USDA

United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

JUN 29 2009

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 May 5, 2009, requesting that the Department of Agriculture (USDA) process a Secretarial disaster designation for 18 counties in Texas due to wildfires in April 2009 and to expedite disaster payments. You also requested Emergency Conservation Program (ECP) funds for the 18 counties and the release of Conservation Reserve Program (CRP) acreage in these and contiguous counties for haying and grazing.

I agree that assistance is needed for producers due to crop and pasture losses suffered in 2008. I can assure you that the Farm Service Agency (FSA) personnel are working diligently to implement disaster program regulations, program policies, and procedures for disaster programs. The Supplemental Agricultural Disaster Assistance provisions of the Food, Conservation, and Energy Act of 2008 provide authority for five different disaster programs, including three livestock programs. The recently-enacted stimulus bill modified the provisions for the Supplemental Revenue Assistance Payments Program (SURE) and added an aquaculture program. We expect to begin signup for the Livestock Forage Disaster Program, the Livestock Indemnity Payment Program, as well as the Emergency Assistance for Livestock, Honey Bees, and Farm Raised Fish program this summer. Signup for SURE is expected to begin later in the year, when data becomes available to determine the applicant's benefits. You may be assured that we are working diligently to implement the Supplemental Agricultural Disaster Assistance programs.

I am pleased to inform you that on April 27, 2009, USDA designated 70 Texas counties as primary natural disaster areas because drought, above-normal temperatures, and associated wildfires that occurred during the period of January 1, 2009, and that continues. However, on June 3, 2009, Hamilton was named a contiguous county along with Bell, Bosque, Lampasas and McLennan, when Coryell County was designated a primary disaster area due to freeze damage.

As you are aware, a Secretarial disaster designation makes farm operators in both primary and contiguous counties eligible to be considered for assistance from Farm Service Agency (FSA), provided eligibility requirements are met. FSA will consider each application on its own merit by taking into account the extent of losses, security available, and repayment ability. In addition, producers may be eligible for assistance under one or more of the five Supplemental Agricultural Disaster Assistance Programs authorized in the Food, Conservation and Energy Act of 2008. Our local FSA offices can provide farmers with further information.

You also requested ECP funds for producers in the 18 counties. The Texas State FSA Office has submitted requests totaling over $2.2 million to the National Office for ECP funding for Archer, Clay, Jack, Montague, and Wheeler Counties due to wildfire damage during the month of April 2009. Applications for cost-sharing assistance are currently being accepted from producers in these counties pending funding approval. Also, according to the Texas State FSA Office, ECP funding requests have not yet been received from the remainder of the counties in question. County office personnel are still assessing the damage to provide an estimate of additional ECP funding needs.

Farmers can apply at their local county FSA office for ECP cost-share assistance. If funds become available for ECP, the county office will contact producers that have applied for cost-share assistance to determine whether they have completed the practices to rehabilitate farmland damaged by the recent disaster, or still wish to carry out the practices.

Finally, you requested release of CRP acreage for haying and grazing in the 18 affected counties and contiguous counties due to the wildfires. The Texas State FSA office has not submitted a request for emergency use due to wildfires at this time. The State FSA office has submitted requests for approximately 20 counties in the northern Panhandle for emergency haying and grazing due to drought. Baylor and Wheeler counties are included in the emergency haying and grazing requests. These requests are currently being reviewed. The affected counties also have authority to utilize managed haying and grazing of CRP acreage which should help alleviate some of the needs of livestock in the affected area.

Again, thank you for your letter.

Sincerely

Thomas J. Vilsack
Secretary