

Chapter 3

CURRENT EMERGENCY CONSERVATION PROGRAM

Current Management—Alternatives to the proposed action...shall...include...no action. 40 CFR 1502.14. [In] updating a land management plan, where ongoing programs initiated under existing legislation and regulations will continue even as new plans are developed..."no action" is "no change" from current management direction or level of management intensity. CEQ Memorandum: Questions and Answers About the NEPA Regulations, 46 FR 18026

3.1 ECP REGULATIONS, ADMINISTRATION, AND PRACTICES

ECP provides emergency cost-share assistance to farmers and ranchers to restore agriculture lands damaged by severe wind erosion, floods, hurricanes, or other natural disasters. It is administered by FSA state committees (STC) and county committees (COC) and is currently authorized by the Agricultural Credit Act of 1978 (Zinn, 1995). This program is available for drought aid but is not limited to drought or other emergencies. It does not require a major disaster determination by the President or Secretary of Agriculture to provide local assistance. Except for drought, the COC may implement the program with the concurrence of the STC. During periods of severe drought the determination to implement the program is made by the FSA's Deputy Administrator for Farm Programs.

Funding for ECP is appropriated by Congress, usually through supplemental appropriations in response to disasters, and is held in reserve at the national level. Funds are allocated after a determination has been made authorizing ECP designation. Funds are allocated to States based on the estimate of funds needed to begin implementing ECP.

3.1.1 The Current Program

Immediately following a natural disaster event, COC visit the site and make an overall assessment of the damage to ensure that the damage meets the minimum ECP requirements. The COC then consults with STC to obtain concurrence before approving the disaster damage for cost-share assistance. The STC is responsible for administering ECP within the State according to national policy. Eligibility for the program is established after the COC determines whether:

- The natural disaster has created new conservation problems which, if not treated would impair or endanger the land;
- Materially affect the productivity of the land;
- Represent unusual damage that does not occur frequently;
- Or be so costly to repair that Federal assistance is required to return the land to productive agriculture use.

The COC sets the cost-share levels up to 64 percent, based on a sliding rate. The maximum for cost-share assistance is calculated according to a sliding scale: 64 percent for the first \$62,500 in reimbursable costs, 40 percent for the net \$62,500 in reimbursable costs, and 20 percent for the remaining eligible costs. Cost sharing are payments to producers to cover a specified portion of the cost of installing, implementing, or maintaining conservation practices. Individual or cumulative requests for cost sharing of \$20,000 or less per person per disaster may be approved by county FSA committees, and of \$20,001 to \$62,500 by state FSA committees. The Deputy Administrator for Farm Programs must approve those over \$62,500 (FSA, “No Date”). The payment limit for the program is \$200,000 per person per disaster. The Natural Resource Conservation Service provides technical assistance to resource managers and landowners participating in the ECP.

The land receiving the assistance must be physically located the a county in which the ECP has been implemented and either: Expected to have annual agricultural production, as determined by the Deputy Administrator; or a field windbreak or a farmstead shelterbelt on which the ECP practice to be implemented involves removing debris that interferes with normal farming operations. Farm access roads on which debris is interfering with the normal farming operations are also eligible for funding. If this land is protected by a levee or dike eligibility for cost-share shall be determined by the Deputy Administrator to make sure that the structure was properly functioning prior to the disaster (refer to Appendix B for eligible ECP conservation measures).

Before requesting ECP funds, COC shall, to the extent possible, use other available program funds instead of ECP. Except in the case of severe drought, COC may implement ECP after receiving STC's concurrence. County Offices maintain a permanent file on natural disasters that have severely damaged agricultural lands in the county, regardless of whether disasters were approved for ECP. This information is used as a basis for future program requests and designations. The file may include news articles but shall include as a minimum:

- Dates

Application and Award Process for ECP:

- **Preapplication Coordination:** None, This program is excluded from coverage under OMB Circular No. A-102 and E.O. 12372.
- **Application Procedure:** Eligible persons may submit an application on Form AD-245 (Appendix F), for cost-sharing, at the county FSA office for the county in which the affected land is located. This program is excluded from coverage under OMB Circular Nos. A-102 and A-110.
- **Award Procedure:** The county FSA committee reviews, prioritizes, and may approve applications in whole or in part. Approvals cannot exceed the county allocation of Federal funds for that purpose.
- **Deadlines:** Applications for payment must be filed with the county FSA committee by a prescribed date. The conservation practice for which cost-shares have been approved must be completed during the program year, within the time specified by the county FSA committee, and such performance reported to the county office within a specified time.
- **Approval/Disapproval Time:** From 2 to 3 weeks.
- **Appeals:** Participants may appeal to county FSA committee, State FSA Committee, or National Appeals Division (AND) or any determination. Matters that are generally applicable to all producers are not appealable.
- **Renewals:** the FSA county committee, when necessary, with proper justification, may extend Certain Approvals.

- Type of natural disaster
- A record of the areas affected
- Total program funds earned, if applicable
- Map with areas identified
- Flash report, if available.

3.1.1.1 Lands Ineligible for ECP Cost-Share Assistance

Preexisting conservation problems are not eligible for cost-sharing assistance through ECP (FSA, “No Date”). Other lands considered ineligible for cost-share assistance include those lands (refer to Appendices B&C for detailed descriptions of eligible practices):

- Owned or controlled by the United States.
- Owned or controlled by States or State Agencies.
- Protected by a levee or dike that was not effectively and properly functioning prior to the disaster, or is protected or is intended to be protected by a levee or dike not built to U.S. Army Corps of Engineers, NRCS, or comparable standards.
- Located in areas frequently inundated by floods, or have significant possibility of being flooded.
- Where poor farming practices have contributed to damaging the land.
- In greenhouses or other confined structures, such as land in corrals, milking parlors, barn lots, or feeding areas.
- Not considered to be in annual agricultural production, as determined by the deputy administrator, such as land devoted to stream banks, channels, levees, dikes, native woodland areas, roads, and recreational areas.
- And areas devoted to trees for timber production and Christmas tree farms.

Participants are not allowed to receive funding under the ECP for land on which the landowner or producer has or will receive funding from: the Wetland Reserve Program (WRP), the Emergency Wetland Reserve Program (EWRP), the Conservation Reserve Program (CRP), the Emergency Watershed Protection Program (EWP), or any other FSA or CCC emergency loan program or other government program that covers similar expenses that duplicate ECP payments. refer to discussion in section 3.3.

3.1.2 Emergency Practices

Natural disasters have the potential to denude large areas of vegetation growth. Vegetation plays a vital role in controlling wind and water erosion, ensuring groundwater recharge, and maintaining soil productivity. Without adequate vegetation soils may become susceptible to higher rates of erosion. Areas that have been voided of vegetation often become a priority concern for rural communities located near the impaired area. Topsoil can be washed or blown away directly by wind or rain, or made vulnerable to erosion if ground cover is removed through natural forces such as wildfire or drought. The loss of topsoil can severely affect the productivity of the land due to deterioration in soil physical and chemical properties such as water infiltration rate, water holding capacity, loss of nutrients needed for crop production, and loss of soil carbon (Al-Kaisi, 2001). Heavy rains can lead to debris torrents, which can deposit sediment, woody debris, and other materials in farmlands. Other impacts to agriculture include, damage to farm

structures, contamination of soils by flooding, deposition of unwanted sediment over croplands, excessive runoff, landslides, contaminated drinking water supplies, and possibly affect water supply.

3.1.2.1 Eligible Natural Disasters

The FSA Emergency Conservation Program Handbook identifies states that natural disasters and major disasters are interchangeable to mean any:

- Hurricane or typhoon
- Tornado
- High winds, including micro-bursts
- Storms, including ice storms
- Floods
- High water
- Wind-driven water
- Tidal waves
- Earthquakes
- Volcanic eruptions
- Landslides
- Mudslides
- Severe snowstorms
- Drought
- Wildfire
- Other natural phenomenon

3.1.2.2 Activities Authorized under each ECP Practice Category

Funds received by ECP to rehabilitate farmlands damaged by natural disaster may be used for the purposes listed in Table 3.1-1. Activities authorized and not authorized under each emergency practice area are listed in Table 3.1-2.

Table 3.1-1 Current ECP Program Practices	
CODE	ECP Practice
EC1	Debris removal
EC2	Grading and shaping of farmland
EC3	Fence restoration
EC4	Restoring structures
EC5	Emergency Wind Erosion Control Measures
EC6	Water conservation measures, which include providing water for livestock and emergency irrigation in periods of severe drought
EC7	Other conservation measures may be authorized by COC with the approval of the State Committee and the Agency's Deputy Administrator for Farm Programs
EC8	Field Windbreaks and Farmstead Shelterbelts Emergency Measures

Table 3.1-2 Restoration Activities authorized under ECP Program Practices

EC1-Removing Debris From Farmland	
Removing debris from farmland that meets all of the following criteria: <ul style="list-style-type: none"> • Materially affects the productive capacity of the land • Prevents carrying out effective conservation measures. • Prevents returning the land to productive agricultural use. • Is of a magnitude that requires the use of hired or personal: <ul style="list-style-type: none"> • Labor not normally required in the operation of the farm or ranch • Equipment that would not normally have been required in the operation of the farm or ranch. 	Authorized
Removing debris from farmsteads and access roadways that could significantly interfere with normal farming operations.	
Removing debris that will not interfere with normal farming operations Note: Debris must be disposed of in a way that will not: <ul style="list-style-type: none"> • Interfere with existing conservation facilities • Create a health hazard or an environmental problem. 	Not Authorized
EC2-Grading, Shaping, Releveling, or Similar Measures	
Grading, shaping, and filling gullies created by the disaster.	
Releveling of previously leveled irrigated farmland.	
Removing humps, ridges, or depressions if they cause water to pond on the land surface.	
Incorporating sand or silt deposits into the soil.	
Re-establishing permanent vegetative cover on areas where all of the following are present: <ul style="list-style-type: none"> • grading and shaping is required for rehabilitation of the area. • The pre-existing permanent vegetative cover was destroyed. • The area involved would be subject to critical wind or water erosion unless the cover is re-established. Note: COC or an ASCS employee must determine the need for an extent of permanent vegetative cover re-establishment.	Authorized
Establishing vegetative cover on land where it did not previously exist, including drainage ways, even though grading and shaping is required to correct damage on the land.	
Releveling measures on irrigated farmland that constitute floating or land planning.	Not Authorized
Performing measures in connection with normal farming operations	
Repairing and restoring roadways, including field roads if required to correct damage on the land	
EC3-Restoring Permanent Fences	
Restoring or replacing fences needed to restore the land to productive agricultural use.	
Restoring or replacing the smaller of: <ul style="list-style-type: none"> • The same type of fence existing before the disaster. • C/S for the actual cost of the fence restored or replaced. 	Authorized
Cross fences	
Boundary fences	
Cattle gates	
The simple fence reconstruction with minor damage when materials from the previous fence are used.	Not Authorized
reusable material from the fence damaged by the disaster	

