

# Chapter 1

## PURPOSE AND NEED

**Purpose and Need**—The [environmental impact] statement shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives, including the proposed action (40 CFR 1502.13).

### 1.1 BACKGROUND

The Emergency Conservation Program (ECP) provides emergency funding to farmers and ranchers who have suffered damage to their agricultural lands as a result of severe wind erosion, floods, hurricanes, drought, or some other natural disaster. ECP is permanently authorized by Title IV of the Agricultural Credit Act of 1978 (P.L. 95-334) and is administered by USDA's FSA. Funds for the program are allocated to States after the ECP designation has been authorized. Initial funding is based on the estimates needed to begin implementing ECP.



NRCS Photo by Tim McCabe, 1983.

*Fig. 1.1-1. Floodwater spills from the Obion River in Central Tennessee.*

The goal of ECP is to restore agricultural lands to a productive state following a natural disaster and to provide assistance to agricultural producers to carry out emergency water conservation or water enhancing measures during periods of severe drought. State and County Farm Service Agency (FSA) committees administer ECP with technical support provided by the Natural Resources Conservation Service (NRCS). During periods of severe drought the determination to implement the program is made by the FSA's Deputy Administrator for Farm Programs.

### 1.2 PROPOSED ACTION, PURPOSE AND NEED DEFINED

The Emergency Conservation Program was created under the Agricultural Credit Act of 1978, Title IV, Public Law 95-334, 16 U.S.C. 2201-2205, as amended. Regulations for FSA administration of ECP are codified at 7 CFR Part 701.

Under the current regulations, the maximum rate of cost-share assistance is calculated according to a sliding scale. To eliminate confusion, this new rule would provide, instead, for a standard maximum percentage of 75 percent to be used for all costs associated with the practice for which

the cost-share is to be received. Payments would continue to be limited by a number of other criteria and by the provision that the reimbursement may not exceed \$200,000 per person per disaster. Under this proposed rule, the local county FSA committees (COC) would be allowed to permit reimbursements up to 75 percent for all reimbursable costs. However, the per person reimbursement cap would still apply along with certain additional allowances that are made with respect to limited resource producers. Under the proposed rule, a special 90 percent rate would be allowed for these limited resource producers.

The proposed changes in the ECP are meant to clarify current regulations and expand upon them to reflect current policy. These changes are meant to make the program easier to administer and prevent potential abuse, such as when a large practice is subdivided into several smaller practices to avoid lower reimbursement rates applicable to higher loss levels. This action also makes ECP cost-share rates consistent with other USDA programs.

The new changes would have little or no effect on land eligibility or existing ECP conservation practices outlined by the current program. However, provisions would be added specifying that, in certain instances, ECP funding can be made available for certain measures dealing with confined livestock. Assistance for confined livestock operations cannot be allocated for replacing or repairing buildings but could be used to help with cleanup efforts on those buildings, or supply waters during times of severe drought.

Other technical and clarifying changes have been made and provisions have been added regarding schemes, devices, and debt avoidance to assure that the program is operated in a manner that is most beneficial to farmers and best serves the public. Provisions have been added to assure that special consideration be given to limited resource producers in order that the most beneficial use of ECP funds may be obtained.

### 1.3 ORGANIZATION OF THE PEIS

This PEIS is organized in accordance with CEQ regulations at 40 CFR 1502.10.

- The cover sheet, summary, and table of contents are as specified by CEQ.
- Chapter 1 *Purpose and Need* is required to explain why FSA is proposing the action evaluated in this PEIS.
- Chapter 2 *Affected Environment* describes the aspects of the environment that would be affected by each ECP Program Alternative. It includes a general description of the ecosystems and human communities of agricultural areas of the U.S.
- Chapter 3 *Current Emergency Conservation Programs* describes the authorizing law, the regulations, enrollment eligibility, criteria, eligible conservation practices, and statistics by state and by practice since the ECP Program began.
- Chapter 4 *Alternatives including the Proposed Action* presents the details of the ECP Program changes that comprise the FSA proposal.
- Chapter 5 *Environmental Consequences* presents the analysis of impacts on ecosystems and human communities on which the comparison of alternatives is based.
- Chapter 6 *Consultation and Coordination* describes the interagency reviews and coordination associated with implementation of the ECP.

- The *List of Preparers* identifies the members of the FSA interdisciplinary team and other contributors to the preparation of the ECP PEIS.
- The *Mailing List* provides a list of agencies, organizations, and persons to whom copies of the statement are sent.

The PEIS provides reference citations for sources referred to in Chapters 1 to 5, a glossary of ECP terms and other technical terms used in the PEIS, and an index. Appendices provide detailed technical and program information relevant to the PEIS.