

Department of Agriculture
Farm Service Agency
0560-0170
Supporting Statement
Disaster Assistance (General) 7CFR Part 1945-A

13096. Explain the circumstances that make the collection of information necessary. Include identification of any legal or administrative requirements that necessitate the collection.

The regulation at 7 CFR Part 1945-A, defines the responsibilities of the Secretary of Agriculture in making disaster area determinations, the types of incidents that can result in a disaster area determination, and the factors used in making disaster area determinations. The determination of a disaster area is prerequisite to authorizing emergency (EM) loans to qualified farmers as outlined in 7 CFR 764. EM loan funds may be used to restore or replace essential property, pay all or part of production costs incurred by the farmer or rancher in the year of the disaster, pay for essential family living expenses, pay to reorganize the farming operation or refinance USDA and non-USDA creditors.

The information collection occurs when the Secretary receives a letter from the Governor requesting a Secretarial natural disaster determination. Supporting documentation of losses for all counties having a disaster is provided by the County Emergency Boards (CEBs) in the form of a report entitled "Loss Assessment Report" (LAR). The LAR must reflect a 30 percent production loss in at least one basic farming enterprise. Physical losses must show that the property damaged or destroyed is essential to the continued operation of the farming or ranching operation. If the report does not clearly indicate a 30 percent or greater loss countywide in a single enterprise (single crop), which is a major crop for the county, FSA will request the FSA State Executive Director to conduct a survey. The collection of information is necessary to determine whether the counties did sustain sufficient production losses to qualify for a natural disaster designation.

The information collected to determine the county eligible are: (1) the nature and extent of production losses; (2) the number of farmers who have sustained qualifying production losses; and (3) the number of farmers that have sustained qualifying production losses that other lenders in the county have indicated that they will not be in position to finance.

Disaster area determinations can also be made by the President based on information from the Federal Emergency Management Agency. Accordingly, information collections related to those determinations are not included in this request.

2. Indicate how, by whom, and for what purpose the information is to be used.

The collected information will be used by the Agency to process State Governor requests for Secretarial natural disaster designations.

Governor's Request: A letter from the Governor is sent to the Secretary requesting a Secretarial natural disaster determination. This request must be sent to the Secretary no

later than three months from the last incidence date of the natural disaster. The letter from the Governor's office is acknowledged by a letter to the Governor from the Office of the Under Secretary.

Once the letter has been acknowledged, the Office of the Under Secretary submits the letter to FSA to begin the process as to whether the request for a Secretarial designation is warranted. The process begins by requesting from the State Executive Director (SED), a Loss Assessment Report (LAR). The information requested is listed below.

Loss Assessment Report (LAR's). LAR is a written report. The SED instructs all county offices named in the Governor's request to complete a LAR. This collection is necessary to determine if there has been a 30-percent or greater loss countywide in a single enterprise (single crop), which is a major crop for the county. The information required on the LAR includes:

- A list of major crops planted in the county in the disaster year.
- Number of acres planted. This must show a previous 5-year average production for the major crop;
- Acres not planted due to weather condition;
- Disaster year yield. This must reflect a previous 3-year average price for the major crop affected by the disaster.

The data needed such as crop reports, and acreage reports of the affected counties are already located in the FSA county office.

The County Emergency Board (CEB) convenes a meeting to approve the LAR. The LAR along with the minutes of the meeting is forwarded to the State Office. The SED and the State Emergency Board (SED) convene to review the LARs, approve and submit the results to FSA Headquarters. Based on a review of the LARs from FSA Headquarters, a decision will be made to approve or deny the Governor's request.

If the LARs do not indicate a 30-percent or greater loss countywide in a single enterprise, the FSA county office will conduct a telephone survey to determine, among other factors, the number of farmers in the county who were affected by the disaster and are unable to obtain financing at lending institutions other than the FSA. The Secretary has the discretionary authority to approve a county for emergency assistance provided the survey documents that at least one producer in the county with a qualifying production loss is unable to obtain financing elsewhere.

Survey Information. A letter is prepared by the County FSA Office to the State FSA Office addressing seven questions for loan making decisions. However, only two of the seven questions will determine the county eligible. Those questions are:

- The number of farmers who have sustained qualifying production losses.
- The number of farmers in the County that has a qualifying production loss that other lenders in the area has indicated they will not be in a position to finance.

As discussed above, the key responsibility is to determine that an area has sustained sufficient production losses (30-percent or greater) to qualify for a natural disaster

designation based on a request from a Governor requesting a disaster determination. Once a designation is granted, low interest emergency loans from FSA are available to operators of eligible family-sized farms who suffer qualifying losses in primary and contiguous counties, as a result of a natural disaster. This does not preclude a county from receiving other disaster determination should a request be made which involved a disaster of another type. The same process for determining the county eligible would be repeated.

