



News from Washington

Citations

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1. Amendment: Grassland Reserve Program 42170-42174 [E9-20074]

Aug 21, 2009

Federal Register

GRP offers enrollment through conservation easements and through rental contracts. Under GRP, USDA may enroll easements through three methods of enrollment. Therefore, these GRP easements are Federal acquisitions of real property rights.

2. Michigan apple growers expect best season in years

Aug 21, 2009

Detroit News

Michigan apple growers contribute \$450 million a year to the state's economy. Abby Jacobson of Westview Orchards and Cider Mill in Washington Township is pleased with the size, quality and yield of apples in her 50-acre grove. Paul Blake isn't complaining about the amount of apples in Blake's Orchard and Cider Mill and Blake's Big Apple in Armada; between the two orchards, he has 100 acres of apple trees.

3. Drought conditions return to Lee County

Aug 22, 2009

The Sanford Herald

SANFORD -- Lee County is one of seven counties in Central North Carolina experiencing moderate drought conditions because of a lack of rainfall. The U.S. Drought Monitor listed Alamance, Chatham, Durham, Guilford, Lee, Orange and Randolph counties under a moderate drought advisory Thursday. The state Department of Environment and Natural Resources says the new report marks the first time since May any area of North Carolina has been in a drought. Significant rainfall in May and...

4. Drought has left Valley fields PARCHED

Aug 23, 2009

Valley Morning Star

...percent of cotton crops, 81 percent of corn crops and 27 percent of sorghum crops planted on dry land have been lost in Cameron County. Those numbers translate to a total loss of 28,378 acres. The county's irrigated crops, Ribera said, have fared better, sustaining a 1,214-acre loss at 0.16 percent, 2.9 percent and 1.6 percent of cotton, corn and sorghum respectively. Across the Valley, 57 percent of all cotton, 25 percent of all corn and 12 percent of all sorghum crops planted...

5. Slow economy ripples through farm fields

Aug 23, 2009

Richmond Times-Dispatch

Tom Farmer, for example, is using more natural fertilizer rather than artificial fertilizer, which he says has helped him cut fertilizer costs about 30 percent. For example, production of soybeans is expected to grow about 4 percent in Virginia this year. Tom and

6. Water Shortage Wilts Calif.'s San Joaquin Valley

Aug 24, 2009

Washington Post

The Valley of Shadows The roots of California's financial tangle are in the San Joaquin Valley. After three years of drought, California's legendary water wars are flaring once again, and towns like Mendota, San Joaquin, and Firebaugh are getting a first glimpse of what their future might look like. Over the last three decades, however, the valley's explosive growth has caused rivers to run dry, dead fish to accumulate near the water pumps, and chronic water shortages.

7. **BRIEF**

Aug 24, 2009

The Star

The state Department of Environment and Natural Resources says the new report marks the first time since May any area of North Carolina has been in a drought.

8. **County declared a disaster area because of drought**

Aug 24, 2009

Las Cruces Sun-News

But it's not as helpful as some folks might think." Terrazas said producers in past drought declarations have tended to steer away from the loan program. But he said the new program, called Supplemental Revenue Assistance, is essentially a payment

9. **Governor again asks feds for drought aid**

Aug 25, 2009

The Fresno Bee

1. **Amendment: Grassland Reserve Program 42170-42174 [E9-20074]**

Aug 21, 2009

Federal Register

[Federal Register: August 21, 2009 (Volume 74, Number 161)]

[Rules and Regulations]

[Page 42170-42174]

From the Federal Register Online via GPO Access [wais.access.gpo.gov]

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DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1415

RIN 0578-AA53

Grassland Reserve Program; Amendment

AGENCY: Commodity Credit Corporation (CCC), United States Department of Agriculture.

ACTION: Interim final rule; amendment with reopening of comment period.

SUMMARY: The United States Department of Agriculture (USDA), through the Commodity Credit Corporation (CCC), published in the Federal Register of January 21, 2009, an interim final rule with request for comment amending the program regulations for the Grassland Reserve Program (GRP) to incorporate programmatic changes authorized by the Food, Conservation, and Energy Act of 2008 (2008 Act) using Regulation Identification Number (RIN) 0578-AA38. This amendment to the January 21, 2009, interim final rule corrects the RIN to read 0578-AA53, clarifies the nature of the contingent right of enforcement, expands its discussion regarding GRP policy for wind and solar power facilities, and requests comment on how GRP can be used to contribute to the Nation's efforts on energy, climate change, and carbon sequestration. Additionally, USDA seeks public input on the January 21, 2009, interim final rule, as amended. Therefore, USDA reopens the public comment period upon publication of this amendment until September 21, 2009.

DATES: Effective Date: The rule is effective August 21, 2009. Comment date: Submit comments on or before September 21, 2009. In addition, the comment period for the GRP interim final rule published on January 21, 2009 (74 FR 2317), is reopened. Comments must be received on or before

September 21, 2009.

ADDRESSES: You may send comments (identified by Docket Number NRCS-IFR-09005) using any of the following methods:

Government-wide rulemaking Web site: Go to <http://www.regulations.gov> and follow the instructions for sending comments electronically.

Mail: John Glover, Acting Director, Easements Programs
Division, Department of Agriculture, Natural Resources Conservation Service, Grasslands Reserve Program Comments, PO Box 2890, Washington, DC 20013.

E-mail: grp2008@wdc.usda.gov.

Fax: (202) 720-9689.

Hand Delivery: USDA South Building, 1400 Independence Avenue, SW., Room 6819, Washington, DC 20250, between 9 a.m. and 4 p.m., Monday through Friday, except Federal Holidays. Please ask the guard at the entrance to the South Building to call (202) 720-4527 in order to be escorted into the building.

This interim final rule may be accessed via Internet.

Users can access the Natural Resources Conservation Service (NRCS) homepage at: <http://www.nrcs.usda.gov/>; select the Farm Bill link from the menu; select the Interim Final Rules link from beneath the Final and Interim Final Rules Index title. Persons with disabilities who require alternative means for communication (Braille, large print,

[[Page 42171]]

audio tape, etc.) should contact the USDA Target Center at: (202) 720-

2600 (voice and TDD).