<p>The following types of fences:</p> <ul style="list-style-type: none"> • Corrals and feedlots • Ornamental fences • Holding pens • Cattle guards • Not for the purpose of enclosing or excluding livestock 	<p>Not Authorized</p>
<p>EC4-Restoring Structures and Other Installations</p>	
<p>Dams, ponds, and other water impoundments for agricultural uses</p>	<p>Authorized</p>
<p>Sod waterways</p>	
<p>Installed open or closed drainage systems</p>	
<p>Diversions or spreader ditches</p>	
<p>Terrace systems</p>	
<p>Structures for the protection of outlets or water channels before the disaster</p>	
<p>Wells</p>	
<p>Springs</p>	
<p>Pipelines</p>	
<p>Buried mainlines</p>	
<p>Ditches and other permanently installed systems authorized.</p>	
<p>Permanent vegetative cover including re-establishment where needed in conjunction with:</p> <ul style="list-style-type: none"> • Eligible structures • Installations to prevent critical erosion and siltation 	
<p>Animal waste lagoons</p>	<p>Not authorized</p>
<p>Irrigation wells.</p>	
<p>Portable pumps</p>	
<p>Motors</p>	
<p>Portable pipe</p>	
<p>Roadways including field roads</p>	
<p>Wheel move systems</p>	
<p>Hand move systems</p>	
<p>Center pivot systems</p>	
<p>EC5-Emergency Wind Erosion Control Measures</p>	
<p>Contour or cross slope chiseling.</p>	<p>Authorized</p>
<p>Deep plowing or similar measures to bring subsoil clods to the surface.</p>	
<p>Chiseling where impractical to perform on the contour or on the cross slope</p>	
<p>Measures considered to be normal farming operations, such as those needed to prepare a seedbed for the next crop.</p>	<p>Not Authorized</p>
<p>EC6-Drought Emergency Measures</p>	
<p>Installing pipe to another source of water because the primary source is inadequate Note: One-time connection fees, including charges to public rural water utility lines, must be wholly borne by the producer.</p>	<p>Authorized</p>
<p>Storage facilities, including tanks and troughs above ground, if needed to supply water for immediate needs of livestock.</p>	
<p>Constructing and deepening wells for livestock water</p>	
<p>Constructing tail water recovery pits for any irrigation system.</p>	
<p>Developing springs or seeps for livestock water.</p>	
<p>Wells where there is no other source of emergency water available that could be developed at less expense.</p>	

Measures to provide emergency water for livestock in confinement operations on the farm that were in confinement before the drought.	
Constructing pipelines to supply water for vegetable or other short-term crops.	Not Authorized
Establishing permanent or temporary vegetative cover.	
Livestock water facilities primarily for barns, recreation, wildlife, or corrals, except for livestock already in confinement.	
Livestock water facilities to make it possible to graze crop residues, field borders, temporary or supplemental pasture crops.	
Water facilities primarily for headquarters.	
Livestock water facilities to provide water on land on which the cover will be used for: <ul style="list-style-type: none"> • Hay • Silage • Field chopped and hauled to headquarters for feeding 	
Measures to provide emergency water for confined poultry operations.	
Pipe other than well casing in connection with pumps, pumping equipment, and windmills.	
Dry well	
Pumps or motors.	
EC7-Other Emergency Conservation Measures	
Replacing or restoring a conservation or pollution abatement practice damaged by the natural disaster.	Authorized
Restoring the land to its normal production capacity.	
Returning the land to productive agricultural use as a result of damage directly related to a natural disaster.	
Conserving or enhancing water resources.	Not authorized
For the solution of conservation or environmental problems existing before the disaster.	
EC8-Field Windbreaks and Farmstead Shelterbelts Emergency Measures	
Removing debris from field windbreaks or farmstead shelterbelts.	Authorized
Planting field windbreaks or farmstead shelterbelts.	
Purchasing tree seedlings or young shrubs used for field windbreaks or farmstead shelterbelts.	
Establishing vegetative cover where needed to prevent serious erosion until trees/shrub are established.	
Chemical or mechanical weed control measures: <ul style="list-style-type: none"> • Only where needed to establish trees for the windbreak • Only during the first 24 months after planting 	
Windbreaks or shelterbelts that: <ul style="list-style-type: none"> • Were not pre-existing • Were not damaged by the disaster • Are in the CRP program 	Not authorized
Planting orchard trees or ornamental plantings.	

3.1.2.3 Ineligible Measures

Measures ineligible for cost-share assistance include:

- Mowing of pastures;
- Measures to control insects or rodents;
- Measures to treat plant diseases or nematodes;
- Engineering charges;
- Consultant fees, or permit fees;
- Chopping or shredding residues from crops for insect control;

- Providing land;
- Right to use water;
- Power source;
- Meeting supplemental requirements, such as abstaining from harvesting; producer's transportation costs;
- Weed control measures;
- Loss of or reduction in revenue from the land;
- Rent or other costs of using land;
- Cost of pumps and pumping accessories, except for permanently installed pumps in wells during drought emergencies.

3.1.2.4 Maintenance

Each participant receiving cost-share assistance is responsible for the required maintenance and proper use of the practice. Some practices have a required lifespan or minimum period of time during which they are expected to function. Cost-share assistance will not be given for normal upkeep or maintenance of any type of practice except when special consideration is given by the Deputy Administrator for farm programs. If it has been determined that the practice has not been properly maintained for the entire expected lifespan of the practice, the participant may be required to refund all or any part of the assistance.

3.2 Natural Disasters

The U.S. has sustained 52 weather-related disasters over the past 22 years in which overall damages and costs reached or exceeded \$1 billion (Figure 3.2-1). 43 of these disasters occurred during the 1988-2001 period with total damages/costs exceeding \$185 billion. Seven occurred during 1998 alone, the most for any year on record, though other years have recorded higher damage totals (For a detailed discussion of each of these specific natural disasters refer to Appendix G). All figures below reflect direct and indirect damages, costs, and deaths. Specific details of these natural disaster events are listed in Appendix G, beginning with the most recent. During this time, ECP has allocated almost \$500 million in cost-share assistance to over 220,000 farms across the country in order to rehabilitate agriculture lands damaged by these and other lesser natural disasters (See Figure 3.2-2).

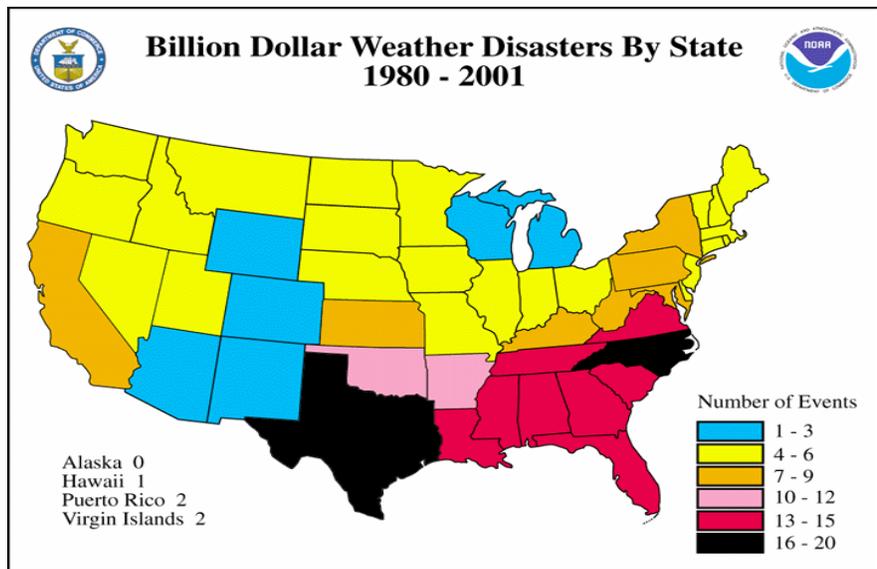


Figure 3.2-1. Billion Dollar Disasters by State from 1980-2001

3.2.1 Supplemental Disaster Acts

Between 1988 and 1999, 13 emergency supplemental of farm disaster acts provided a total of \$17 billion in emergency funding for USDA programs. During this time \$254 million of this went to ECP. Table 3.2-1 describes the specific acts and the corresponding natural disasters that instigate those acts (Chite, 1999).

Table 3.2-1 Supplemental Disaster Acts	
Supplemental Disaster Act	Description of Act
Disaster Assistance Act of 1988 (P.L. 100-387, August II, 1988)	Authorized USDA's Commodity Credit Corporation (CCC) to use its authority to borrow from the U.S. Treasury, in order to provide direct disaster payments to farmers for 1988 crop losses using payment formula in this statute. Permanently authorized livestock feed assistance programs. No specific appropriation made, nor limitations placed on payment formulas in the act. CCC outlays in FY1989 were \$3.386 billion for direct disaster payments under this act
Disaster Assistance Act of 1989 (P.L. 101-82, August 14,1989)	Authorized the CCC to provide disaster payments to farmers for 1989 crop losses. Payments were not direct cash payments, but instead were made in the form of certificates redeemable for Government-owned grain. No specific appropriation, or limitation placed on formula payment. The CCC ultimately provided \$1.46 billion in commodity certificates under this act.
Dire emergency supplemental appropriations for natural disasters and incremental costs of Operation Desert Shield/Desert Storm, (P.L. 102-229, December 12,1991)	Authorized the CCC to make \$1.75 billion in direct disaster payments for 1990 and 1991 crop losses, using a payment formula authorized by the 1990 farm bill (P.L. 101-624). Of this total amount, \$995 million was available for 1990 or 1991 crop losses. The remaining \$755 million was made available for 1990, 1991 or 1992 crop losses, pending a request as an emergency designation by the Administration, which was later granted. \$100 million of the total was reserved for program crops planted in 1991 for harvest in 1992.
Dire Emergency Supplemental Appropriations Act, 1992; Hurricane Andrew, Typhoon Omar, Hurricane Iniki, etc., (P.L. 102-368, September 23,1992)	Provided \$382 million in farm disaster payments immediately to supplement the \$755 million made available by P.L. 102-229 (see above). Authorized an additional \$100 million for disaster payments, pending a separate budget request by the President (later granted in 1993). P.L. 102-368 also provided \$169 million in other USDA-administered disaster assistance including: <ul style="list-style-type: none"> • \$48 million for the Tree Assistance Program (cost-sharing program to replant tree stands destroyed by a disaster); • \$50 million for emergency watershed programs (repair damages to waterways and watersheds near farmland); • \$27.5 million for the Emergency Conservation program (rehabilitation of farmland following a disaster); • \$43.285 million in loan subsidy for USDA to make \$162.5 million in additional emergency disaster loans.
Emergency Supplemental Appropriations for Relief From the Major, Widespread Flooding in the Midwest Act of 1993	The Act provided approximately \$2.5 billion in total farm disaster payments for losses associated with the Midwest flood of 1993, and other agricultural disasters. Of this amount, the Act provided a specific appropriation of \$1.050 billion immediately, another \$300 million in contingent appropriations, and allowed the CCC to borrow as much as necessary to fully fund the payment formula (which later amounted to approximately \$1.1 billion in additional borrowing.) Also included:

Table 3.2-1 Supplemental Disaster Acts

Supplemental Disaster Act	Description of Act
(P.L. 103-75, August 12,1993)	\$30 million for the Emergency Conservation Program and \$35 million for Watershed and Flood Prevention Operations.
Emergency Supplemental Appropriations Act of 1994 (P.L. 103-211, February 12,1994)	Enacted in response to the major California earthquake in Jan. 1993, the Act allowed the CCC to use its borrowing authority to fund the Tree Assistance Program for any 1993 crop year disaster. CCC spending for 1993 TAP-eligible losses was \$9.2 million. The Act also allowed nursery crops to be included in 1993 crop loss payments under P.L. 103-75 above.
Omnibus Consolidated Rescissions and Appropriations Act of 1996 (P.L. 104-134, April 26,1996)	In response to Hurricane Bertha and other disasters, the Act provided \$143 million for various USDA programs, including: <ul style="list-style-type: none"> • \$80.514 million for Watershed and Flood Prevention Operations, • \$30 million for the Emergency Conservation Program; • \$32.244 million in loan subsidy to support \$110 million in additional farm emergency disaster loans.
Omnibus Consolidated Appropriations Act, 1997 (P.L. 104-208, September 30,1996)	In response to Hurricanes Fran and Hortense and other disasters, the P.L. 104-208 provided \$88 million for USDA flood assistance programs, including : <ul style="list-style-type: none"> • \$63 million for Watershed and Flood Prevention Operations, and • \$25 million for the Emergency Conservation Program.
1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters, and for Overseas Peace-keeping Efforts, Including Those in Bosnia (P.L. 105-18, June 12,1997)	The Act made available \$313 million in emergency farm assistance including, <ul style="list-style-type: none"> • \$166 million for Watershed and Flood Prevention Operations;\$70 million for the Emergency Conservation Program; • \$50 million for the Livestock Indemnity Program, (which pays farmers a certain amount for each head of cattle lost to a disaster); • \$9 million for the Tree Assistance Program; • \$18 million in loan subsidy to support \$70 million in additional USDA emergency disaster loans.
1998 Supplemental Appropriations and Rescissions Act (P.L. 105-174, May 1,1998)	In response to El Nino-driven storms and other natural disasters, the Act provided a total of \$159.8 million in emergency farm spending, including: <ul style="list-style-type: none"> • \$80 million for the Watershed and Flood Prevention Program;\$34 million for the Emergency Conservation Program; • \$14 million for the Tree Assistance Program; \$21 million in loan subsidy to support \$87.4 million in additional emergency disaster loans; • \$4 million for the Livestock Indemnity Program; and \$6.8 million for dairy farmer disaster payments.
Omnibus Appropriations Act of 1999	Provided a total of \$5.893 billion in emergency supplemental appropriations to USDA , primarily for assistance to farmers for natural disasters and low farm commodity prices, including: <p>\$3.057 billion in "market loss payments" made to grain, cotton and dairy farmers in response to low farm commodity prices;</p>

