

# Disaster Assistance for Reestablishment of Pasture

Scott Marlow, [The Rural Advancement Foundation International – USA](#)  
Karen Krub, [Farmers' Legal Action Group, Inc.](#)

February 21, 2008.

In recent days we have received inquiries about federal disaster assistance to help farmers reestablish pastures that were severely damaged by the 2007 drought. Cattle farmers who normally produce their own forage through grazing and harvested hay have had to purchase feed since mid-summer. Because of the combined shortage and increase in demand, prices for hay and feed have skyrocketed, depleting farmers' financial resources. Farmers have also seen reductions in income due to slowed weight gain by the cattle. They now face the additional high cost of seed and fertilizer to reestablish their pastures, replacing the forage plants that did not make it through the summer's drought.

At this point, to our knowledge, there is no federal disaster assistance program that will compensate farmers for these costs. It will therefore take authorization of spending and appropriation of funds to provide this assistance. This will most likely require congressional action, although there is the possibility that USDA could shift current funds to address these needs through "Section 32" funding. A fact sheet on Section 32 is attached.

We see two possible avenues for assistance for re-establishing pastures.

Since none of the standing disaster programs nor any of the currently offered ad hoc programs provide assistance for reestablishing pasture, one possibility is creating a new ad hoc program that specifically addresses this type of need. There is precedent for such a program. In March of 2001, USDA announced a \$40M Pasture Recovery Program (PRP) for the reestablishment of forage crops in pastures that were damaged by natural disasters in 2000. The level of payment was determined by the FSA county committee not to exceed \$100 / acre. The PRP also required that farmers sign up for the program prior to re-seeding, and would not cover costs incurred before sign up. The press release announcing the PRP is attached below.

Funding for a new Pasture Recovery Program would be dependent on either a specific appropriation from Congress or a decision by USDA to allocate some of its so-called Section 32 funds for this purpose. In either case before program enrollment could take place USDA would have to develop program policies and procedures, most likely promulgated as regulations. This process could take a considerable amount of time. The rules for the 2001 PRP are available at 66 FR 15544, Mar. 19, 2001, available online at <http://law.justia.com/us/cfr/title07/7-10.1.2.2.23.4.html>.

The second possible avenue for providing assistance to reestablish pastures is the Emergency Conservation Program (ECP). The ECP is a standing program that provides assistance to farmers for "restoring land to productive capacity."

ECP separates approved practices between drought response and rehabilitation of farmland under other disasters because of the differing nature of the damage to land. Restoration of permanent vegetative cover is not an approved practice under drought response. Reestablishment of permanent ground cover is an approved practice under rehabilitation of farmland exclusively for the purpose of preventing erosion.

In order for ECP to provide benefits to farmers for the reestablishment of pastures, USDA would need to change program requirements to make reestablishing permanent vegetative cover an approved practice, and Congress would have to appropriate funding to cover the costs. This funding would most likely need to be over and above ECP benefits that have been already authorized but not received.

North Carolina has not received ECP funding for the 2007 drought. Current ECP allocations were authorized in May in the “U.S. Troop Readiness, Veteran’s Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007.” Unlike several other programs, ECP spending was fixed at \$16M. When the disaster deadlines were extended in December to provide current disaster programs to farmers suffering damages from the 2007 drought, the ECP funds had been used. North Carolina has therefore been authorized to provide ECP drought benefits, primarily cost-share on digging wells, but has no money to do so.

ECP funds are allocated among the states based on requests received from state FSA offices. It is therefore crucial that NC FSA offices are recording requests for this assistance, and are forwarding these requests to the Washington office.

In September USDA requested that states return unused ECP funds for reallocation. This reallocation could provide a source of funds for this purpose, although there is a backlog of unfunded requests. (USDA Farm Service Agency Notice ECP-48, 9/6/07) The USDA Fact Sheet on the current ECP is attached separately.

***The Rural Advancement Foundation International – USA (RAFI-USA)** is a non-profit organization based in Pittsboro, NC that cultivates markets, policies and communities that support thriving, socially just and environmentally sound family farms. RAFI-USA provides assistance to individual farmers seeking access to disaster and risk management programs, provides training for farmers and farm advisors on the range of disaster programs available for farmers, and provides policy analysis of disaster programs based on our experience with individual farmers and our knowledge of federal agricultural policy. RAFI disaster assistance materials are available at <http://www.rafiusa.org/disaster.html>.*

***Farmers' Legal Action Group, Inc. (FLAG)** is a nonprofit law center dedicated to providing legal services to family farmers and their rural communities in order to help keep family farmers on the land. FLAG provides extensive education on federal disaster assistance programs for farmers, including publishing the Farmers Guide to Disaster Assistance, available at [www.flaginc.org/topics/disaster/index.php](http://www.flaginc.org/topics/disaster/index.php).*

This story from the USDA, [Farm Service Agency Newsroom](http://www.fsa.usda.gov/),  
<http://www.fsa.usda.gov/>

NEWS

Farm Service Agency  
Public Affairs Staff  
1400 Independence Ave SW  
Stop 0506, Room 3624-South  
Washington, D.C. 20250-0506

Release No. 1498.01

Dann Stuart (202) 690-0474  
dan\_stuart@wdc.fsa.usda.gov

USDA ANNOUNCES SIGNUP FOR \$40 MILLION PASTURE RECOVERY PROGRAM

WASHINGTON, March 30, 2001--The U.S. Department of Agriculture today announced that sign up began this week for the Pasture Recovery Program. Under the PRP, eligible farmers and ranchers whose pastures were damaged by natural disaster in 2000 can receive payments to help them reestablish forage crops. The PRP is funded at \$40 million.

The PRP is available only in states with counties that suffered natural disaster damage in 2000 under the Emergency Conservation Program. Signup for the program runs until May 11, 2001.

Established pasture is eligible for the PRP if it is land where livestock are normally grazed and was so damaged by natural disaster that seeding is required to reestablish the forage crop. No assistance is authorized for hayland or rangeland.

The PRP has two payment rates, one for re-seeding with seedbed preparation and one without. Payment rates will be determined by the Farm Service Agency state committees. FSA will pay 65 percent of the cost of the seed, seeding, and fertilizer but, in general, payments will not exceed \$100 per acre.

Producers who conducted re-seeding before filing an application for PRP assistance are not eligible for a PRP payment. USDA's rules on the program were published in the Federal Register on March 19, 2001.

To determine if you are eligible for the program, to complete an application, or to find out more about PRP, contact your local USDA Service Center or local FSA office.

#

NOTE: Farm Service Agency (FSA) news releases and media advisories are available on the web at FSA's Home Page: <http://www.fsa.usda.gov>