FOR FURTHER INFORMATION CONTACT: John Glover, Acting Director, Easement Programs Division, Department of Agriculture, Natural Resources Conservation Service, 1400 Independence Avenue, SW., Room 6819 South Building, Washington, DC 20250; Phone: (202) 720-1854; Fax: (202) 720-9689; or e-mail: grp2008@wdc.usda.gov.

SUPPLEMENTARY INFORMATION:

Regulatory Certifications

Executive Order 12866

The Office of Management and Budget (OMB) reviewed the January 21, 2009, interim final rule and determined that it was a significant regulatory action. Pursuant to Executive Order 12866, USDA conducted a cost-benefit analysis of the potential impacts associated with the interim final rule for the GRP published in the Federal Register on January 21, 2009. OMB also determined that this amendment is a significant regulatory action. USDA evaluated the cost-benefit analysis and determined the provisions of the amendment do not alter the analysis that was originally prepared for the January 21, 2009, interim final rule. The administrative record is available for public inspection at the Department of Agriculture, Natural Resources Conservation Service, 1400 Independence Avenue, SW., Room 5831 South Building, Washington, DC. A copy of the analysis is available upon request from John Glover, Acting Director, Easement Programs Division, Department of Agriculture, Natural Resources Conservation Service, Room 6819 South Building, Washington, DC 20250-2890 or electronically at:

<http://www.nrcs.usda.gov/programs/GRP/> under the Program Information title.

Regulatory Flexibility Act

The Regulatory Flexibility Act is not applicable to this interim final rule because USDA is not required by 5 U.S.C. 553, or by any other provision of law, to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Environmental Analysis

A programmatic Environmental Assessment (EA) has been prepared in association with the interim final rulemaking published on January 21, 2009. The provisions of this amendment do not alter the assessment that was originally prepared. With the exception for the analysis on how to address windmill and other renewable sources of energy, such as solar panel arrays, there is nothing in this amendment that impacts the program's purpose, the baseline considerations, grassland eligibility, or acreage enrollment goals. This amendment was developed to address the contingent right of enforcement and where the energy produced from windmills authorized to be placed on easement lands can be used.

Therefore, the analysis has determined that there will not be a significant impact to the human environment and, as a result, an Environmental Impact Statement (EIS) is not required to be prepared (40 CFR part 1508.13). The EA and Finding of No Significant Impact (FONSI) are available for review and comment as specified in the interim final rule published in the Federal Register on January 21, 2009. However, the comment period for accepting comments to the EA and FONSI has been

extended to September 21, 2009. A copy of the EA and FONSI may be obtained from the following Web site: http://www.nrcs.usda.gov/programs/Env_Assess. A hard copy may also be requested from the following address and contact: Matt Harrington, National Environmental Coordinator, Ecological Sciences Division, Department of Agriculture, Natural Resources Conservation Service, 1400 Independence Ave., SW., Washington, DC 20250. Comments from the public should be specific and reference that comments provided are on the EA and FONSI. Public comments may be submitted by any of the following means: (1) E-mail comments to: NEPA2008@wdc.usda.gov, (2) e-mail to e-gov Web site: www.regulations.gov, or (3) written comments to: Matt Harrington, National Environmental Coordinator, Ecological Sciences Division, Department of Agriculture, Natural Resources Conservation Service, 1400 Independence Ave., SW., Washington, DC 20250.

Civil Rights Impact Analysis

USDA has determined through a Civil Rights Impact Analysis that the January 21, 2009, interim final rule disclosed no disproportionately adverse impacts for minorities, women, or persons with disabilities. The provisions of this amendment do not alter the analysis that was originally prepared. Copies of the Civil Rights Impact Analysis are available from John Glover, Acting Director, Easement Programs Division, Department of Agriculture, Natural Resources Conservation Service, 1400 Independence Avenue, SW., Washington, DC 20250, or electronically at: <http://www.nrcs.usda.gov/programs/GRP>.

Paperwork Reduction Act

Section 2904 of the 2008 Act requires that the implementation of this provision be carried out without regard to the Paperwork Reduction Act, chapter 35 of Title 44, U.S.C. Therefore, USDA is not reporting recordkeeping or estimated paperwork burden associated with this amendment.

Government Paperwork Elimination Act

USDA is committed to compliance with the Government Paperwork Elimination Act and the Freedom to E-File Act, which require government agencies in general, and CCC in particular, to provide the public the option of submitting information or transacting business electronically to the maximum extent possible.

Executive Order 12988

This amendment to the January 21, 2009, interim final rule has been reviewed in accordance with Executive Order 12988, Civil Justice Reform. The provisions of this amendment are not retroactive and preempt State and local laws to the extent that such laws are inconsistent with this interim final rule. Before an action may be brought in a Federal court of competent jurisdiction, the administrative appeal rights afforded persons at 7 CFR parts 11, 614, and 780 must be exhausted.

Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994

Pursuant to section 304 of the Federal Crop Insurance Reform Act of 1994 (Pub. L. 103-354), USDA classified this rule as non-major.

Therefore, a risk analysis was not conducted.

Unfunded Mandates Reform Act of 1995

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538), USDA assessed the effects of this amendment to the January 21, 2009, interim final rule on State, local, and Tribal Governments and the public. This rule does not compel the expenditure of \$100 million or more by any State, local, or Tribal Governments or anyone in the private sector; therefore, a statement under Section 202 of the Unfunded Mandates Reform Act is not required.

Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA)

The January 21, 2009, interim final rule was not a major rule as defined by Section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This amendment to the January 21, 2009, interim final rule will not result in an annual effect on the

[[Page 42172]]

economy of \$100 million or more, a major increase in costs or prices, or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based companies to compete in domestic and export markets. The provisions of this amendment to the January 21, 2009, interim final rule do not alter the original determination under SBREFA. However, Section 2904(c) of the 2008 Act requires that the Secretary use the authority in section 808(2) of Title 5, U.S.C., which allows an agency to forego SBREFA's usual Congressional review delay of the effective date of a regulation if the agency finds that there is a good cause to do so. USDA hereby determines that it has good cause to do so to meet the Congressional

intent to have the conservation programs authorized or amended by Title II of the 2008 Act in effect as soon as possible. Accordingly, this rule is effective upon filing for public inspection by the Office of the Federal Register.