Table 3.2-1 Supplemental Disaster Acts

Supplemental Disaster Act	Description of Act
(P.L. 105-277, October 21,1998)	<ul style="list-style-type: none"> • \$1.5 billion in farm disaster payments for 1998 crop losses; • \$875 million in disaster payments for multi-year crop losses; • \$200 million for livestock feed assistance (for livestock farmers who lost on farm feed to a disaster); • \$50 million in Alaska salmon assistance; • \$40 million for USDA Farm Service Agency salaries to administer various farm assistance programs; • \$31.4 million in loan subsidy to support a variety of existing direct and guaranteed farm loan programs; • \$25 million for Food for Progress, an overseas food aid program; • \$27 million for recourse loans to mohair growers; • \$1 million for honey recourse loans. <p>For more information, see CRS Report 98-952, The Emergency Agricultural Provisions in the FY1999 Omnibus Appropriations Act.</p>
1999 Emergency Supplemental Appropriations Act (P.L. 106-31, May 21,1999)	<p>Provided nearly \$574 million in emergency assistance for USDA programs, including:</p> <ul style="list-style-type: none"> • \$145 million for USDA's Section 32 program, to help stabilize farm prices; • \$105.6 million in loan subsidy to support additional loans of \$1.095 billion for various USDA farm loan programs; • \$95 million for Watershed and Flood Prevention; • \$70 million for the Livestock Assistance Program, to reimburse farmers for the loss of on-farm feed to a disaster; • \$42.75 million in salaries and expenses of USDA's Farm Service Agency, for administering emergency programs; • \$32 million for various rural development programs in response to a hurricane in Puerto Rico; • \$28 million for the Emergency Conservation Program; • \$28 million for Conservation Reserve Program technical assistance; • \$20 million for migrant and seasonal farm worker assistance; • \$3 million for livestock indemnity payments. <p>Not included in the above total is an additional \$149.2 million in emergency food assistance to the Balkans through the P.L. 480 program.</p>
Grand Total August 1988- June 1999	<p>Between August 1988 and June 1999, various emergency supplemental acts and farm disaster acts provided a total of \$17 billion in emergency supplemental funding for USDA programs. This total includes \$12.2 billion in direct payments following a natural disaster (FY1989-1999), and \$3.06 billion in market loss payments to help farmers recover from low farm commodity prices (FY1999). Not included in the \$17 billion is an additional \$1.1 billion in emergency livestock feed assistance provided from FY1989 until FY1996 under the ongoing authority of the Disaster Assistance Act of 1988.</p>

3.2.3 Funding Through ECP

With the frequency of natural disaster events increasing over the past 22 years (Appendix G) and with the increased amount in Federal assistance to address these events (Table 3.2-1), so has the increase in cost-share assistance afforded by ECP (Fig 3.2-2).

**Number of Farms Participating
and Total Cost-Share Assistance
(\$ In Thousands)**

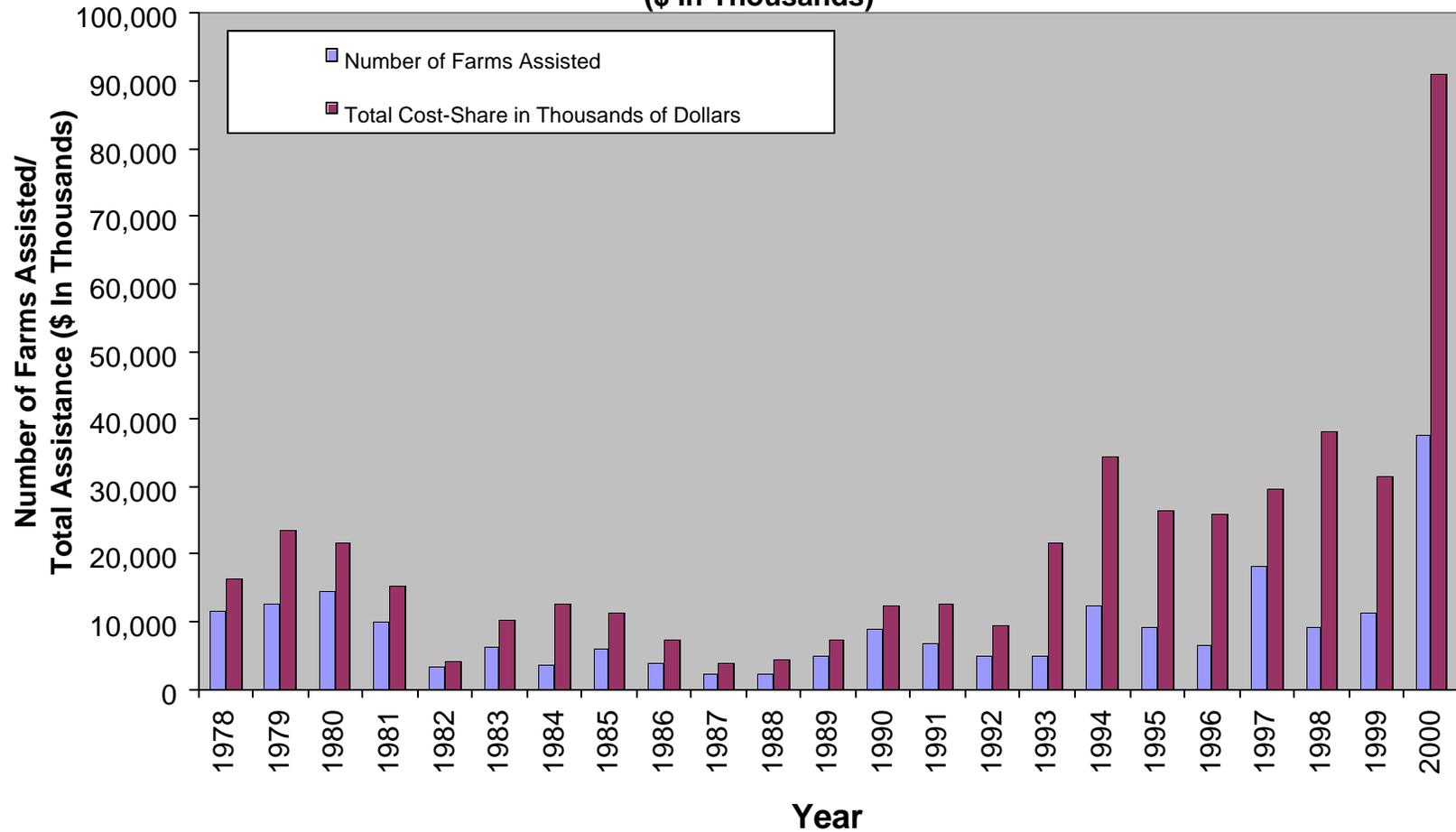
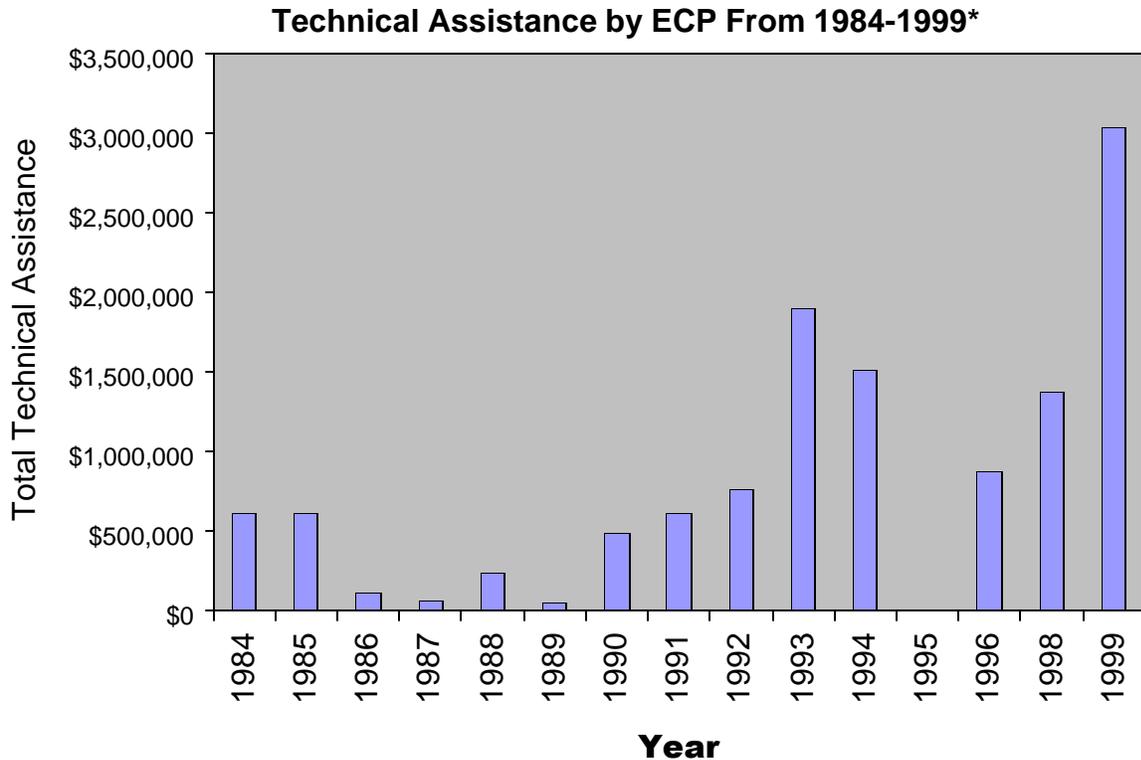


Figure 3.2-2. Numbers of Farms Assisted and Total Cost-Share Assistance Allocated by ECP from 1978 to 2000

Technical assistance provided through ECP provides assistance to farmers and ranchers for planning and implementing soil and water conservation and water quality practices after a natural disaster has occurred. This assistance may be provided by the NRCS, formerly known as The Soil Conservation Service (SCS). The two years that allocated the most technical assistance was in 1993 and 1999 (Figure 3.2-3) following the Mississippi Flood, and Hurricane Floyd. Totals for technical assistance are included in the data pertaining to Total Costs-Share (Figure 3.2-2).



*(no specific data available for years 1978-1983).

Figure 3.2-3. Technical Assistance Provided by ECP from 1984 through 1999

Since the beginning of ECP in 1978 until 1999, the state receiving the most cost-share assistance is California with a total of almost \$43 million, allocated to over 5,500 farms, followed by Florida with \$32.7 million, and Texas with \$28.2 million (Table 3.2 -2 and corresponding Figure 3.2-4). The State with the most farms receiving ECP assistance is North Carolina with over 17,000 farms served. This can be attributed to the wide-scale damage caused by Hurricanes Floyd ('99), Bonnie ('98), Fran ('96), and Hugo ('89) and their associated floods. Alaska is the only state that has never received ECP cost-share assistance.

