

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

Disaster Designations 1-DIS	Amendment 4
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Approved by: Deputy Administrator, Farm Programs



Amendment Transmittal

A Reasons for Amendment

Subparagraph 16 F has been amended to clarify procedure when requesting a disaster designation with multiple disaster events.

Subparagraph 16 G has been amended to add an example of a disaster designation request with multiple disaster events.

Page Control Chart		
TC	Text	Exhibit
	2-1, 2-2 2-2.5, 2-2.6 (add) 2-3, 2-4	

Part 2 Secretarial Designations

16 Overview

A Authority

*--7 CFR Part 759 authorizes individual farmers, local government officials, State governors, State Agriculture Commissioners, State Secretaries of Agriculture, other State government officials, and Indian Tribal Councils to initiate requests for disaster designations.

B Request Deadline

Requests for disaster designations must be submitted in writing to the Secretary within **3 months** of the ending date of a disaster.

Note: Requests made after the 3-month deadline will be denied.

C Secretarial Disaster Designation Request

Once a disaster designation recommendation has been made, CEB or SEB acknowledges receipt of the Report of Secretarial Disaster/Disaster Designation Request by preparing, dating, and signing FSA-937 (Exhibit 5). The SED recommendation letter must be submitted to the National Office **within 3 months** of the last day of the disaster event. The request will include the following:

- disaster event
- beginning and ending dates of the incident period

Note: The incident period must be specific to the disaster event. For example, if the disaster event is excessive rainfall, a beginning and ending date for the excessive rainfall event must be provided.

- names of the counties eligible for designation according to subparagraph D or E

Note: For deferrals, include the counties impacted by the disaster event that may be eligible once the extent of losses is known.

- SEB minutes as a separate document.

D Qualifying Production Loss

Only damages and losses resulting from a natural disaster are eligible. A qualifying loss occurs if FSA determines a minimum 30 percent production loss of at least 1 crop in the county occurred as a result of the disaster. The 30 percent production loss is **not** required for designations under the fast track procedure.--*

16 Overview (Continued)

E Loss Determined by Survey

If there are production losses to 1 or more crops, but no qualifying production loss of at least 30 percent, the county may still be eligible for a Secretarial designation by completing the credit survey. The survey is completed by the State Office using the STORM application.

Under the survey method, at least 1 farmer or producer must be unable to secure commercial financing to cover losses in the affected county because of the disaster. The survey portion of the LAR must be completely filled out.

Note: See Exhibit 6 for an example of the survey.

F Eligible Disaster Events

The Secretary has authority to determine what constitutes a natural disaster for Secretarial disaster designation purposes. Eligible natural disasters include damaging weather conditions or other similar non-weather natural occurrences (such as earthquakes and volcanoes) that substantially affect farmers by causing severe production losses.

--Disaster designation requests must be dated, signed by the SED, and submitted within 3 months of the weather event. Required supporting documentation will include SEB meeting minutes. Each request must contain the beginning and ending dates of the disaster events along with the counties impacted. The incident period must be specific to the disaster event. Production losses must be reported separately for separate events.--

If a disaster event is continuing but the amount of loss can be estimated before the end of the event, a request may be approved with an ending date of “continuing”.

*--If all disaster events included in the request did not impact all counties, the request must be divided to identify which specific disaster event(s) impacted each county.

For example, if the request is for excessive rain and flooding but not all counties were impacted by both events, the request must be broken into separate weather events:


- Disaster #1 – excessive rain (include all counties with excessive rain only)
- Disaster #2 – flooding (include all counties with flooding only)
- Disaster #3 – excessive rain and flooding (include all counties that were impacted by both excessive rain and flooding).

Once a disaster designation letter is signed by the Secretary, the National Office will assign a separate Secretarial designation number for each disaster. The National Office will also prepare a separate Secretarial Disaster Designation memo for each disaster event that will include a map and county lists. The National Office will distribute each signed letter, memo, and county lists to the primary State Offices, adjacent State Offices, and essential personnel at the National Office.--*

16 Overview (Continued)

*--G Example of Disaster Designation Request with Multiple Disaster Events

The following is an example of a disaster designation request with multiple disaster events.

