USDA

United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

NOV 17 2008

The Honorable Todd Staples
Commissioner
Texas Department of Agriculture
Post Office Box 12847
Austin, Texas 78711

Dear Commissioner Staples:

Thank you for your letter of September 16, 2008, requesting the Department of Agriculture (USDA) provide assistance to Texas producers who suffered damages as a result of Hurricane Ike.

USDA is aware that farmers and ranchers in Texas have suffered damage because of adverse weather conditions, and we will fulfill our commitment to fully using our resources to assist farmers and ranchers.

I will address your requests in the order presented:

- **Financial assistance for costs associated with obtaining animal feed resources and animal feed assistance possibly through donated protein-source commodities.**

  In the past, USDA has used surplus commodities, such as nonfat dry milk, to provide animal feed assistance to livestock producers impacted by drought and other natural disasters. Recently, we have begun to see nonfat dry milk come back into inventory. After allocating stocks to help feed hungry children through programs such as the Commodity Supplemental Food Program and the Food Distribution Program on Indian Reservations, we will consider other outlets.

- **Financial assistance for grazing lands rehabilitation, haying and grazing access to certain federally protected lands with forage, such as the Conservation Reserve Program (CRP) lands, financial assistance for clearing debris, and financial assistance for rebuilding livestock fences and other critical structures.**

  On August 15, 2008, USDA's Farm Service Agency (FSA) released certain land enrolled in CRP in 22 States, including Texas, for emergency haying. The named counties had previously been released for emergency grazing only. I am enclosing the news release for your information.

  I am pleased to inform you that on August 21, 2008, I announced that farmers and ranchers in Texas will receive over $5.7 million in the Emergency Conservation Program (ECP) funding to remove farmland debris caused by flooding, as well as restore fences and repair conservation structures which were damaged by the floods.

I have also enclosed a copy of the announcement giving details of the ECP. The ECP regulation stipulates a maximum cost-share rate of 75 percent. Cost-share assistance at a 90-percent rate is available for limited resource producers who apply and qualify for this rate at county FSA offices. The ECP participant's payment calculation does not include any costs that were borne by a third-party. The cost-share payment is calculated after deducting contributions from third parties.

The ECP received additional funds through supplemental appropriations enacted on June 30 and September 30, 2008. We encourage producers who have been hard hit by weather-related events to sign up for ECP because funds are allocated on a first-come, first-served basis.

In addition, the Natural Resources Conservation Service (NRCS) has been providing technical and financial assistance in response to Hurricane Ike. NRCS participated in the Joint Operation Command from the beginning. NRCS personnel were in the impacted areas as soon as possible after the storm. As a result, NRCS has made available $12 million in Emergency Watershed Protection (EWP) program funding to remove debris and sediment from streams and channels and to correct other resource concerns that provide a hazard to life and property. These funds are available for projects in the counties of Brazoria, Calhoun, Chambers, Galveston, Hardin, Jasper, Jefferson, Liberty, Newton, and Orange. Local project sponsors have committed to their responsibilities under the EWP program rules.

Don Gohmert, State Conservationist, participated with you in a survey of the damaged area. He and his staff have worked closely with the Texas Department of Agriculture to address issues appropriate to the mission of NRCS. They provided information and guidance in getting feed and water to stranded livestock. They worked cooperatively with State and Federal agencies to identify fresh pasture, and coordinate movement of stranded cattle to safety.

Over the next several months, NRCS will be working with other partners to take action on the less life-threatening issue. Not only has NRCS in Texas committed extraordinary resources to the problem, NRCS employees in other States are providing additional technical assistance to help the affected landowners address their resource concerns.

In addition to the EWP program, Texas NRCS is promoting the use of other conservation programs in the area. They are using the full range of authorities, including equitable relief, to ensure landowners are treated fairly and given every opportunity to recover.

- **Indemnity for livestock deaths and activation of a crop disaster program.**

  The Food, Conservation, and Energy Act of 2008 (2008 Act) authorized supplemental disaster assistance programs to assist farmers and ranchers who suffered losses as a

result of natural disasters after the 2007 crop year. There are five disaster programs; a supplemental revenue assistance payment program; a livestock forage program for drought-affected livestock farmers; a tree assistance program to compensate fruit and tree nut growers for the cost of replanting after a disaster; a livestock indemnity program to compensate ranchers for livestock losses caused by a disaster; and emergency assistance for livestock, honey bees, and farm-raised fish. Federal regulations, program policies, and procedures for these programs are currently under development. We are working diligently to finalize them over the next several months.