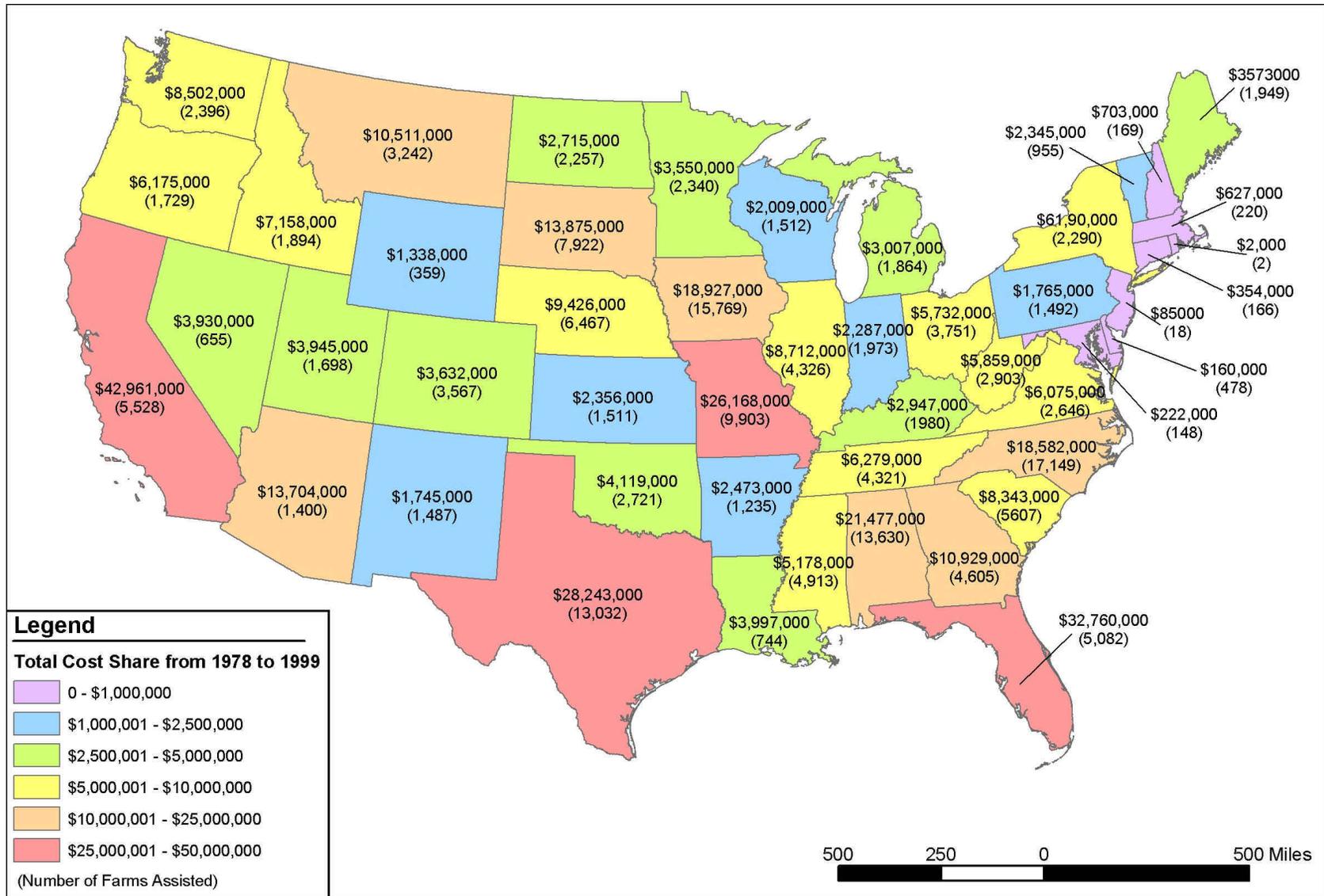


Figure 3.2-4. Total Cost-Share from 1978 to 1999

Table 3.2 –2. Summary of ECP Cost-Share Assistance per State from 1978-1999

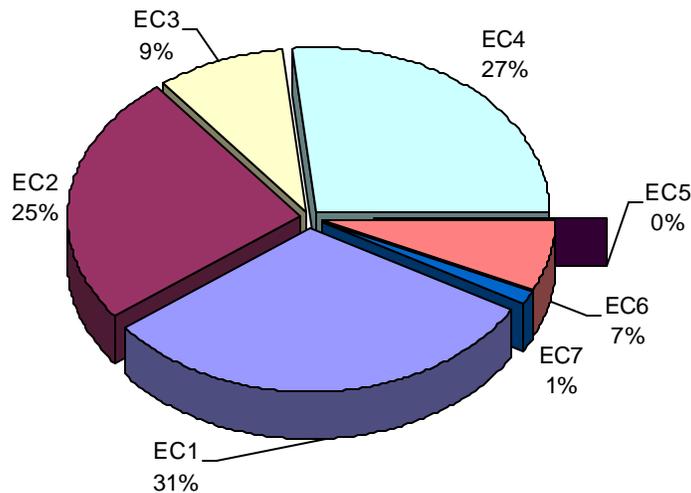
State	Total Cost Share Assistance (\$1,000)	Total Farms Assisted	Average C/S Assistance per Farm	State	Total Cost Share Assistance (\$1,000)	Total Farms Assisted	Average C/S Assistance per Farm
CALIFORNIA	\$42,961.00	5,528	\$7,771.53	MINNESOTA	\$3,550.00	2,340	\$1,517.09
FLORIDA	\$32,760.00	5,082	\$6,446.28	MICHIGAN	\$3,007.00	1,864	\$1,613.20
TEXAS	\$28,243.00	13,032	\$2,167.20	KENTUCKY	\$2,947.00	1,980	\$1,488.38
MISSOURI	\$26,168.00	9,903	\$2,642.43	NORTH DAKOTA	\$2,715.00	2,257	\$1,202.92
ALABAMA	\$21,477.00	13,630	\$1,575.72	ARKANSAS	\$2,473.00	1,235	\$2,002.43
IOWA	\$18,927.00	15,769	\$1,200.27	KANSAS	\$2,356.00	1,511	\$1,559.23
NORTH CAROLINA	\$18,582.00	17,149	\$1,083.56	VERMONT	\$2,345.00	955	\$2,455.50
SOUTH DAKOTA	\$13,875.00	7,922	\$1,751.45	INDIANA	\$2,287.00	1,973	\$1,159.15
ARIZONA	\$13,704.00	1,400	\$9,788.57	WISCONSIN	\$2,009.00	1,512	\$1,328.70
GEORGIA	\$10,929.00	4,605	\$2,373.29	PENNSYLVANIA	\$1,765.00	1,492	\$1,182.98
MONTANA	\$10,511.00	3,242	\$3,242.13	NEW MEXICO	\$1,745.00	1,487	\$1,173.50
NEBRASKA	\$9,426.00	6,467	\$1,457.55	WYOMING	\$1,338.00	359	\$3,727.02
ILLINOIS	\$8,712.00	4,326	\$2,013.87	PUERTO RICO	\$888.00	955	\$929.84
WASHINGTON	\$8,502.00	2,396	\$3,548.41	NEW HAMPSHIRE	\$703.00	169	\$4,159.76
SOUTH CAROLINA	\$8,343.00	5,607	\$1,487.96	MASSACHUSETTS	\$627.00	220	\$2,850.00
IDAHO	\$7,158.00	1,894	\$3,779.30	VIRGIN ISLANDS	\$499.00	129	\$3,868.22
TENNESSEE	\$6,279.00	4,321	\$1,453.14	CONNECTICUT	\$354.00	166	\$2,132.53
NEW YORK	\$6,190.00	2,290	\$2,703.06	MARYLAND	\$222.00	148	\$1,500.00
OREGON	\$6,175.00	1,729	\$3,571.43	DELAWARE	\$160.00	478	\$334.73
VIRGINIA	\$6,075.00	2,646	\$2,295.92	NEW Jersey	\$85.00	18	\$4,722.22
WEST VIRGINIA	\$5,859.00	2,903	\$2,018.26	GUAM	\$28.00	22	\$1,272.73
OHIO	\$5,732.00	3,751	\$1,528.13	RHODE ISLAND	\$2.00	2	\$1,000.00
MISSISSIPPI	\$5,178.00	4,913	\$1,053.94	ALASKA	\$0.00	0	\$0.00
OKLAHOMA	\$4,119.00	2,721	\$1,513.78	TOTAL	\$381,119.00	173,981	\$2190.58
HAWAII	\$4,052.00	870	\$4,657.47				
LOUISIANA	\$3,997.00	744	\$5,372.31				
UTAH	\$3,945.00	1,698	\$2,323.32				
NEVADA	\$3,930.00	655	\$6,000.00				
COLORADO	\$3,632.00	3,567	\$1,018.22				
MAINE	\$3,573.00	1,949	\$1,833.25				

For the years data was available pertaining to the amount of cost-share and acres served by specific ECP practices, it can be seen in Figure 3.2-5, that those emergency conservation practices related to flood damage, EC1, EC2, and EC4 received over 80 percent of all the cost-share allocated for that time period (Figure 3.2-5). While this is in part due to the many major hurricanes and flooding events that took place the U.S. during this time, these practices are also inherently expensive to implement. The sheer scope of these practices along with the required use of heavy machinery, the sometimes necessary consultation from professional experts (i.e. engineers, soil scientists, and hydrologists), and the extra labor needed make these practices prohibitively expensive for many farmers to implement without outside assistance like ECP. Debris removal, for example, requires the use of large and expensive specialized equipment (i.e. bulldozers, backhoes), which the farmer may not have on-site, and extra manpower to clear areas

of material deposited by the flood. These areas could consist of a few acres up to a few hundred acres. During the Mississippi flood of 1993, over 91,000 acres had sand deposits that averaged 24 inches in depth (Dwyer, et al, "No Date"). There are also the transporting costs that are incurred when the debris is moved to where it will be finally disposed. And finally, there may also be a fee for the final disposal of the material, such as for the use of a landfill or for burning permit.

The other practices, EC3, EC5, EC6, and EC7, do not require the large financial outlays that EC1, EC2, and EC4 require. While they are expensive, they are cheaper to implement, and generally smaller in scope than EC1, EC2, EC4. Most times the cost-share goes only to materials needed, with the majority of labor being supplied by the farmer or rancher.

Total Cost-Shares per ECP Practice for the Years 1984-1999*
(Total ECP Cost-Share Assistance Allocated \$244,248,722)

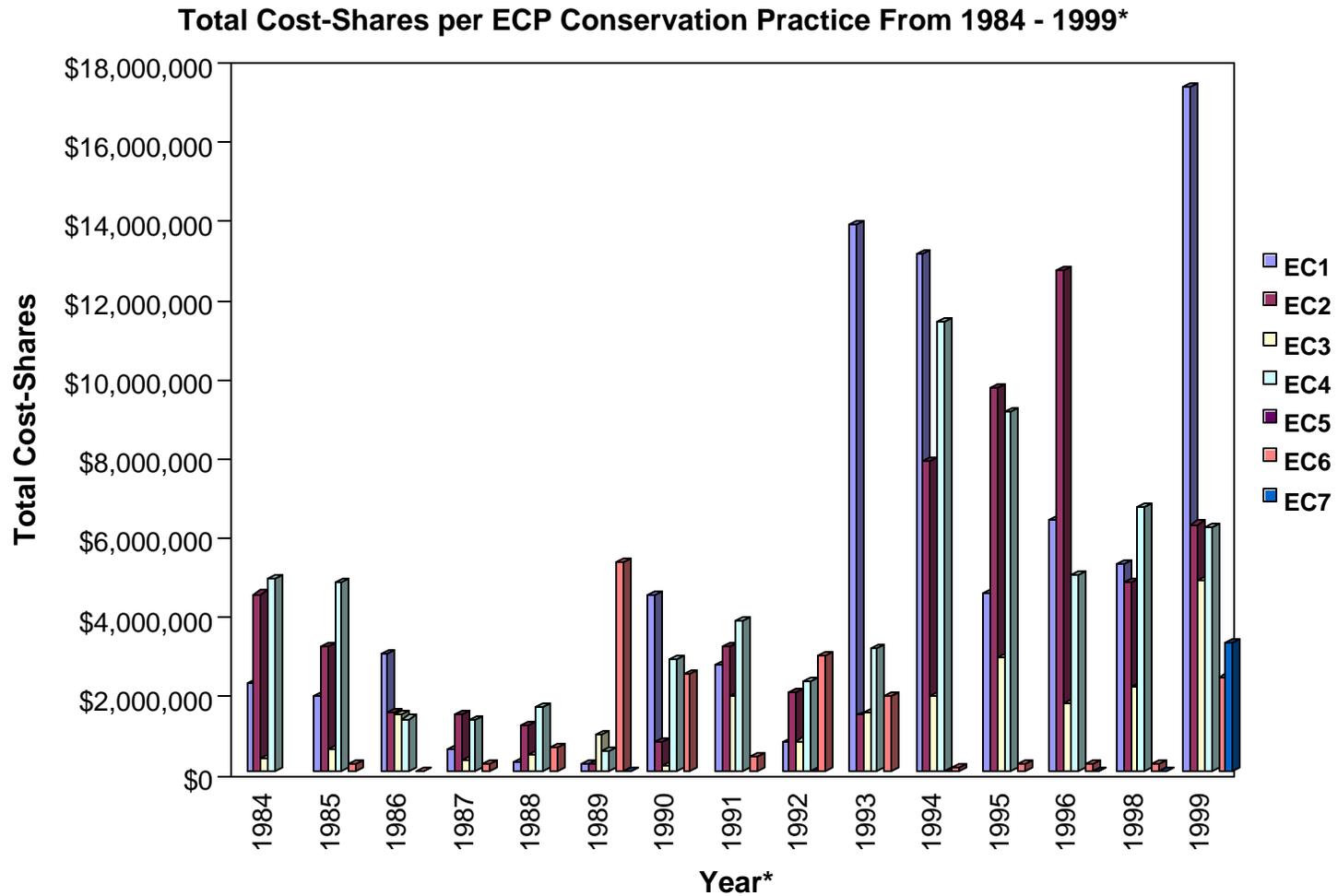


*(no specific data available for years 1978-1983, and 1997)