Executive Order 13132

E.O. 13132 requires USDA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." E.O. 13132 defines the term "policies that have federalism implications" to include regulations that have "substantial direct effects on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government." Under E.O. 13132, USDA may not issue a regulation that has federalism implication, that imposes substantial direct compliance costs, and that is not required by statute unless the Federal Government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or USDA consults with State and local officials early in the process of developing the proposed regulation. USDA shows sensitivity to federalism concerns by requiring the State Conservationists to meet with, and provide opportunities for involvement of State and local governments through the State Technical Committee. The interim final rule published on January 21, 2009, will not have substantial direct effects on the States, on the relationship between the Federal Government and the States, or on the distribution

of power and responsibilities among the various levels of government as specified in E.O. 13132. The provisions of this amendment do not alter this determination. Thus, the Executive Order does not apply to this rule.

Executive Order 13175

This amendment to the interim final rule of January 21, 2009, has been reviewed in accordance with Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. USDA has assessed the impact of this interim final rule on Indian Tribal Governments and has concluded that this rule will not negatively affect communities of Indian Tribal Governments. The rule will neither impose substantial direct compliance costs on Indian Tribal Governments, nor preempt tribal law.

Discussion of Program

Background

This amendment is effective on the date published in the Federal Register. The GRP is a voluntary program to help farmers and ranchers protect grazing uses and related conservation values on their lands.

GRP offers enrollment through conservation easements and through rental contracts.

The 2008 Act made several program changes to GRP. Among the changes, the 2008 Act added the ability of USDA to enter into a cooperative agreement with an eligible entity to own, write, and enforce easements. Thus, under a cooperative agreement, USDA provides matching funds to other entities to purchase conservation easements,

rather than purchase such easements directly. The 2008 Act also requires USDA to "ensure that the terms of an easement include a contingent right of enforcement for the Department" where title to the conservation easement is either held by an entity other than the Federal Government or title is transferred from the Federal Government to a non-Federal entity.

The January 21, 2009, GRP interim final rule incorporated the changes to the program made by the 2008 Act. Additionally, USDA identified the contingent right of enforcement a Federal acquisition of a real property right. This identification as a Federal acquisition requires USDA to follow Federal land acquisition procedures for all easements acquired under GRP.

In the preamble of the January 21, 2009, interim final rule, USDA explained that it had consulted with the Office of the General Counsel and had determined that because the contingent right of enforcement appears within the terms of a conservation easement deed, it constituted an acquisition of a Federal real property right. Despite the sound reasoning provided in the preamble, USDA believes that it should reconsider its original interpretation. The conclusion that the inclusion of the term in a conservation easement deed constitutes as a Federal acquisition of real property is not consistent with Congressional intent gleaned from the legislative history of how such term is used in other parts of the 2008 Act, specifically the Farm and Ranch Lands Protection Program (FRPP), and how it is incorporated into GRP implementation. Therefore, USDA has examined whether an alternative

understanding of the nature of the contingent right of enforcement can be ascertained. A similar revision is being made to the FRPP interim final regulation.

Under GRP, USDA may enroll easements through three methods of enrollment. In particular, USDA has authority to: (1) Purchase conservation easements directly; (2) transfer title to those federally-acquired easements to a third party; or (3) enter into cooperative agreements with eligible entities for those entities to purchase, own, enforce, and monitor easements "in lieu of the Secretary." Under the first two methods of enrollment, the conservation easement is purchased directly by the United States, and original title to the conservation easement is held by the United States. Therefore, these GRP easements are Federal acquisitions of real property rights.

In contrast, under the third method of enrollment where an eligible entity purchases a conservation easement with Federal financial assistance, the United States Government is not expending funds to acquire title to the conservation easement, but instead receives a right of enforcement as a condition of assistance.

For the third method of enrollment, the GRP statute prescribes the use of a cooperative agreement to provide a mechanism for GRP funds to assist eligible partners in the purchase of easements. Significantly, the GRP statute specifies that the ownership of the easement is in lieu of ownership by the Secretary. More particularly, Section 1238Q of the GRP statute provides that: "(e) Protection of Federal Investment--When delegating a duty under this section, the Secretary shall ensure that

the terms of an easement include a contingent right of enforcement for the Department." This text requires the Secretary to ensure that the easement ``includes" a contingent right of enforcement, rather than requiring the Secretary to ``acquire" such right. When viewed in the context of the overall framework of the program to provide alternative ownership arrangements of

[[Page 42173]]

GRP easements, USDA interprets that the contingent right of enforcement in an easement purchased, owned, and written by a non-Federal entity is not a Federal acquisition of a real property right triggering Federal procedures such as 40 U.S.C. 3111 and the implementing Department of Justice Title standards. Rather, the incorporation of the contingent right of enforcement in the terms of the deed is a condition of Federal financial assistance.

This revised interpretation of the contingent right of enforcement is more consistent with the revised structure of the GRP easement, which now provides for the third party acquisition option using Federal financial assistance. At the same time, this interpretation still meets the GRP statutory requirement that the NRCS Chief, on behalf of the United States, has the ability to protect the Federal investment for the duration of the GRP funded easement by interpreting the right of enforcement as a real property right which runs with the land. This right is obtained as a condition placed upon another entity to obtain funding under GRP for its acquisition of a conservation easement. Therefore, the inclusion of the right of enforcement in the deed is not

an acquisition, and the Federal real property acquisition requirements do not apply.

Wind and Solar Power Generation Facilities

In the January 21, 2009, interim final rule, a new paragraph (h)(5) was added to Sec. 1415.4 to allow for the inclusion of wind power facilities for on-farm use as a potential permitted use for the GRP participant's farming or ranching operation pursuant to the Secretary's discretionary authority established in the 2008 Act. In particular, Section 2403 of the 2008 Act removed the prohibition against soil disturbing activities.

Although USDA expressed support for wind power generation for on-farm use on GRP lands, USDA explained that the opportunity to place generating stations on easement or contract acres is not a guaranteed right. Authorization may only be provided after USDA conducts a site-specific evaluation to determine that there are no negative impacts on threatened, endangered or at-risk species, migratory wildlife, or related natural resources, cultural resources, or the human environment.