Furthermore, to be eligible for the new programs, producers must have Federal crop insurance or coverage under the Noninsured Crop Disaster Assistance Program (NAP). Since the 2008 Act was enacted after the application periods had closed for these programs, producers who did not have such coverage could not comply with this requirement. The 2008 Act recognized this dilemma by providing a waiver that allowed producers to pay a fee to be eligible for this new disaster assistance. Every producer whose crops, including grazing lands, were not fully covered by catastrophic risk protection insurance or NAP had the opportunity to pay a required fee no later than September 16, 2008.

However, due to damage and power losses caused by Hurricane Ike, some county offices in Louisiana, Texas, Indiana, Illinois, and Ohio were closed ahead of the September 16 deadline. On September 15, 2008, FSA extended the signup deadline in those counties for 10 days after the county office reopened. The extension applied only for producers who intended to complete the application and pay the required fee by September 16, 2008, and who were unable to complete their business in a timely manner because of office closures. On October 13, 2008, the President signed into law H.R. 6849, which among other provisions, provides producers an opportunity to pay this fee to meet the risk management purchase requirement for 2009 crops for which the applicable insurance program sales closing date or NAP payment date was prior to August 14, 2008. The fees will equal the amount of the applicable noninsured crop assistance program fee or catastrophic risk protection plan fee for 2009 crops. The applicable fees are due not later than 90 days after the date of enactment as prescribed by the legislation.

Furthermore, the Federal Crop Insurance and NAP are available to crop producers each year to help mitigate the risks associated with the adverse affects of natural disasters. USDA's Risk Management Agency makes crop insurance available at subsidized rates to help farmers and ranchers manage the risks of weather and disease. FSA makes NAP available for producers who grow crops for which crop insurance is not available.

Crop insurance and NAP are available without regard to a Presidential or Secretarial emergency disaster designation. To be eligible for NAP, producers must have submitted an application for coverage and have paid the applicable service fee to their

local county FSA office by the application closing date, as established by the State FSA committee. To be eligible for crop insurance, producers must have submitted an application to their local agent not later than the applicable sales closing date. Insured producers must report crop losses immediately to their crop insurance agent in order to be eligible for Federal crop insurance payments.

- **Assistance with animal carcass removal and disposal.**

  NRCS requested and received a mission assignment from the Federal Emergency Management Agency to deal with carcass removal. As of October 1, 2008, approximately 425 carcasses have been disposed of safely. It is unlikely many additional carcasses will require attention.

- **Financial assistance for forest lands rehabilitation.**

  The 2008 Act authorized the Emergency Forest Restoration Program to provide cost-share assistance of up to 75 percent of the cost of emergency measures necessary to address damage caused by a natural disaster on nonindustrial private forest land. The 2008 Act defines nonindustrial private forest lands as: rural land that has existing tree cover (or had tree cover immediately before the natural disaster and is suitable for growing trees) and is owned by any nonindustrial private individual, group, association, corporation, or other private legal entity, that has definitive decision-making authority over the land. The 2008 Act requires regulations implementing this program to be published not later than 1 year from enactment.

  Furthermore, the 2008 Act also authorized the Tree Assistance Program (TAP) to provide assistance to eligible orchardists and nursery tree growers that have a production history for commercial purposes and lost trees, bushes, vines or nursery trees as a result of a natural disaster. TAP is expected to operate in a manner similar to prior ad hoc disaster programs. We are working diligently to finalize regulations implementing TAP over the next several months.

Again, thank you for your letter and your interest in USDA assistance for farmers in Texas hard hit by adverse weather.

Sincerely,

Edward T. Schafer
Secretary

Enclosures

Farm Service Agency
Public Affairs Staff
1400 Independence Ave SW
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Washington, D.C. 20250-0506

Release No. 1474.08

Kerry Humphrey (202) 720-9733

FSA Authorizes Emergency Haying to Permitted Use of CRP Land in Flooded Regions - *Permission for Presidential Disaster Counties, Previously Granted for Grazing Only*

WASHINGTON, Aug. 15, 2008 - USDA's Farm Service Agency (FSA) Administrator Teresa Lasseter announced today that certain Conservation Reserve Program (CRP) acres in 22 states have been released for emergency haying in counties recently designated as Presidential Disaster Areas because of flooding. The release permits a state's FSA committee to approve emergency haying, to begin only after the primary nesting season in counties designated as primary and contiguous disaster areas because of flooding. These counties had previously been released for emergency grazing only.

"This emergency haying will address the flooding in the Midwest and other parts of the country that came at such a critical time in the growing season," Lasseter said. "The grazing assisted farmers and ranchers for their feeding needs then. Haying will help us as we approach fall and winter when livestock feed needs increase."