3. Use of information technology.

The regulations and fact sheets are posted on the Internet for easy access to those producers with Internet capability. It is available at <https://disasterhelp.gov>. The collection of information of physical and production losses in disaster-struck areas may routinely involve techniques such as satellite imaging and aerial photography to assess physical and production losses. Loss Assessment Reports and Survey Information are sent both electronically and as a hard copy. The governor's letter requesting a Secretarial declaration is provided to our office from the Office of the Secretary. FSA has no responsibility for the electronic filing of a governor's request.

4. Describe efforts to identify duplication.

The documentation required to determine a county eligible for emergency loans is not maintained by any other Agency. Resources already available in the county office will be used for determining if a county is eligible. The information collected relates specifically to the disaster situation at that time and is collected specifically for that purpose. All information such as crop production, yields and prices previously submitted to FSA for other program eligibility determinations may be used by FSA for this program.

5. If the collection of information involves small business or other small entities, describe the methods used to minimize the burden.

The information collected will have no significant economic impact on a substantial number of small entities. Since the information collections are performed by Agency officials, primarily based on direct observations, there is little or no paperwork burden on small business or other entities.

6. Describe the consequence to the Federal program or policy activities if the collection were conducted less frequently.

The information collection associated with this package occurs only when there is a natural disaster on a one-time basis. There is no ongoing information collection requirements associated with this information collection package.

7. Explain any special circumstances that required the collection to be conducted in a manner consistent with the guidelines in 5 CFR Part 1320.6.

The information collections are consistent with the guidelines in 5 CFR Part 1320.6.

8. Describe efforts to consult with persons outside the agency to obtain their views on

the availability of data, frequency of collection, the clarity of the instructions and record keeping, disclosure, or reporting format (if any); and on the data elements to be recorded, disclosed, or reported.

The Federal Register Notice to request public comments on its collection was published on September 15, 2009 at 71 FR 47186-47187. No public comments were received.

There were no outside consultations since the FSA possesses the expertise to make the required determinations. Since the Food Agriculture Council (FAC), serves to approve or disapprove a county for consideration for a secretarial disaster, no contacts were made. The FAC is comprised of three members and serves as the State Executive Director for Farm Service Agency, FSA, Natural Resources Conservation Service, NRCS and Rural Development, RD.

9. Explain any decision to provide any payment or gifts to respondents.

The agency does not provide any payments or gifts to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation or agency policy.

Information collected is handled according to established FSA procedures implementing the Privacy Act, Freedom of Information Act, and OMB Circular A-130, "Responsibilities for Maintenance of Records About Individuals by Federal Agencies."

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, etc. that are commonly considered private.

No data is collected that may be considered sensitive or personal in nature.

12. Provide estimate of burden.

See the attached FSA-85-1 for a burden break down for the forms and associated compliance information associated with this information collection submission. The total burden hours requested is 883.

If LARS completed by the county offices do not indicate a 30 percent or greater loss countywide in a single enterprise, FSA County office will conduct telephone survey on the public respondents to determine the number of farmers who are affected by the disaster. The total burden cost to respondents is \$499 ($\$15.23 \times .25 \times 131$). \$15.23 represents the value of a burden hour.

13. Provide estimates of cost burden to respondents or recordkeepers.

There are no capital/startup costs associated with this information collection.

14. Provide estimates of annualized cost to the Federal government.

Total cost of forms development, printing and distribution = $1,539 \times \$0.10 = \153.90 (The estimated average cost per form is 10 cents).

Work hours from County Employees: .50 hour per response times 1,581 responses = 751 work hours times \$16.62 (average wage) = \$12,481.62.

Total Cost to the Federal Government = \$12,635.52.

15. Explain reasons for changes in burden, including the need for any increase.

There is an adjustment increase in the number of respondents, responses and burden hours due to an increased number of natural disaster declaration requests from State Governors to the Under Secretary of USDA. The number of Loss Assessment Reports received varies from year to year based on the types of disaster and the amount of associated funding. The number of respondents increased from 1539 to 1581, responses from 1758 to 1831 and the burden hours from 849 to 883. Also there is a bookkeeping change due to the removal of 2 IC's, which resulted in a program change.

16. Are there any plans to publish the data collected for statistical use, outline plans for tabulation, statistical analysis and publication?

There are no plans to publish any information in this information collection.

17. Reasons display of expiration date of OMB approval is inappropriate.

The display of the OMB expiration date is not applicable since there are no forms completed by the public in this information collection.

18. Exceptions to 83-1 certification statement.

There are no exceptions to the 83-1 certification statement.

19. How is this information collection related to the Customer Service Center? Will this information collection be part of their one stop shopping?

We have reviewed these information collections and concluded the following:

(1) The Governor's disaster designation request is made by a Governor directly to the Secretary and does not involve the local USDA Service Centers,

(2) Loss Assessment Reports (LARs) are currently prepared at USDA Service Centers in accordance with the USDA Emergency Operations Handbook. The LARs are prepared jointly by the USDA Agencies, which ensures there are no duplicative information collections,

(3) The Survey information is performed on a USDA Service Center basis and there are no duplicative collections by other USDA agencies.

(4) This information collection is not a part of the one stop shopping because it involves collective information gathered by service center personnel, and is not applicable to on-line or individual services required by producers.