While the January 21, 2009, interim final rule continued the prohibition against wind power facilities for off-farm power generation on GRP enrolled lands, the interim final rule did not address directly other types of renewable power generation facilities, such as solar panel arrays. USDA treated facilities differently depending on the intended use of the power generated from the wind power facilities, i.e. on-farm use versus off-farm use. USDA recognizes that even

facilities authorized solely for on-farm use may generate some excess electricity that is utilized off-farm.

USDA believes that off-farm wind power generation should not be identified specifically as prohibited on lands enrolled in GRP. The statute only identifies crop production (other than hay) as specifically prohibited to occur on enrolled lands. All other activities are evaluated by whether it is "inconsistent with maintaining grazing uses and related conservation values protected under an easement or rental contract." Therefore, USDA is amending the January 21, 2009, GRP interim final rule to remove the blanket prohibition upon wind power facilities for off-farm power generation.

USDA is not replacing the blanket prohibition with a blanket authorization of wind power facilities. The scale and scope of wind power generation facilities vary greatly. The installation of large-scale wind power generation facilities constitutes a conversion activity to non-grazing uses, inconsistent with program purposes.

However, a small-scale, appropriately sited facility may provide both the electricity needed to power electric livestock fencing on the easement while providing local off-farm electricity to a neighbor's fencing as well. This variance of scope and scale requires site-specific evaluation for whether a particular activity will be authorized.

USDA intended the original restriction to "on-farm" use to provide an inherent limitation upon the scale of facilities being considered for authorization. However, this limitation had the

unintended consequence of requiring USDA to monitor electric usage of a landowner, rather than focus upon whether the landowner's activities are consistent with the grazing and conservation purposes of the enrolled acreage. USDA believes the focus of an activity should remain upon its impacts to the grazing and conservation values of the enrollment.

USDA will not authorize any wind power generating facilities (on-farm or off-farm) on GRP lands unless USDA determines, based on a site-specific National Environmental Policy Act environmental analysis (EA or EIS), that there will be no adverse effect on threatened, endangered or other at-risk species, migratory wildlife, or related natural resources, cultural resources, or the human environment or when the impacts of such facilities can be mitigated to a level of non-significance. Furthermore, USDA will only authorize power generation facilities after evaluating whether a reasonable alternative exists, whether there is a compelling public need, whether the purposes for which the easement was acquired can be maintained, and the degree to which the footprint of the facility and related infrastructure impacts the nature of the grazing lands and other conservation values obtained through the contract or easement. USDA will not authorize the installation of wind power generation facilities in situations where reasonable alternatives exist.

USDA will follow the guidelines being developed by the United States Fish and Wildlife Service (FWS) on avoiding and minimizing wildlife impacts from wind turbines. Until the guidelines are

published, USDA will assess potential wildlife impacts in coordination with the FWS and the appropriate State fish and wildlife agency before authorizing any wind power generation facilities (on-farm or off-farm) on GRP lands.

USDA also revises paragraph (h)(5) to authorize the installation of other types of renewable energy sources for power generation, provided they are consistent with the grazing uses and other conservation values of the program as determined by USDA on a site-specific basis. Just as for wind power generation facilities, USDA will not authorize the installation of renewable energy power generation facilities, such as solar power panel arrays, unless USDA determines through a site-specific EA or EIS there will be no adverse effect on threatened, endangered or other at-risk species, migratory wildlife, or related natural resources, cultural resources, or the human environment or when the impacts of such activities can be mitigated to a level of non-significance. USDA will authorize power generation facilities only when the footprint of the facility and related infrastructure would have a minimal impact on the nature of the grazing lands and other conservation values obtained through the contract or easement. Again, the opportunity to place any power-generating facilities and related infrastructure on easement or contract acres is not a guaranteed right. NRCS continues to seek public comment on how it should handle requests for renewable power generation facilities on GRP lands.

Request for Public Input

USDA supports the Nation's ability to increase renewable energy production,

[[Page 42174]]

conserve energy, mitigate the effects and adapt to climate change, and reduce carbon and greenhouse gas emissions through various assistance programs. USDA is using this rulemaking opportunity to obtain input from the public on how GRP can achieve its program purposes and contribute to the Nation's efforts with renewable energy production, energy conservation, mitigating the effects of climate change, facilitating climate change adaptation, or reducing carbon emissions.

List of Subjects in 7 CFR Part 1415

Administrative practice and procedure, Agriculture, Soil conservation, Grasslands, Grassland protection, Grazing land protection.

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For the reasons stated in the preamble, the CCC amends part 1415 of

Title 7 of the CFR as set forth below:

PART 1415--GRASSLANDS RESERVE PROGRAM

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1. The authority citation for part 1415 continues to read as follows:

Authority: 16 U.S.C. 3838n-3838q.

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2. Section 1415.3 is amended by revising the definition for the term

``Right of enforcement'' to read as follows:

Sec. 1415.3 Definitions.

* * * * *

“Right of enforcement” means a property interest in the easement the Chief may exercise on behalf of the United States under specific circumstances in order to enforce the terms of the conservation easement. The right of enforcement provides that the Chief has the right to inspect and enforce the easement if the eligible entity fails to uphold the easement or attempts to transfer the easement without first securing the consent of the Secretary.

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3. Section 1415.4 is amended by revising paragraph (h)(5) and removing paragraph (i)(3) to read as follows:

Sec. 1415.4 Program requirements.

* * * * *

(h) * * *

(5) Facilities for power generation through renewable sources of energy production provided the scope and scale of the footprint of the facility and associated infrastructure is consistent with program purposes as determined by USDA through analysis of the potential site-specific environmental effects; and

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4. Section 1415.17 is amended by revising paragraph (e)(1) to read as follows:

Sec. 1415.17 Cooperative agreements.

* * * * *

(e) * * *

(1) In order to protect the public investment, the conveyance document must contain a "right of enforcement." NRCS shall specify the terms for the "right of enforcement" clause to read as set forth in the GRP cooperative agreement. This right is a vested property right and cannot be condemned or terminated by State or local government.

* * * * *

Signed this 14th day of August, 2009, in Washington, DC.

Dave White,

Vice President, Commodity Credit Corporation and Chief, Natural Resources Conservation Service.

Signed this 13th day of August, 2009, in Washington, DC.

Carolyn B. Cooksie,

Acting Administrator, Farm Service Agency.