<p>Farm and Foreign Agricultural Services</p> <p>Farm Service Agency</p> <p>Farm Programs</p> <p>[State Office Address HERE]</p>	 <p>United States Department of Agriculture</p> <hr/> <p>[DATE] , 2020</p> <p>TO: Name of Current Administrator Administrator Farm Service Agency</p> <p>THROUGH: Safety Net Division/Common Provisions Section (SND/CPS) (Stop Code 0517)</p> <p>FROM: [SED Name] State Executive Director</p> <p>SUBJECT: Request for Secretarial Natural Disaster Designation</p> <p>Disaster #1: State: North Dakota Primary counties requested: Adams, Barnes, Benson, Billings, and Bottineau Beginning date of disaster incident period: 1-1-19 Ending date of disaster incident period: Continuing Disaster Description: excessive rain</p> <p>Disaster #2: Primary counties requested: Bowman, Burke, and Burleigh Beginning date of disaster incident period: 10-9-19 Ending date of disaster incident period: 10-12-19 Disaster Description: flooding</p> <p>Disaster #3: Primary counties requested: Griggs, Hettinger, Kidder, and Logan Beginning date of disaster incident period: 11-01-19 Ending date of disaster incident period: 12-12-19 Disaster Description: excessive rain and flooding</p> <p>Background: Our state has experienced widespread flooding and excessive rain in multiple counties during the 2019 Crop Year.</p> <p style="text-align: center; font-size: small;">USDA is an equal opportunity provider, employer, and lender.</p>
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16 Overview (Continued)**H Deferrals**

If complete and accurate crop losses will not be known by the deadline for submitting a request, a deferral should be submitted to the Secretary according to paragraph 4.5 within 3 months of the last day of the disaster event. Deferrals allow the 3-month deadline to be met, while giving County Offices the necessary time to accurately assess crop losses. Losses will be reviewed after the deferral target date. See Exhibit 7 for an example deferral memorandum. Deferral requests should include the following:

- date of the initial request
- beginning and ending dates of the disaster incident period
- description of the disaster event
- counties that were impacted by the disaster event and may qualify for designation once crop losses can be determined
- brief summary of the reason for deferral
- target date to complete final review of losses for approval or denial
- signature of SED.

16 Overview (Continued)

I Requesting a Secretarial and APLN for the Same Disaster

Both the Administrator and the Secretary can make natural disaster determinations affecting the same county. For example, when the Administrator approves an APLN based on physical losses, a Secretarial disaster designation may also be requested if producers suffer eligible production losses because of the same adverse weather condition or natural occurrence.

17 State and County Office Action

--A County Office Action--

The following table provides the guidelines the County Office must follow when a Secretarial disaster designation request is received.

Step	Action
1	The County Office receives a request from 1 of the following: <ul style="list-style-type: none"> • farm operator • local or State agricultural official • State government official • CED, CEB, SED, or SEB • Tribal Council.
2	CED notifies the State Office (SED or SEB) that a disaster designation request has been received for requests not initiated by SED or SEB.
3	The County Office collects disaster data and enters the information into STORM to create LAR. See subparagraph 166 C.
4	The CEB Chair (CED) convenes CEB to review information on potential losses.
5	CEB makes 1 of the following recommendations. <ul style="list-style-type: none"> • Approval – CEB forwards a recommendation to the State Office for further *--review and processing. The recommendation will include the CEB meeting minutes and FSA-937 in the attachments.--* • Deferral – If the county or counties do not qualify because the loss information is incomplete or not available, CED or CEB will forward a recommendation for deferral to the State Office for further review, processing, and clearance. • Rejection – If the county or counties clearly do not and will not meet the qualifying loss, or conducting the survey does not result in eligibility, CEB will forward a recommendation for rejection to the State Office for further review, processing, and clearance.