelihood for profit by the eligible producer.
- *Contract*: A written agreement, with respect to the handling of livestock, between a livestock owner and another individual or entity setting the specific terms, conditions, and obligations of parties involved about the production of livestock or livestock products.
- *Equine Animal*: Domesticated horse, mule, or donkey.
- *Ewe*: Female sheep.
- *Farming Operation*: Business enterprise engaged in producing agricultural products
- *FSA*: Farm Service Agency
- *Ineligible Livestock*: Any of the following:
 - Any animal produced or maintained for reasons other than commercial use as part of a farming operation, as determined by FSA, including (but not limited to) recreational purposes, such as pleasure, hunting, pets, roping, or for show.
 - All wild free roaming animals, as determined by FSA
 - Any animal not meeting the definition of eligible livestock, as determined by FSA
 - Any animal owned or cash-leased by an ineligible livestock owner or contract owner
 - All animals that died under all the following conditions:
 - More than 60 calendar days from the end of the eligible adverse weather conditions
 - Because of something other than an eligible adverse weather condition

- In a calendar year other than the calendar year for which benefits are being requested
 - Before January 1, 2008 or after October 1, 2011
- *Lamb*: Sheep less than 1 year old.
- *Livestock Owner*: One having legal ownership of the livestock for which benefits are being requested on the day such livestock died and under conditions in which no contract grower could have been eligible for benefits with respect to the livestock.
- *Non-adult beef cattle*: A beef breed bovine animal that does not meet the definition of adult beef cow or bull. Non-adult beef cattle are further delineated by weight categories of less than 400 pounds, 400 to 799 pounds, or 800 pounds or more at the time they died.
- *Non-adult dairy cattle*: A dairy breed bovine animal, of a breed used for the purpose of providing milk for human consumption that does not meet definition of adult dairy cow or bull. Non-adult dairy cattle are further delineated by weight categories of less than 400 pounds, 400 to 799 pounds, or 400 pound or more at the time they died.
- *Normal mortality*: The numerical amount, computed by a percentage, as established by FSA State office personnel, of expected livestock deaths by category that normally occurs during a calendar year for a producer.
- *Poultry*: Domesticated chickens, turkeys, ducks, and geese. Poultry are further delineated by sex, age, and purpose of production or production as determined by FSA.
- *Ram*: Male sheep.
- *Swine*: Domesticated omnivorous pig, hog, and boar. Swine are further delineated by sex and weight as determined by FSA for loss calculations.

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