USDA

United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

JUN 1 2011

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 April 25, 2011, requesting that the U.S. Department of Agriculture (USDA) process a Secretarial disaster designation for several counties in Texas due to wildfires in April 2011 and expedite disaster payments. You also requested Emergency Conservation Program (ECP) funds for the counties and the release of Conservation Reserve Program (CRP) acreage in these and contiguous counties for emergency haying and grazing.

USDA is aware that many farmers and ranchers in Texas, as well as other parts of the country, are suffering from the effects of weather-related disasters. USDA will continue to use its available resources to provide relief to America's producers who have been affected by severe weather conditions.

On May 9, 2011, a request was received from the Texas State Farm Service Agency (FSA) Office to authorize 27 counties (Armstrong, Borden, Carson, Castro, Collingsworth, Crosby, Deaf Smith, Dickens, Fisher, Floyd, Garza, Hale, Hansford, Haskell, Kent, Knox, Lipscomb, Lynn, Nolan, Oldham, Parmer, Potter, Scurry, Sherman, Stonewall, Swisher, and Wilbarger) to implement emergency haying and grazing of CRP acreage due to drought conditions. On May 12, 2011, the request was approved to implement emergency grazing of CRP acreage. Emergency haying of CRP acreage was not approved, as the yearly primary nesting season for all Texas counties is during March 1 through July 1, 2011, and CRP activities such as mowing must be completed outside the primary nesting season. The waiver of the 25 percent payment reduction for conducting emergency grazing of CRP acreage was not approved. The request for emergency haying may be reconsidered after July 1, 2011.

In your letter, you expressed your support for a Secretarial disaster designation for several counties in Texas as a result of wildfires. At this time, the loss assessments have not been completed at the county or State level to make an accurate determination of production losses for the current crop year, and the Texas State FSA Office is reporting that it will be towards the middle of June before finalization of the loss assessments for all 254 counties. Therefore, a decision on Governor Rick Perry's request for a disaster designation will be deferred until the loss information becomes available. Once we have made loss determinations, if warranted, USDA will announce Secretarial designations for qualifying counties.

A Secretarial disaster designation makes farm operators in both primary and contiguous counties eligible to be considered for assistance from the Farm Service Agency (FSA), provided eligibility requirements are met. This assistance includes FSA emergency loans and the Supplemental Revenue Assistance Payments (SURE) Program. Farmers in eligible counties have 8 months from the date of a Secretarial disaster declaration to apply for emergency loan assistance. FSA will consider each emergency loan application on its own merits, taking into account the extent of production losses, security available, and repayment ability. SURE Program applications for 2011 crop losses will be accepted in the fall of 2012, when the 2011 farm revenue data required by statute becomes available to calculate a producer's 2011 SURE payment.

It is our understanding that an Administrator's Physical Loss Notification (APLN) request for 13 counties will be submitted by the Texas FSA State Executive Director within the very near future requesting that FSA emergency physical loss loans be made available due to wildfire losses. Upon approval by FSA's Administrator, emergency physical loss loans would be made available to any applicant with a qualifying physical loss in approved counties and contiguous counties. Farmers also have 8 months from the date of the APLN approval to apply for FSA emergency physical loss loans. An APLN is for physical losses only, such as for farm buildings or livestock-related losses.

The Texas State FSA Office has submitted requests totaling over $25.8 million to the National office for ECP funding due to wildfires. Currently, the request for ECP implementation and funding for Texas is in the approval process.

Through the Livestock Forage Disaster Program (LFP), livestock producers in Texas have already received over $25.2 million in 2011 LFP benefits as rated by the U.S. Drought Monitor, and, under the Livestock Indemnity Program, livestock owners in Texas have received over $175,000 for calendar year 2011 livestock losses.

Again, thank you for your letter and your concern for Texas producers who suffered significant losses, and let me assure you that USDA is committed to using all available resources to help producers recover from their losses.

Sincerely,

Thomas J. Vilsack
Secretary