Figure 3.2-5 Total Cost-Shares per ECP Practice

For any given year the amount of cost-share allocated for any given specific ECP practice depends what sort of practice is needed for that year (Figure 3.2-6). While EC1, EC2, and EC4 are consistently the programs that receive the most amount of cost-share assistance; there are instances where other programs receive as much, if not more than these practices. For example, 1989 was a year of severe drought in the northern plains and Midwest, and even though Hurricane Hugo caused billions of dollars of damaged in the southeast, most of the cost-share assistance was focused on drought management practices.

The amount ECP cost-share assistance provided on a yearly basis is also a function of how much Congress has allocated for the program for any specific year along with any supplemental funding they may approve (Table 3.2-2), the amount of marketing of ECP the COC and STC have done in a specific state, and the frequency of natural disasters that impact agriculture lands.

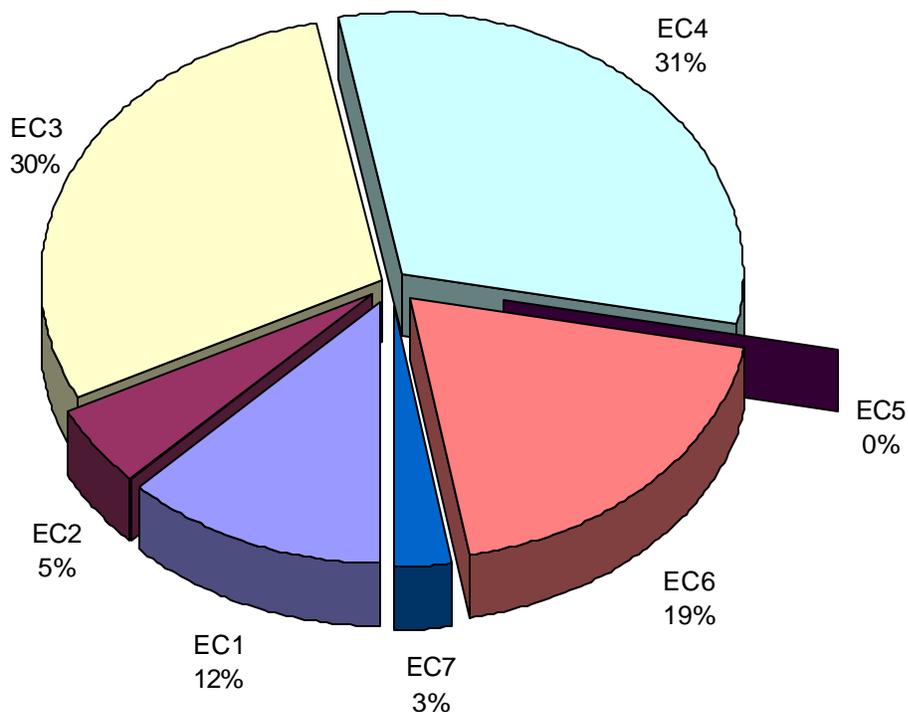


*(no specific data available for years 1978-1983, and 1997)

Figure 3.2-6 Total Cost-Shares per ECP Conservation Practice

Total acres served by ECP (Figure 3.2-7), are the acres that are affected by the implementation of the practice, not the actual acres of the practice, and because of this, the numbers may seem inconsistent with that of total cost-share assistance. The practices EC3, EC4, and EC6 combined, have served more than 16 million acres, 80 percent of the total acres served by ECP during this time period. Conversely these practices only account for 43 percent of the total cost-share assistance provided for the same time period. This is because that while EC3, EC4, and EC6 does not constitute many actual acres; the amount of acres that are served can be quite significant. For example an eligible practice under EC4 is the restoration of a drainage canal, while the actual acres of that canal are few, the number of acres served, the amount of agriculture acres that drain into that canal, may be quite large. In reality however, the total acres served annually by ECP is an extremely small percentage, less than 1 percent, of the total Agriculture lands in the United States (For a comparison of ECP acres served compared to all other Agriculture land uses refer to Appendix J).

Total Acres Served per ECP Practice for the Years 1984-1999*
(Total ECP Acres Served During this Period 20,188,006)

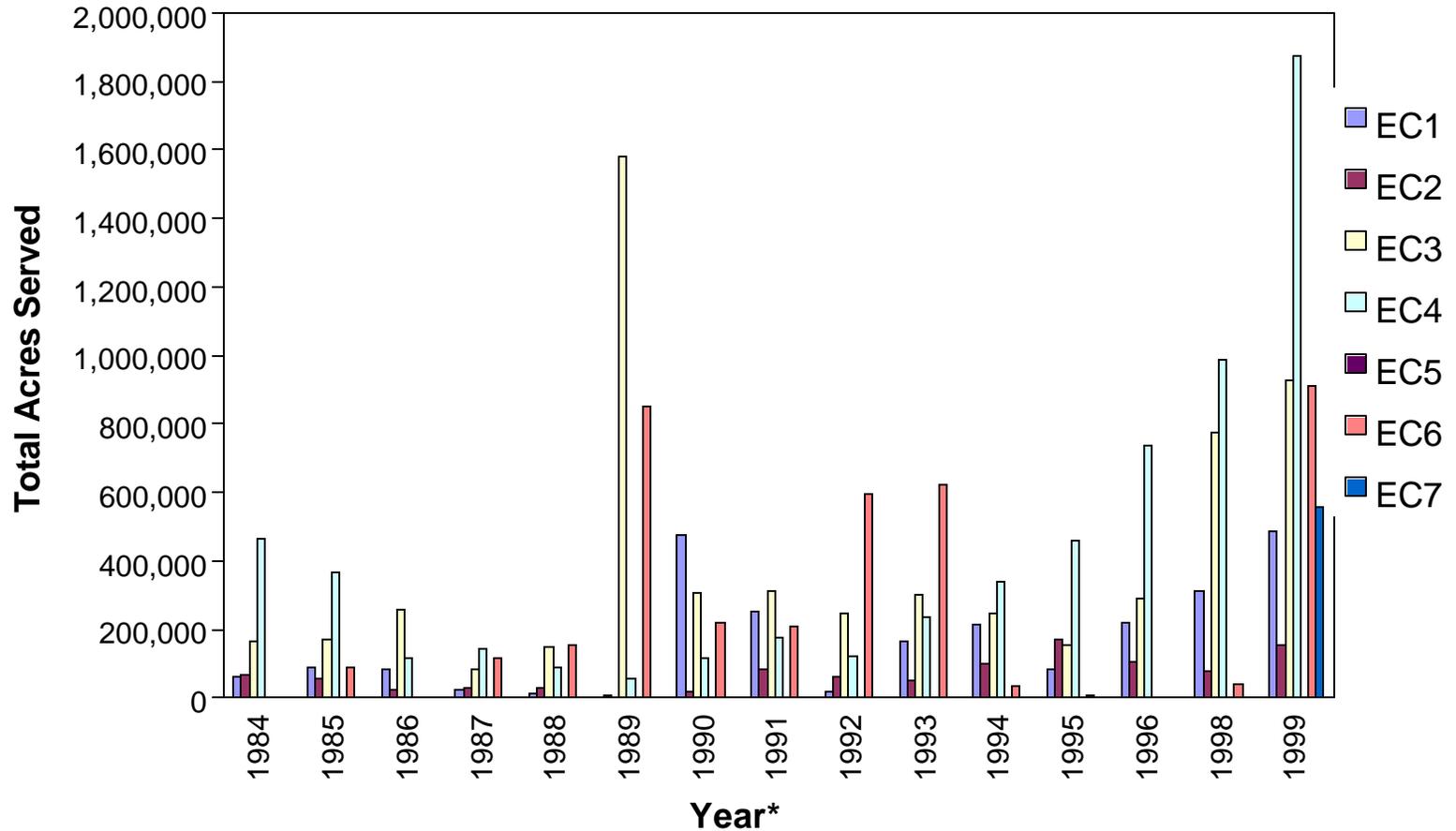


* (no specific data available for years 1978-1983, and 1997)

Figure 3.2-7 Total Acres Served per ECP Practice

The emergency conservation practices that consistently served the most acres are those aimed at restoring structures (EC4) and restoring permanent fences (EC3) (Fig 3.2-8). This is not due to the fact that these structures cover many acres, it is due to the fact that these structures, such as drainage canals, pipelines, and fences, have an impact on the productivity of many acres, and this is the reason that these practices have the lowest cost-share per acre (Fig 3.2-8) (Appendix B & C). Conversely, EC1 and EC2 only constitute 17 percent of acres served, however, these acres can be considered actual acres because these practices many times cover entire fields. The only year that EC1 comprised the most acres served was 1990, and this was due to vast flooding in Texas, Oklahoma, Louisiana, and Arkansas that caused over a billion dollars worth of damage (Appendix G) (Fig 3.2-8).