[FR Doc. E9-20074 Filed 8-20-09; 8:45 am]

BILLING CODE 3410-16-P

[return to the top](#)

2. Michigan apple growers expect best season in years

Aug 21, 2009

Detroit News

Jennifer Youssef / The Detroit News

Branches of Michigan apple trees are bowing under the weight of the healthiest crop in at least 10 years.

Ideal weather conditions -- cool temperatures and lots of rain -- have apple growers anticipating one of the state's best seasons since the 1990s, according to the Michigan Apple Committee, and that could mean lower prices at the grocery store.

Michigan produces an average 20 million bushels of apples each year, according to the U.S. Department of Agriculture, making it the third-largest apple growing state, behind Washington and New York. This year's

harvest is estimated to be closer to 25 million to 27 million bushels.

Michigan apple growers contribute \$450 million a year to the state's economy.

Some farmers on the west side of the state suffered severe damage earlier this month when high winds and heavy rains hit prime apple-growing regions, destroying 800,000 bushels. Still, the state is expected to yield hefty, high quality fruit, said Denise Donohue, executive director of the apple committee.

An abundant crop this year will begin to compensate for the last two years, when growers lost 40 percent of their apples in 2008 and 15 percent in 2007 from cold snaps that prevented apples from pollinating, she said.

"In the total scheme of things, we got a bunch" of apples, Donohue said. Abby Jacobson of Westview Orchards and Cider Mill in Washington Township is pleased with the size, quality and yield of apples in her 50-acre grove. But, she cautioned, with three months left before the season is over, anything could happen. The spring apple varieties have already been picked, and it is early in the fall harvest. "We still have a ways to go," she said.

Paul Blake isn't complaining about the amount of apples in Blake's Orchard and Cider Mill and Blake's Big Apple in Armada; between the two orchards, he has 100 acres of apple trees. The recent storm damaged some vine fruits, but the apples were untouched, he said.

"Looks like a bumper crop," he said. "We've already started picking, and it's going very well."

Growers across the state are enjoying a plentiful harvest, said Bob Tritten, a fruit educator at the Michigan State University Extension.

The storms this month tipped over some apple trees north of Grand Rapids and blew the fruit off the branches, but the precipitation helped in other locations where it hadn't rained for several weeks.

The rain "was just a blessing for apple growers," he said, "This is one of the nicest apple crops ever."

But, like Jacobson, he said it's too early to say with certainty that the entire season will go as well as it has so far.

Harvest is only 2 percent complete at this point and the fruit is still susceptible to drought, hail and other adverse weather.

"Until you get all the apples in the bin, you don't really know for sure," he said.

Other states also had a good crop of apples, increasing the supply of fruit available at grocery stores, Donohue said. With more apples on the market, the price at retail outlets could be lower.

[return to the top](#)

3. **Drought conditions return to Lee County**

Aug 22, 2009

The Sanford Herald

Jonathan Owens

Aug. 22, 2009 (McClatchy-Tribune Regional News delivered by Newstex) -- SANFORD -- Lee County is one of seven counties in Central North Carolina experiencing moderate drought conditions because of a lack of

rainfall.

The U.S. Drought Monitor listed Alamance, Chatham, Durham, Guilford, Lee, Orange and Randolph counties under a moderate drought advisory Thursday.

The state Department of Environment and Natural Resources says the new report marks the first time since May any area of North Carolina has been in a drought. Significant rainfall in May and later months helped replenish the water supply in some areas of the state that had been in a drought for two consecutive years.

David Dycus, agronomist for the U.S. Department of Agriculture who is based in Sanford, studies conditions in a nine-county region of Central North Carolina, including most of those named. He said most of the dry spots in Lee County are concentrated in the north and northwestern parts of the county.

Parts of Randolph and Chatham counties, he said, were the "driest parts of the state," though.

"I've talked to farmers in Randolph County who said they haven't had a half-inch of rain in six weeks," he said.

As for the effects on crops, he said Lee County has had one of its "best crops in a while" of tobacco this season, and farmers are starting to harvest that crop from the ground. Only a disaster such as a hurricane could prevent them from having a successful year, he said.

"(The drought) is going to hurt fall crops more than anything," Dycus said. "Cotton and soybeans may be hurt, and our corn has already been decimated in places."

The 2007-08 drought was the worst since North Carolina began keeping records in 1895. Officials urge residents of counties affected by the drought to conserve water as part of a daily routine.

Dycus said he didn't expect the current dry spell to snowball into a similar situation.

"It's nowhere near that bad now," he said. "Of course, you never can say for certain, but I don't expect it to be that bad anytime soon."

Newstex ID: KRTB-0411-37412505

[return to the top](#)

4. **Drought has left Valley fields PARCHED**

Aug 23, 2009

Valley Morning Star

Gabriel SaldaNa

Aug. 23, 2009 (McClatchy-Tribune Regional News delivered by Newstex) -- Just south of Sebastian a lone farmer could be seen this past week mowing down acres of wilted sorghum.

Dried fields of the crop line Expressway 77 for miles between Harlingen and Raymondville.

Dry-land crops are failing at an alarming rate across the Rio Grande Valley as the region continues to suffer in the grip of extreme drought.

Statistics from the U.S. Department of Agriculture Risk Management Agency reflect a heavy loss in dry-land crops. Many of these crops, which rely solely on rain water, have succumbed to drought conditions, said

Texas Agrilife economist Luis Ribera, citing the USDA RMA numbers.

Farmers will have to bite the bullet, Agrilife Extension Agent Brad Cowen said.

"It's definitely hurting the pocketbook," he said. "Let's say you had a field that failed due to ... lack of rainfall, you'll receive a payment for that from the crop insurance. But it's not meant to cover all the costs so there will be losses associated with that crop even after crop insurance is paid to the farmer."

"A year ago we had Hurricane Dolly and all the flooding associated with that ... and here we are talking about how bone dry it is," Cowen said. "It's just an example of how it goes feast to famine in a hurry."

From the beginning of planting season in late February up until Aug. 13, Ribera said, 63 percent of cotton crops, 81 percent of corn crops and 27 percent of sorghum crops planted on dry land have been lost in Cameron County. Those numbers translate to a total loss of 28,378 acres.

The county's irrigated crops, Ribera said, have fared better, sustaining a 1,214-acre loss at 0.16 percent, 2.9 percent and 1.6 percent of cotton, corn and sorghum respectively.