"We also are carefully balancing vital CRP benefits with emergency production needs. The haying will occur only after the primary nesting season," said Lasseter.

For CRP participants to be approved, they must request the emergency haying from their county FSA office, obtain a modified conservation plan and receive county office approval before beginning to hay. Use of the allowance is subject to a 25 percent reduction in the next CRP rental payments for the acres hayed or grazed. Those who grazed the land under the previous allowance may also apply for haying, but not on the same acreage.

The haying is limited to one cutting, and 50 percent of a field or contiguous fields must be left unhayed for wildlife. The emergency haying authorization ends on Sept. 30, 2008.

The states with counties that may permit haying include Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, Virginia, West Virginia, Wisconsin and Wyoming.

Under CRP, farmers and ranchers enroll eligible land in 10- to 15-year contracts with USDA's Commodity Credit Corporation (CCC). The FSA administers CRP on behalf of CCC. Participants plant appropriate cover such as grasses and trees in crop fields and along streams. These plantings help prevent soil and nutrients from running into regional waterways and affecting water quality. The long-term vegetative cover also improves wildlife habitat and soil quality.

Additional details, including the grazing-only release (No. 0179), Fact Sheets, Maps and statistics, are available on the Web at http://www.fsa.usda.gov/conservation.

NOTE: Farm Service Agency (FSA) news releases are available on the Web at FSA's home page: http://www.fsa.usda.gov.

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Release No. 1478.08

Kerry Humphrey (202) 720-9733

$87.5 MILLION AIDS PRODUCERS PROTECTING CONSERVATION USES AFTER FLOODS AND DROUGHT

MITCHELL, S.D., Aug. 21, 2008 - Agriculture Secretary Ed Schafer today announced that farmers and ranchers will receive USDA funding to repair land damage created by natural disasters in 34 states since September 2007.

Producers will use the $87.5 million in Emergency Conservation Program (ECP) funding for removal of farmland debris, restoring fences and repairing conservation structures which were caused or damaged by floods, and for carrying out emergency water conservation measures in response to severe drought.

"This funding will allow farmers and ranchers to repair the unusually harsh damage to conservation efforts caused by the disaster conditions, notably flooding and drought," said Schafer. "USDA has worked shoulder to shoulder with producers when weather turns against them, and we remain involved to help in the weeks and months of recovery afterward."

For land to be eligible, the natural disaster must create new conservation problems that:

- if untreated, will impair or endanger the land;
- materially affect the land's productive capacity;
- represent unusual damage that, except for wind erosion, is not of the type likely to recur frequently in the same area; and
- would be so costly to repair that federal assistance is or will be required to return the land to productive agricultural use.

All of the above conditions must be met for eligibility. Conservation problems existing prior to the disaster are not eligible for cost-share assistance. FSA county committees determine land eligibility based on on-site inspections of damage, taking into account the type and extent of damage.

The states and estimated dollar amounts for ECP funding are:

$87,527,100 to Rehabilitate Lands for Emergency Conservation Needs			
Alabama	$359,000	Mississippi	$431,000
Arkansas	$4,633,000	Montana	$1,683,000
California	$27,000	North Carolina	$766,000
Colorado	$354,600	Nebraska	$2,010,000
Connecticut	$51,000	Nevada	$187,000
Georgia	$4,089,000	Oklahoma	$10,219,000
Hawaii	$415,000	Oregon	$579,000
Iowa	$12,208,500	South Carolina	$782,000
Idaho	$93,000	South Dakota	$1,825,000
Illinois	$9,473,000	Tennessee	$4,491,000
Indiana	$10,742,000	Texas	$5,767,000
Kansas	$610,000	Utah	$193,000
Kentucky	$2,840,000	Virginia	$1,400,000
Maine	$101,000	Vermont	$45,000
Michigan	$34,000	Washington	$2,298,000
Minnesota	$713,000	Wisconsin	$3,037,000
Missouri	$5,051,000	Wyoming	$20,000

A detailed list of counties and associated specific disasters is on FSA's Web site at: http://www.fsa.usda.gov/Internet/FSA_File/ecpcounties.pdf. A national map with a visual depiction of the affected counties and disaster types is on the FSA Web site at: http://www.fsa.usda.gov/Internet/FSA_File/ecpmap.pdf.

The $87.5 million comes from an appropriation of $89.4 million for ECP. The remainder will be allocated as additional requests are processed. For further information on eligibility requirements as well as applications, producers may visit their local FSA office or online at http://disaster.fsa.usda.gov.

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NOTE: FSA news releases are available on FSA's Web site at: http://www.fsa.usda.gov via the "News and Events" link.