Total Acres Served per ECP Conservation Practice From 1984 - 1999*

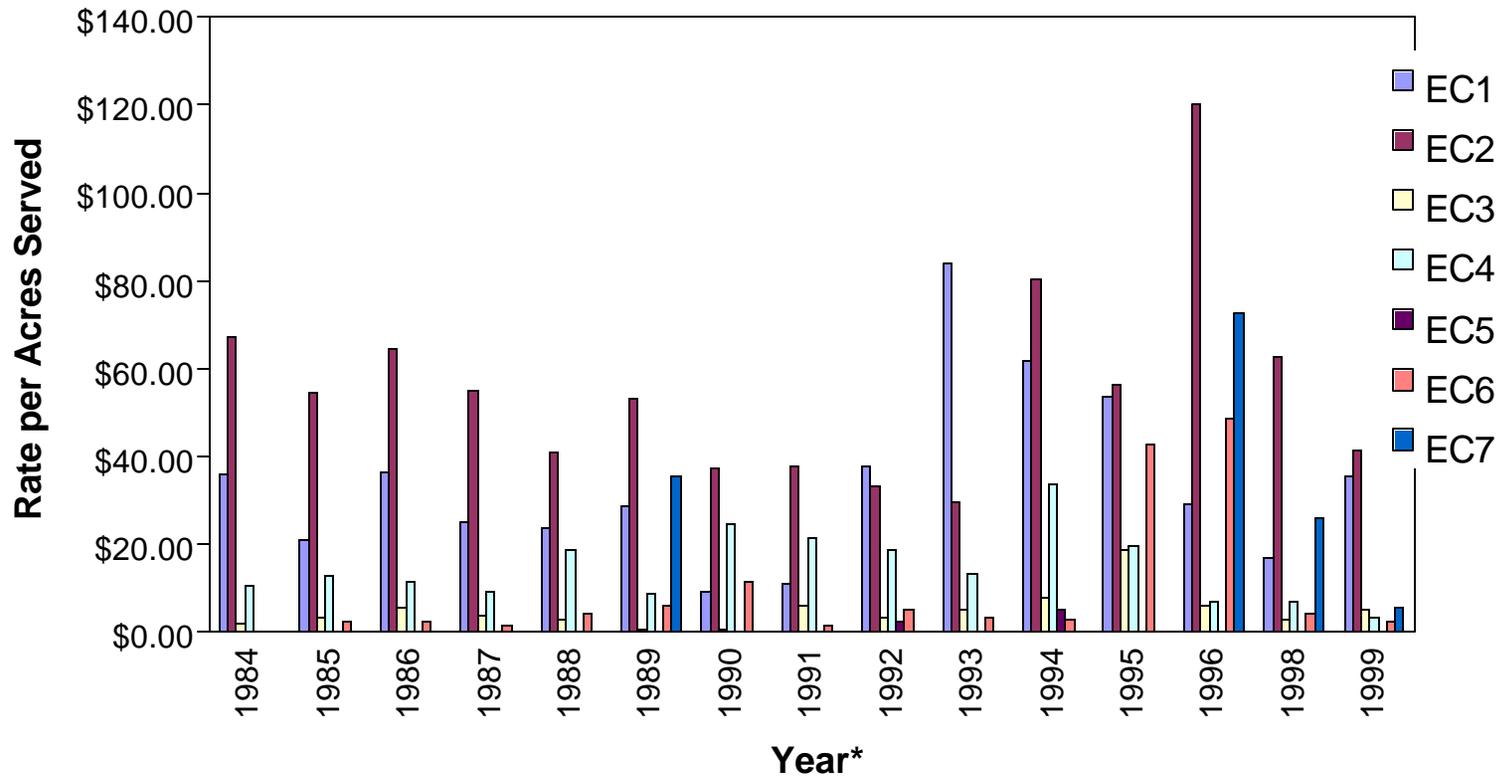


*(no specific data available for years 1978-1983, and 1997)

Fig 3.2-8. Total Acres Served per ECP Conservation Practice per Year

The average rate is calculated by taking the total cost-share for a specific ECP practice and dividing it by the total acres served by that specific practice (Figure 3.2-9). Calculating the average cost-share rate per acres served can be used as a means of quickly estimating the total cost-shares needed to implement a certain ECP practices following a natural disaster. Funds needed to begin implementing ECP are allocated based on these estimates. EC1 and EC2 have the highest average cost-share per acre rate due to the relatively high total cost-shares allocated for these practices divided by the relatively low acres served by these practices. For the years ECP data was available, the emergency conservation practice with the highest cost-share per acres consistently was EC2, the grading and shaping of farmland, except for 1992 and 1993 when EC1, debris removal, which can be attributed to the Hurricane Hugo and the massive Mississippi floods of those year (Figure 3.2-9).

**Average Rate per Acre Served per ECP Practice
(from 1984-1999*)**



*(no specific data available for years 1978-1983 and 1997)

Figure 3.2-9 Average Rates per Acre Served per ECP Practice

On average, ECP provides more cost-share assistance for damages caused by floods than for all other natural disasters combined, followed by hurricanes, drought, other types of disasters, and tornados (average calculated from the years when statistics on natural disaster specific ECP funding began) (Figure 3.2-10). Respectively, those ECP practices associated with flood related damage, EC1, EC2, and EC4 have the three highest annual average of total cost-share assistance provided (Table 3.2-3).

**ECP Cost-Share Assistance Allocated by Disaster Type
from 1987-1996, 1998, 1999
(Total Allocated \$213,134,495.00)**

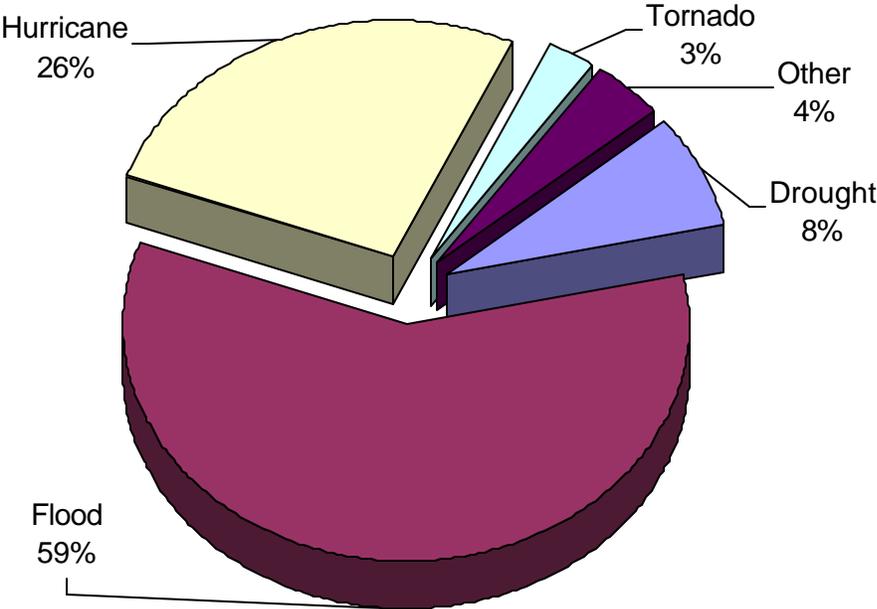
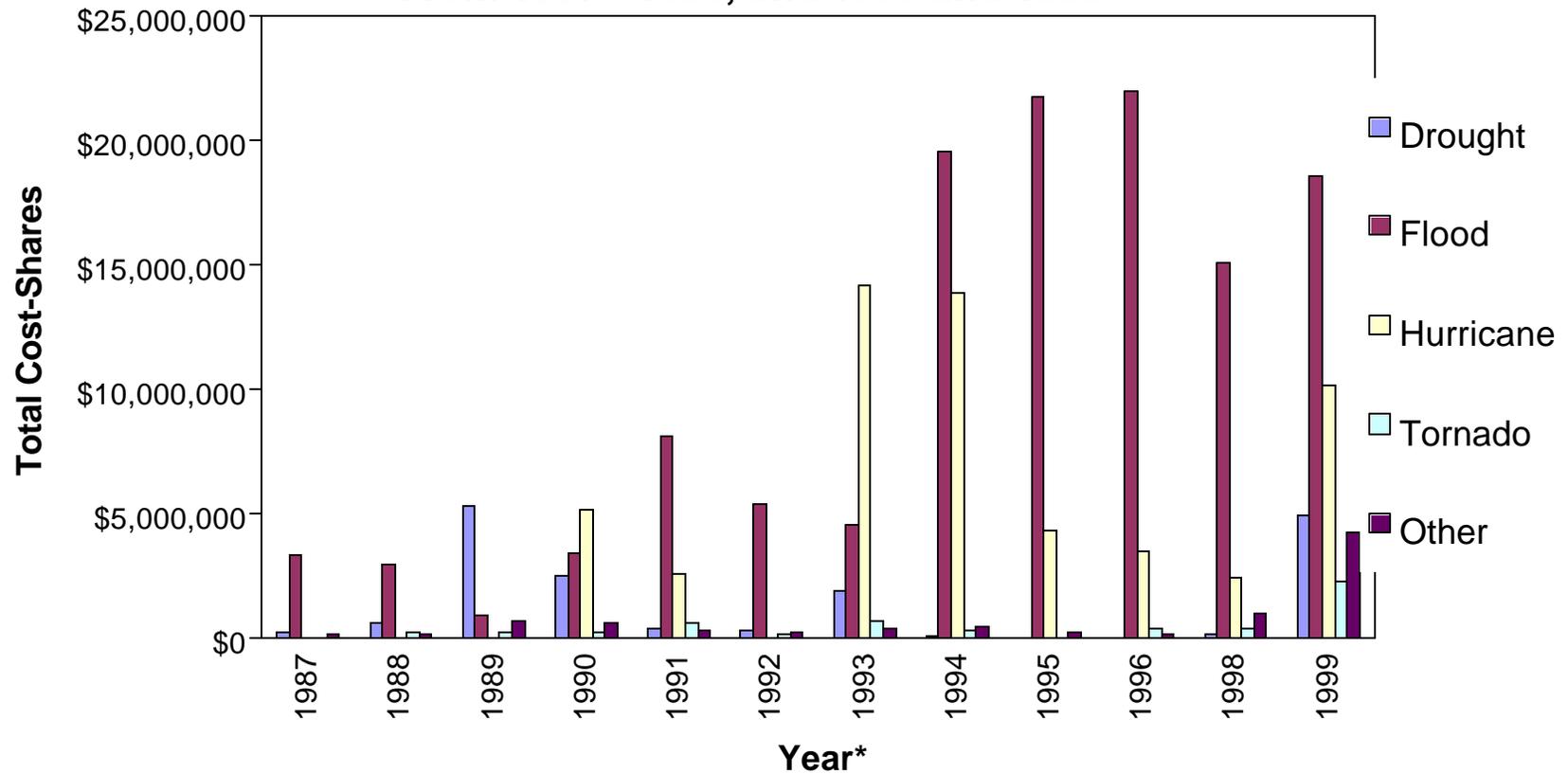


Figure 3.2-10 ECP Cost-Share Assistance Allocated by Disaster Type

Table 3.2-3 Annual Average of Allotted ECP Cost-Share per Practice and Natural Disaster Type (Average Calculated from Years 1987-1996, 1998, and 1999)			
Annual Cost-Share Average per Disaster Type		Annual Cost-Share Average per Practice	
		EC1	\$5,779,684
FLOOD	\$10,467,190	EC4	\$4,484,164
HURRICANE	\$4,693,743	EC2	\$4,291,188
DROUGHT	\$1,595,741	EC6	\$1,407,273
TORNADO	\$483,911	EC3	\$1,739,567
OTHER	\$739,790	EC7	\$277,074
		EC5	\$1,425
Annual Average	\$17,980,375	Annual Average	\$17,980,375

Figure 3.2-11 below shows the breakdown of the annual ECP expenditures for specific disaster types, which include droughts, floods, hurricanes, tornados, and other types. On closer scrutiny, the graph below looks skewed forward by one year, for example, in 1993, the year of the Mississippi Flood, the graph shows that the natural disaster type receiving the most ECP funding were for hurricanes. The reason for this is because the ECP program year is the fiscal year that ends on September 30th, and ECP funding is reported for the fiscal year that the funds were allocated. When a natural disaster occurs late in the summer, as was the case with Hurricane Andrew in August of 1992 or the summer of 1993 when the Mississippi flooded, many times the funds cannot be allocated before the end of the fiscal year, and funding is reported for the following year.

**Total ECP Cost-Shares per Natural Disaster Type
From 1987 - 1996, and 1998 and 1999***



*(no specific data available for 1978-1986 and 1997)

Figure 3.2-11 Total ECP Cost-Shares per Natural Disaster Type

3.2.4 Current Examples of ECP

3.2.4.1 FY 2001

For the fiscal year 2001, \$60 million in supplemental funding was provided for the Emergency Conservation Program, to remain available until expended. The 2001 program rehabilitated approximately 7.6 million acres of farmland with a total of \$64,985,108 in cost-sharing and technical assistance was provided in 44 states to treat farmlands damaged by droughts, floods, hurricanes, ice storms, tornadoes, wildfires, and other natural disasters (CFDA, “No Date”). Specific data on ECP cost-shares by individual states and disaster type are not yet available.

3.2.4.2 FY 2000

The year 2000 saw many of the western, south central, and southeastern states affected by severe drought and persistent heat over much of the year causing significant losses to agriculture and contributing to wildfires in the West that burned nearly 7 million acres. During this year ECP provided more than \$90 million in cost-share assistance for almost 38,000 farms across the country (Refer to Table 3.2-4 for specific state information).