Across the Valley, 57 percent of all cotton, 25 percent of all corn and 12 percent of all sorghum crops planted in late February and early March have failed, according to USDA statistics.

"That is only losses to farmers," Ribera said. "Then you have all the economic activity that surrounds farmers like fertilizers, chemicals, transportation, grain elevators, cotton gins and all that stuff. The whole economic impact is a lot higher."

"Valley-wide, agriculture accounts for about \$550 million ... in just what farmers sell," he said. "But the whole economic activity is close to \$2 billion."

Tate Helmer, manager at the Harlingen Implement Company, an agricultural equipment supplier, agrees that the drought has dried up business.

"I don't really see it picking up at all unless we start getting some rain and the corn and grain market start going back up," he said. "As of right now it doesn't look good."

And the crop failure rate is expected to rise, Ribera said. So far this year losses total \$11 million.

The economist said that by the end of the 2008 harvest season, the Valley had sustained about \$20 million in losses from the three crops.

"Last year (all Valley crop failures) for the last couple of months went up by 72 percent," he said. "So these numbers are definitely going to go up but by how much, we are not sure. It's hard to compare right now with last year because we don't know exactly."

Webb Wallace, manager of the Cotton and Grain Producers of the Lower Rio Grande Valley, said farmers could only hope for more rain in the next two months.

"It's been pretty bad across South Texas and across the state last week," he said. "Our dry-land crops were poor to mediocre."

"It affects everybody," Wallace said. "August and September is really when we start getting our rain to replenish the soil for next year."

"It's time to start getting some rain and I hope we start getting some good tropical rain here sometime soon."

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[return to the top](#)

5. **Slow economy ripples through farm fields**

Aug 23, 2009

Richmond Times-Dispatch

John Reid Blackwell

Aug. 23, 2009 (McClatchy-Tribune Regional News delivered by Newstex) -- After several years of drought conditions, the weather has been generally good for farmers in central Virginia this year. State agriculture officials are predicting good yields on corn and most other crops.

The economic recession, however, has not spared the Virginia agricultural industry, which contributes about \$55 billion a year to the state's economy. More than 350,000 jobs are linked to agriculture.

In central Virginia, farmers are preparing for the harvest of corn and closely watching agricultural commodity prices, which have already dropped substantially from last year's record highs.

It may be too early to give any realistic long-term economic forecasts for farmers.

Farmers, like commuters, have seen some relief this year in fuel prices, which hit them hard in 2008 in the cost of running tractors and irrigation systems. Yet the costs of many inputs -- the fertilizer, seed and chemicals it takes to produce crops -- remain high.

"Even with the high [commodity] prices we had last year, our producers here in Virginia, and the nation, were not making the associated profits we would assume because costs of production were also increasing," said Jonah Bowles, a market analyst for the Virginia Farm Bureau Federation.

Input costs have been one of their biggest concerns this year for Tom and Vicki Farmer, who have a farm in Hanover County.

"This year, the fertilizer [prices] took a while to back down," Tom Farmer said. "Fertilizer prices are down but not back down to where they need to be."

The Farmers grow more than 150 acres of grain crops such as soybeans, and 17 acres of "staple" vegetables such as tomatoes, squash, and potatoes on rented land and farmland that has been in his family for nine generations.

The USDA reported that overall input costs this spring were down about 3 percent for U.S. farmers, compared with 2008. Fuel led the decline, dropping about 46 percent, and fertilizer was down about 8 percent overall, but prices for seed and such chemicals as fungicides and herbicides were up 11 percent and 14 percent, respectively.

Some fertilizer costs have continued to rise, according to the USDA. In Virginia, prices for potash, for example, more than doubled from 2007 to 2009, rising above \$900 a ton this year, according to one survey.

Farmer normally grows corn, but this year he calculated that the cost for him to grow corn versus the likely income wasn't a good bet. So he planted more soybeans instead. "I made a personal decision that there

would be a greater chance of profitability on beans than corn, because the input cost is less," he said.

Commodity prices, which determine what farmers receive for such crops as corn, wheat and soybeans, dropped off with the economy and the stock market. Corn, which had risen to about \$7 a bushel, is now back down to about \$3.25. Soybeans were up to \$16 a bushel last year but are more recently down to about \$10 a bushel.

Deflating prices for agricultural products have affected many types of farms in Virginia. Dairy farms, for example, have been particularly hard hit, because prices for milk have declined to about \$11 to \$13 per hundredweight, below the cost of production, said Gordon E. Groover, a professor of agricultural economics at Virginia Tech.

High input costs mean farmers have to look for ways to cut back on expenses. Tom Farmer, for example, is using more natural fertilizer rather than artificial fertilizer, which he says has helped him cut fertilizer costs about 30 percent. A pile of natural fertilizer -- a mixture of chicken litter and composted leaves -- sits at the edge of one of his vegetable fields.

"We do it for two reasons," he said. "One is for our customers," many of whom prefer to buy vegetables grown with natural fertilizer, he said. "The other reason is the economics, to offset the cost of fertilizer."

Experts say it is difficult to predict how well the farm economy will perform for the rest of 2009 and 2010. Weather conditions for the rest of the summer and fall will be a key factor.

"We just hope for the corn and soybean crops will avoid any major hurricane to play havoc with them," said Philip Hickman, program director for the Virginia Small Grains Board.

Commodity prices seem unlikely to improve much anytime soon.

"With a volatile stock market, we have a volatile agricultural market, and we are seeing that now," Bowles said. "It is generated by the economy, and the speculative activity in the market."

Consumer spending is also key -- not just whether people are willing to spend more at grocery stores and restaurants, but also whether they are willing to buy such products as cotton clothes, Bowles said.

"To improve the agricultural economy, we have to improve our overall economy," he said. "That is not going to happen until consumers regain confidence in our economy."

Global markets are also a major factor. For example, production of soybeans is expected to grow about 4 percent in Virginia this year. Virginia farmers produce soybeans largely as feed for livestock, and global demand for U.S. soybeans has been high this year. Other producers, such as several South American nations, have had shorter supplies.

Some farmers have been turning their attention more toward local markets. Tom and Vicki Farmer are diversifying their vegetable and fruit production to supplement their income. Last week, they were picking tomatoes for sale to local restaurants and at local fresh markets, where they set up booths several days a week to sell their produce.