3.2.4.3 FY 1999

In 1999, as a result of natural disasters and carryover work from the previous years, over \$40 million in cost-share and technical assistance was provided to farmers and rancher in 44 states to help rehabilitate farmlands damaged by drought, flood, hurricane, tornado, and other natural disasters. ECP allocated the most of its cost-share assistance to damage caused by hurricane damage and flooding caused by Hurricane Floyd (Figure 3.2-12). Hurricane Floyd made landfall in eastern NC, causing 10-20 inch rains in 2 days, with severe flooding in NC and some flooding in South Carolina, Virginia, Maryland, Pennsylvania , New York, New Jersey, Delaware, Rhode Island,

STATE	FARMS	TOTAL C/S (\$1,000's)
ALABAMA	223	370
ALASKA	0	0
ARIZONA	2	88
ARKANSAS	123	344
CALIFORNIA	87	1,757
COLORADO	362	1,137
CONNECTICUT	28	259
DELAWARE	5	11
FLORIDA	7	56
GEORGIA	372	1,187
GUAM	0	0
HAWAII	3	46
IDAHO	2	7
ILLINOIS	265	450
INDIANA	127	212
IOWA	1,496	5,777
KANSAS	9	15
KENTUCKY	6,531	7,572
LOUISIANA	0	0
MAINE	13	95
MARYLAND	109	406
MASSACHUSETTS	132	992
MICHIGAN	1	<1
MINNESOTA	90	255
MISSISSIPPI	141	398
MISSOURI	3,682	9,370
MONTANA	427	1,858
NEBRASKA	221	625
NEVADA	9	61
NEW HAMPSHIRE	16	90
NEW JERSEY	0	0
NEW MEXICO	20	27
NEW YORK	529	2,246
NORTH CAROLINA	11,583	24,320
NORTH DAKOTA	69	99
OHIO	2,074	5,688
OKLAHOMA	726	1,777
OREGON	0	0
PENNSYLVANIA	682	2,391
PUERTO RICO	0	0
RHODE ISLAND	35	255
SOUTH CAROLINA	51	79
SOUTH DAKOTA	580	1,085
TENNESSEE	560	710
TEXAS	2,059	7,825
UTAH	15	131
VERMONT	197	603
VIRGINIA	747	3,000
VIRGIN ISLANDS	13	25
WASHINGTON	11	61
WEST VIRGINIA	3,217	6,480
WISCONSIN	176	773
WYOMING	3	65
TOTAL	37,781	91,079

Connecticut, Massachusetts, New Hampshire, and Vermont. The total area affected by this allocation was over 3 million acres (Appendix G).

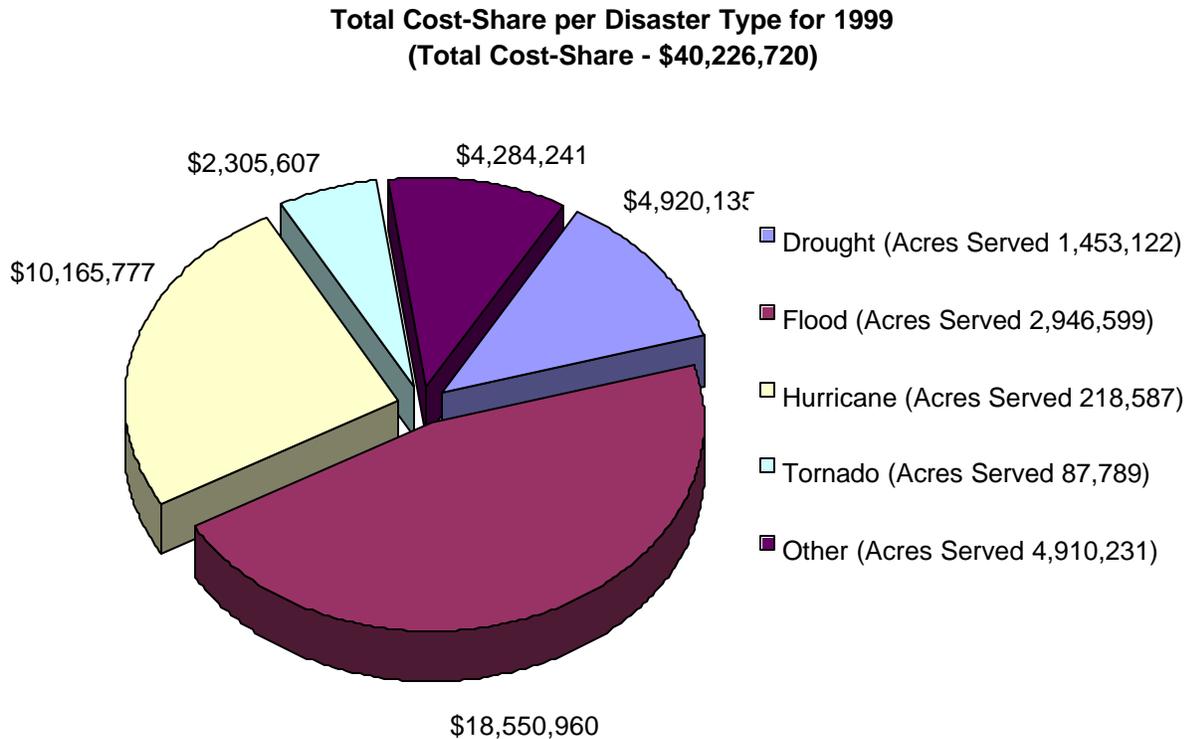


Figure 3.2-12 Total Cost-Share per Disaster Type for 1999

3.2.4.4 FY 1998

In 1998, the United States experienced 7 natural disasters with each totaling over \$1 billion in damages, the most ever in one year. Major flooding in Texas, drought in the south central and southeastern states, and Hurricanes George and Bonnie along with and other severe weather events (tornados, hail, ice storms, and rain) caused almost \$20 billion dollars in damages. ECP allocated almost \$20 million dollars in cost-share assistance during this period (Figure 3.2-14). Over two thirds of this cost-share assistance went to farmers whose land was damaged by Hurricanes George and Bonnie and their associated floods and to other farmers whose land was inundated by floods not associated with these hurricanes (Figure 3.2-13).

**Total Cost-Share Allocated by Natural Disaster Type
for 1998 (Total Allocated \$ 19,160,223)**

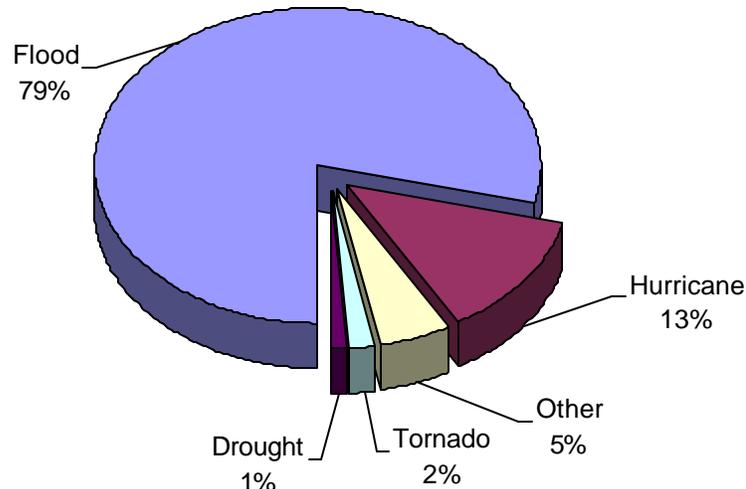


Figure 3.2-13. Total Cost-Shares Allocated by Natural Disaster for 1998

The ECP conservation practices most utilized in response to these natural disasters were the restoring of structures and other installations (EC4) and debris removal (EC1) (Figure 3.2-14). Grading, shaping, releveling, of land damaged (EC2) also constituted a large share of the cost-share allocated for this year. These three practices are all practices associated with restoring and rehabilitating lands damaged by the severe floods of that year.

**Total Cost-Share Allocated per ECP Practice for
1998 (Total Cost-Share Allocated \$19,160,223)**

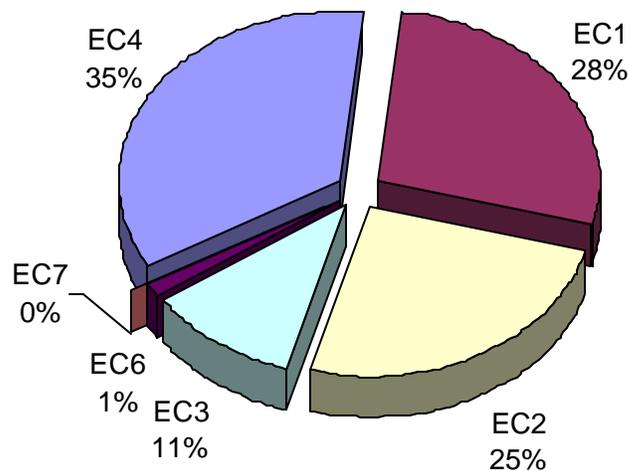


Figure 3.2-14. Total Cost-Share Allocated per ECP Practice in 1999

3.3 RELATED CONSERVATION PROGRAMS

Related conservation programs established to protect farmlands and natural resources associated with agriculture include. Note, the following programmatic descriptions are based on the regulations formulated prior to the 2002 Farm Bill.

Conservation Reserve Program General Sign-up (CRP) was established in its current form in 1985 and has become the USDA's largest land retirement program. It is administered by USDA's Farm Services Agency (FSA) and funded through the Commodity Credit Corporation (CCC). This long-term land retirement program offers farm owners or operators with an annual per-acre rental payment and half the cost of establishing a permanent long term conserving cover, in exchange for retiring environmentally sensitive cropland from production for a minimum of ten to a maximum of fifteen years. Producers offer land for competitive bidding based on an Environmental Benefits Index (EBI) during periodic announced signups.

Conservation Reserve Program Continuous Sign-up (CCRP) is a program that was initiated following the 1996 farm bill with a total of 4 million acres (under the CRP acreage cap) being reserved for continuous sign-up including CREP enrollment. Using CRP authority and CCC funding, continuous sign-up allows enrollment of land in riparian buffers, filter strips, grass waterways and other high priority practices without competition. Land suitable for high-priority practices can be enrolled without competition and generally at higher annual payment rates than land enrolled in a general CRP sign-up with all eligible land being automatically accepted into the program. In April 2000, USDA announced enhanced incentives for continuous signup participation, which included an up-front Signing Incentive Payment (SIP) of \$100 to \$150 per acre (depending on the length of contract) for filter strips, riparian buffers, grassed waterways, field windbreaks shelter belts and living snow fences and a Practice Incentive Payment (PIP) equal to 40 percent of the cost of installing practices for all continuous signup practices. At that time increased maintenance payments for certain practices was also added along with updated marginal pastureland rental rates to better reflect the market value of these types of lands.

Conservation Reserve Enhancement Program (CREP) is a joint Federal-State land retirement conservation program that uses the authorities of the Conservation Reserve Program (CRP) in combination with State resources to target specific conservation and environmental objectives of a State and the Nation (7 CFR Pt. 1410.50(b)). It was created following the 1996 Farm Bill and is funded by the CCC. It is a conservation partnership program targeted to address specific State and nationally significant water quality, soil erosion, and wildlife habitat issues linked to agriculture. Enrollment is usually conducted under the continuous signup and program offers additional financial incentives and cost-sharing beyond general-CRP to encourage farmers and ranchers to retire land from production by enrolling in ten to fifteen year contracts. States may designate up to 100,000 acres in specific areas (e.g., watersheds) as eligible to enroll in the program to meet specific State goals that relate to National environmental goals, such as improving water quality or endangered species habitat.

Farmable Wetland Program (FWP) is a pilot program established by the 2001 Agricultural Appropriation Act. In this Act, farmed wetlands acres were now eligible to be enrolled through a continuous rolling sign-up similar to that of CCRP for other high-priority conservation practices.

Payments were to be proportionate with those provided to landowners who implemented CRP conservation practices like filter strips. The wetlands and associated buffers enrolled were limited to a total of 500,000 acres in six States: Iowa, Minnesota, Montana, Nebraska, North Dakota, and South Dakota, with no more than 150,000 acres being enrolled in any single State.

Conservation of Private Grazing Land Initiative was established under the 1996 Farm Bill and required USDA to conduct a coordinated technical, educational, and related assistance program for owners and managers of non-Federal grazing lands, including rangeland, pasture land, grazed forest land, and hay land. The purpose of this program, which works with local conservation districts and private landowners, is to enhance water quality and wildlife and fish habitats, address weed and brush problems, enhance recreational opportunities, and maintain and improve the aesthetic character of non-Federal grazing lands.

Conservation Technical Assistance (CTA) was created in 1936 and has since been administered by NRCS through local Conservation Districts. It provides technical assistance to farmers for planning and implementing soil and water conservation and water quality practices. Farmers adopting practices under USDA conservation programs and other producers who ask for assistance in adopting approved NRCS conservation practices can receive technical assistance. This program has prepared and assisted producers in implementing conservation plans for highly erodible lands to help maintain eligibility for other USDA programs.

Environmental Quality Incentives Program (EQIP) was established by the 1996 Farm Bill as a new program administered by NRCS with the concurrence of the FSA. This program is an attempt to consolidate and better target the functions of four older programs:

- 1) Agricultural Conservation Program (ACP)
- 2) Water Quality Incentives Program (WQIP)
- 3) Great Plains Conservation Program (GPCP)
- 4) Colorado River Basin Salinity Program (CRBSP)

The objective of this newly consolidated and better-targeted program is to encourage farmers and ranchers to adopt practices that reduce environmental and resource problems on agricultural land. It is available to farmers and ranchers who own or operate land on which crops or livestock are produced, including cropland, pasture, rangeland, and other lands identified by the Secretary. Producers who implement certain land management practices (e.g. nutrient management, tillage management, grazing management) can receive technical assistance, education, and incentive payments. Producers who implement structural practices (e.g. animal waste management facilities, terraces, filterstrips) can receive technical assistance, education, and cost-sharing of up to 75 percent of the projected cost of the practice(s) but, large confined livestock operations are generally ineligible for cost sharing to construct animal waste management facilities.

Farmland Protection Program (FPP) is a voluntary program established by the 1996 Farm Bill. Under this program, the purchasing of conservation easements or other interests in lands with prime, unique, or other highly productive soils is the main objective. NRCS administers the program with the concurrence of FSA. Eligible land must be subject to a pending offer from a

State, tribe, or local government for the purposes of protecting topsoil by limiting nonagricultural uses of that land.

Forestry Incentives Program (FIP) was initiated in 1975 and is administered by NRCS and the FS. This program provides technical assistance and cost-sharing for up to 65 percent for tree plantings and timber stand improvements on private forest lands no more than 1,000 acres in size.

Stewardship Incentive Program (SIP) is administered by the Forest Service through FSA and provides cost-sharing for up to 75 percent of practice cost if in the approved forest stewardship plans. The payments for this program may not exceed \$10,000 annually per landowner with practices being maintained for a minimum of 10-years.

Wetlands Reserve Program (WRP) was a voluntary program created under the 1985 Farm Act and is currently administered by NRCS along with consultation from FSA and other Federal agencies. It is funded through CCC and has a total enrollment cap of 975,000 acres. Landowners choose whether to sell a permanent or 30 year conservation easement or enter into a ten-year cost-share restoration agreement to restore and protect our Nation's valuable wetlands. When under contract, the landowner voluntarily limits future use of the land, yet retains private ownership of it. USDA pays 100 percent of restoration costs for permanent easements or 75 percent for 30-year easements and restoration cost-share agreements. Additional assistance for easement payment and wetland restoration costs can be provided by other agencies and private conservation organizations as a way to reduce the landowner's share of the costs.

Wildlife Habitat Incentives Program (WHIP) was created by the 1996 Farm Act to provide cost-sharing assistance to landowners for expanding habitat for upland wildlife, wetland wildlife, threatened and endangered species, fish, and other types of wildlife. The 1996 Farm Act authorized a total of \$50 million from CRP funds to conduct the program for fiscal years 1996-2002. With the technical assistance of NRCS, participating landowners develop plans that include various schedules for installing wildlife habitat development practices and requirements for maintaining the habitat for the life of the contract. Contracts generally are a minimum of 10-years from the date of practice establishment. Cost-share payments are authorized to establish practices that are needed to meet the objectives of the program, and to replace practices that fail for uncontrollable reasons.

3.4 RELATED EMERGENCY PROGRAMS

For damage caused by natural disasters to agriculture and associated lands that falls outside the scope of the Emergency Conservation Program, farmers and ranchers can look for assistance from other Federally and state funded programs such as:

Emergency Haying and Grazing Assistance of certain CRP acreage may be made available in areas suffering from weather-related natural disaster. FSA county committees may initiate requests for assistance. The STC then makes a recommendation to the Deputy Administrator for Farm Programs. Determinations are made on a county-by-county basis. If approved, harvesting of hay and/or livestock grazing is allowed on cropland that has been removed from production of

annual program crops, such as wheat and feed grains, and devoted to a long-term resource-conserving cover. To protect wildlife during the primary nesting season, other limits also may be imposed.

Emergency Loan Assistance (EM) is provided by the FSA to help producers recover from production and physical losses due to drought, flooding and other natural disasters. The Emergency loan funds may be used towards restoring or replacing essential property; paying all or part of production costs associated with the disaster year; paying essential family living expenses; reorganizing the farming operation; and refinancing certain debts. Producers can borrow up to 100 percent of actual production or physical losses, to a maximum amount of \$500,000.

The Emergency Wetland Reserve Program (EWRP) was established in response to the 1993 flooding in the Upper Mississippi and Lower Missouri River basins. It specifically targets prior-converted wetlands damaged by flooding in that region, and purchases easements on severely flood-damaged lands that are re-established as wetlands. The programs are administered by the NRCS.

Emergency Watershed Protection Program (EWP) was initiated in 1950s and is administered by NRCS. It provides technical and financial assistance to local entities for the removal of storm and flood debris from stream channels and for the restoration of stream channels and levees to reduce threats to life and property. Local institutions receiving aid must contribute 25 percent of total cost.

Noninsured Crop Disaster Assistance Program (NAP) provides financial assistance to eligible producers affected by natural disasters and is administered by FSA. This Federally funded program covers noninsurable crop losses and planting prevented by disasters. An eligible producer is a landowner, tenant, or sharecropper who shares in the risk of producing an eligible crop. Eligible crops include commercial crops and other agricultural commodities produced for food (including livestock feed) or fiber for which the catastrophic level of crop insurance is unavailable. Also eligible for NAP coverage are controlled-environment crops (mushroom and floriculture), specialty crops (honey and maple sap), and value loss crops (aquaculture, Christmas trees, ginseng, ornamental nursery, and turfgrass sod). NAP covers the amount of loss greater than 50 percent of your expected production, based on your approved yield and reported acreage.

Tree Assistance Program (TAP), created by the Disaster Assistance Act of 1988 for the purpose of restoring those forest trees and orchards lost on agriculture lands as the result of a natural disaster, and are currently administered by the FSA. TAP provides assistance to producers for the replanting of forest trees and orchards that are lost due to natural disasters. Eligible recipients must experience a minimum tree mortality of 35 percent as a result of a disaster to receive assistance. For losses in excess of 35 percent, a producer can then receive a reimbursement of 65 percent of the cost of replanting trees, up to \$25,000 per person.

The Pasture Recovery Program (PRP) authorized in Section 806 of the 2000 Appropriations Act provides payments to reestablish permanent vegetative cover to farmers and ranchers who

suffer pasture losses due to drought of 2000. The program is administered by FSA. The land eligible for the PRP must have been pastureland on which livestock were normally grazed. Payments were based on 50 percent of the average cost of reseeding and participants agreed to maintain the seeding for a minimum of 3-years after planting.

3.5 RELATED AGENCIES, LAWS, AND REGULATIONS

The Natural Resources Conservation Service (NRCS), Federal Emergency Management Agency (FEMA), and U.S. Army Corps of Engineers (USACE) are the principal agencies that coordinate with FSA on disaster emergency recovery work. A number of other Federal, state, and local agencies administer programs that deal with natural emergencies as well.

3.5.1 Natural Resources Conservation Service (NRCS)

The Soil Conservation Service (SCS), predecessor to the Natural Resources Conservation Service (NRCS), was created on April 27, 1935, by Public Law 46, which declared that soil erosion was a menace to the national welfare and authorized broad powers to the new agency to attack the problem. (As part of the Department of Agriculture Reorganization Act of 1994, the name was changed to the Natural Resources Conservation Service on 20 October 1994.)

FSA provides overall administrative direction and guidance for ECP. NRCS, Under the authorization of *section 216-PL 81-516, Section 403 of Title IV of the Agricultural Credit Act of 1978, and Emergency Conservation Program, PL 95-334*. NRCS provides technical and financial assistance to resource managers and landowners whenever fire, flood, or other natural disaster causes sudden damage in a watershed. To safeguard lives and property, as authorized by the Secretary of Agriculture, NRCS undertakes emergency measures to retard runoff and reduce soil erosion and sedimentation.

The NRCS Conservation Technical Assistance Program (CTAP) is the principal Federal private lands conservation and pollution prevention program. Working with state conservation agencies and through conservation districts, CTAP provides technical assistance to help landowners apply complex conservation measures. Conservation technical assistance is authorized for conservation planning and application assistance to control soil erosion, improve water quality, and protect cropland, rangeland, forestland, and wildlife habitat. Through the CTAP, NRCS provides assistance to conservation districts, develops technical standards and technical guides, conducts resources inventories, and provides assistance to individuals to plan and manage their natural resources. This basic assistance includes assessing natural resource conditions and issues and explaining the USDA programs that are available to address them.

3.5.2 Federal Emergency Management Agency

Congress has a declared policy to provide a system of emergency preparedness for the protection of life and property in the U.S. from hazards and to vest responsibility for emergency preparedness jointly in the Federal government and the states and their political subdivisions. The Federal government provides oversight, coordination, guidance, and assistance, so that a comprehensive

emergency preparedness system exists for all hazards. (42 U.S.C. § 5195) These programs are overseen and coordinated by the Federal Emergency Management Agency (FEMA), which has been managing Federal disaster efforts since its formation in 1979. FEMA's mission is to reduce loss of life and property and protect the nation's critical infrastructure from all types of hazards through a comprehensive, risk-based, emergency management program of mitigation, preparedness, response, and recovery.

"Major Disaster Areas" are declared by the president under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288, 42 U.S.C. §§ 5121 *et seq.*). Under presidential declarations, emergency assistance is coordinated through the FEMA.

3.5.3 U.S. Army Corps of Engineers

The U.S. Army Corps of Engineers (USACE) may provide emergency assistance for flood response and post flood response activities to save lives and protect improved property (i.e., public facilities/services and residential/commercial developments) during or following a flood or coastal storm. Assistance to individual homeowners and businesses is not permitted. This includes agricultural lands (USACE Website, 1999).

Authority to perform post flood activities immediately after a flood or coastal storm is provided by Public Law 84-99, as amended. USACE assistance must be required immediately and is limited to major flood or coastal storm disasters resulting in life-threatening or property-damaging situations.

The types of assistance provided by the USACE include:

- Furnish technical advice and assistance
- Clearance of drainage channels, bridge openings, or structures blocked by debris deposited during the event
- Clearance of blockages of critical water supply intakes and sewer outfalls
- Debris removal necessary to reopen vital transportation routes
- Temporary restoration of critical public services or facilities
- Identify hazard mitigation opportunities

The USACE also may rehabilitate publicly sponsored flood control structures, and Federally authorized and constructed hurricane and shore protective structures damaged or destroyed by wind, wave, or water action of other than an ordinary nature. The assistance provided by the USACE is repair or restoration of a flood control structure to its pre-disaster condition

The criteria for USACE flood control structure rehabilitation assistance include:

- Requests for rehabilitation assistance must be for a publicly sponsored project
- Rehabilitation projects for non-Federal flood control works will be cost shared at 80 percent Federal and 20 percent from the public sponsor
- The proposed rehabilitation project must have a favorable benefit-cost ratio
- Deficient or deferred project maintenance outstanding when damage occurs will be accomplished by or at the expense of the sponsor either prior to or concurrent with authorized rehabilitation assistance