The growth of fresh markets, "has been a blessing to us, because it gives us another avenue to sell our products," Tom said. But, he added, sales of his fresh produce to restaurants and at farmers markets slowed when consumers pulled back on spending.

In Dinwiddie County, farmer Billy Bain has seen the impact of a slower economy, too. He grows corn, soybeans, wheat and peanuts.

"Overall, the crops are in better shape in this area than they have been in a couple of years," he said. "We have been in a real drought for three or four years. This year, we are anticipating a respectable crop."

Just eight years ago, Bain produced more than 600 acres of peanuts, but this year he is growing only 50 acres, reflecting a trend that has affected many farms in southeastern Virginia since 2002, when Congress eliminated a quota program and lowered price supports for the crop. The state's peanut crop is estimated to be down about 50 percent this year to 12,000 acres.

Farmers have planted fewer peanuts because of an oversupply of the crop, and as prices have dropped from about \$600 a ton to about \$450 a ton, said Thomas Cotton, executive director of the Virginia Peanut Growers Association.

"We hope this is a one-year thing," he said. "We hope we will get the majority of those acres back next year." But Virginia may never get back to the 75,000 acres of peanuts it produced in 2001.

In addition to the drop in prices for grains, Bain has also seen declining demand for other products. For example, he said, demand for hay to feed horses has fallen substantially.

Bain usually sells straw from his wheat crop to developers who use it for soil cover at construction projects, but he is not seeing the same demand this year.

"That tells you what is going on in the economy, how slow construction is, when straw sales come to a halt," he said.

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[return to the top](#)

6. **Water Shortage Wilts Calif.'s San Joaquin Valley**

Aug 24, 2009

Washington Post

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Playing cards and a small wad of dollar bills sit on a pool table at Los Kiki, a dusty pool hall at the end of the main drag in Mendota, Calif. A breeze blows through a broken window, past six men hunched over the table, beer bottles in their hands. It is middle of a Wednesday afternoon. A year ago, they would have been out planting and pruning in the vast fields of grapes, tomatoes, onions, and nut trees that fan out from the city limits. But this year, many of those fields are lying fallow, and the men at Los Kiki are out of work.

"Before, it was good. There were jobs eight months, 10 months out of the year. Now, nothing," says Luis

Cortez, 52. Others nod in agreement. Cortez says he has worked just three days all year.

The Valley of Shadows

The roots of California's financial tangle are in the San Joaquin Valley. How it became the state's (and possibly the nation's) economic ground zero.

Water Shortage Wilts Calif.'s San Joaquin Valley

Photos: California's Central Valley Towns in Trouble

California's Ground Zero in the Housing Crisis

Photos: San Joaquin Valley's Real Estate Crisis

Can California Get Rid of Its Tent Cities?

Photos: New Hope for California's Tent Cities

Photos: Ken Light on Dorothea Lange's Legacy

Interactive: Mapping San Joaquin's Crisis

Mendota touts itself as the cantaloupe capital of the world, but its de facto motto is far less optimistic. "No water, no work" is the refrain repeated everywhere here in the western reaches of the San Joaquin Valley. The unemployment rate in this 10,000-person town was an unfathomable 38 percent in July (including documented and undocumented workers). Nearly all those who have lost their jobs are farm workers, who often straddle the poverty line even in boom times. The result is a cruel irony: in the region that produces more food than anywhere else in the country, food lines have become regular fixtures, drawing hundreds, sometimes thousands.

After three years of drought, California's legendary water wars are flaring once again, and towns like Mendota, San Joaquin, and Firebaugh are getting a first glimpse of what their future might look like. Farmers blame the area's blight on a "man-made drought" brought on by increasingly strict environmental regulations, but that is only the beginning of the story. There's also the crushing confluence of political negligence, drought, and a century's worth of unbridled growth. Now, as residents wonder if normalcy will ever return, planners are forced to consider a far uglier question: should it? Is a new "normal" required?

That towns like Mendota even exist reflects the extraordinary ambition that built the American West. A century ago, much of the San Joaquin Valley was an undeveloped dust bowl, its few small farming communities clustered around natural water sources. Today, it is a green expanse of agricultural empires. Most of the water that has irrigated these seemingly endless fields comes from northern California, diverted by an epic system of dams and canals born from New Deal funds. It was one of the most ambitious water systems ever built, and the San Joaquin Valley became, in the words of historian Kevin Starr, "the most productive unnatural environment on Earth."

The valley is home to a \$20 billion crop industry; the San Joaquin region alone produces more in farm sales than any other individual state in the country. Mark Borba, 59, has a big stake in that business, just as his grandparents did in the valley's development. Borba Farms started off with about 20 milk cows and 30 acres of land in 1910, at a time when farmers who had tapped an underground aquifer were kicking off a race to cultivate. The farm now covers 10,000 acres, and Mark Borba is only one of 600 growers in the Westlands Water District, a water-contracting group of farmers and landowners on the far west side of the valley where Mendota and other towns sit. By the time Borba took over his family's operation in the 1970s, the valley was

already supplying 25 percent of the country's food.

Making that explosive growth possible is access to water delivered through an increasingly byzantine system centered on the Sacramento–San Joaquin Delta, a thousand-square-mile web of channels, islands, and levees where the two rivers meet before flowing into the San Francisco Bay. From there, giant dams and pumps suck the water southward through veinlike aqueducts to 25 million people and more than 5 million acres of farmland. But not all water consumers are created equally. In fact, access to the water is essentially based on a squatters' rights notion: "First in rights, first in time." In other words, whoever signed up for a water contract first got the best guarantees. Latecomers got junior rights, meaning they'd be the first to get cut in a dry. Westlands, which has a contract for water delivery with the federal government, is the most junior of the bunch.

It was complicated and costly, but for a long time, the system worked. Over the last three decades, however, the valley's explosive growth has caused rivers to run dry, dead fish to accumulate near the water pumps, and chronic water shortages. The levees near the bay are old, prompting worries that a failure, perhaps following an earthquake, could cause salt water from the bay to rush into the delta, crippling the water supply for the entire state. And the delta smelt, an endangered species of fish no bigger than an index finger, began disappearing as the massive pumps sucked up fish along with the water it was sending south. Lawsuits over the fish filed by environmental groups and water contractors multiplied, and court-imposed restrictions and regulations began siphoning off more and more of the 6 million acre-feet of water exported through the river basin each year.

Most people in the valley blame their water woes on those lawsuits and the fish. Since 1992, when Congress established new federal ecosystem standards, increasing amounts of water have been set aside for wildlife restoration. Since then, Westlands has received on average about half as much water as the 1.2 million acre-feet per year it ordered up in its contract, forcing farmers to rely on expensive pumps that suck up water from the aquifer and water transfers from their better-connected competitors to the east. This year, Westlands is down to nearly nothing, and its farmers are livid. Federal officials slashed the district's allocation to zero at the beginning of the season; only after a furious lobbying campaign did they succeed in bumping it up to 10 percent of the water deliveries stipulated in their contract. A University of California, Berkeley analysis claims that the economic impact of the water reductions on the valley's agricultural production tops \$48 million. That figure will likely get worse once the water agencies begin implementing new rules this summer designed to protect other fish such as sturgeon, salmon, and steelhead trout. In a normal year, such a hit is difficult, says Sarah Woolf, a Westlands District spokeswoman. After three years of natural drought, she says, it's ruinous.

[return to the top](#)

7. BRIEF

Aug 24, 2009

The Star

Aug. 21, 2009 (McClatchy-Tribune Regional News delivered by Newstex) -- It wasn't long ago that Cleveland County battled a years-long drought that plagued crops and river levels and put municipalities on water restrictions.

In May, those restrictions were lifted following sustained rainfall that pulled the county out of drought status. But the rainfall wasn't enough to do the same for other North Carolina counties.

Thursday, the U.S. Drought Monitor announced that Alamance, Chatham, Durham, Guilford, Lee, Orange and Randolph counties are in a drought. The state Department of Environment and Natural Resources says the new report marks the first time since May any area of North Carolina has been in a drought. Significant rainfall at that time and in later months helped replenish the water supply in some areas of the state that had been in a drought for two consecutive years.

The 2007-08 drought was the worst since North Carolina began keeping records in 1895.

While Cleveland County is out of the drought status, the area isn't out of the woods yet. Cleveland, Gaston along with the majority of the state remains under abnormally dry conditions.

The Associated Press contributed to this report

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[return to the top](#)

8. County declared a disaster area because of drought

Aug 24, 2009

Las Cruces Sun-News

Diana M. Alba

Aug. 24, 2009 (McClatchy-Tribune Regional News delivered by Newstex) -- LAS CRUCES -- Dona Ana County last week was listed as one of 14 counties eligible for federal assistance because of drought and high winds --a move that may benefit local farmers and ranchers.

The U.S. Department of Agriculture declared the disaster areas after assessing whether conditions met the agency's criteria, said Brandon Terrazas, spokesman for the agency's New Mexico office. The designation stemmed mostly from the loss of rangeland, he said.

"Ranchers don't have enough grass in their pastures to feed their cattle," he said.

Terrazas said the drought declaration means both farmers and ranchers in the county are eligible for subsidy payments through a newly created program or for low-interest loans through another program. The funding goes to help deal with effects of the drought.

The declaration covers ranchers and farmers who have sustained or will sustain losses from Oct. 1 of last year through the next eight months.

Dona Ana County rancher Tom Cooper said the impacts of the drought this summer are taking their toll. He said there hasn't been enough rain this summer to grow the needed vegetation to sustain herds.

"We're worried about making enough grass to make it through the winter," he said.

Cooper said that means ranchers have had to haul in more feed than normal, which adds cost to an already-expensive enterprise. Plus, he said, the dirt stock tanks that usually store rain water are dry.

Typically, rainstorms sweep

through the area starting in July and run through September. June saw some showers, but the usual rainy season has yet to materialize this summer.

Erik Ness, spokesman for the New Mexico Farm and Livestock Bureau, noted that farmers who use surface irrigation also are facing a water shortage, as demand for water has remained high this summer because of the drought.

"Generally, the state is in a drought," he said. "We've gotten very little rain."

Ness said the USDA announcement was positive.

But Frank DuBois, a former New Mexico agriculture secretary, said how much the drought declaration will help out "really varies."

"I've had ranchers tell me that it was of no use to them at all -- that once they looked at the paperwork and the time frames involved, it just was not useful to them," he said. "I think there are other instances where, if the producer didn't get that low-interest loan, they might have gone out of business. But it's not as helpful as some folks might think."

Terrazas said producers in past drought declarations have tended to steer away from the loan program. But he said the new program, called Supplemental Revenue Assistance, is essentially a payment to farmers based on their loss. He said the rules are still being finalized, but it's possible a grower might get a low-interest loan in the short-term and then pay that off once the SURE program kicks in.

Terrazas said producers who want to apply to the loan program must complete an application process similar to obtaining a loan in the private sector. A different process applies for the SURE program. In each case, a farmer or rancher must visit the local USDA office.

Cooper said he's unlikely to borrow money, mostly because "loans don't solve any problems, and down the road they can make them worse."

Rather, Cooper said he's hopeful there will be rain in what's left of the summer. After all, he said, late storms last year gave rangeland a needed boost.

"That's one thing about ranchers -- we operate on hope a lot," he said.

Diana M. Alba can be reached at dalba@lcsun-news.com; (575) 541-5443

To apply for a loan

Dona Ana County Farm Service Agency

Where: 2509 N. Telshor Blvd., Ste. B, Las Cruces NM 88011

Hours: 8 a.m. to 4:30 p.m. Monday through Friday

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[return to the top](#)

9. **Governor again asks feds for drought aid**

Aug 25, 2009

The Fresno Bee

Aug. 25, 2009 (McClatchy-Tribune Regional News delivered by Newstex) -- Gov. Arnold Schwarzenegger has asked federal officials to reconsider their decision to reject a request for emergency aid for Fresno County drought victims, his office said Monday.

Prodded by local officials and farming leaders to address the water shortage, Schwarzenegger asked the

federal government in June to provide a range of assistance to Fresno County.

The federal government denied the request in July, finding that "the required response and recovery appears to be within the combined capability of the state, affected local governments and voluntary organizations," according to the Governor's Office.

The Governor's Office disagreed with that assessment, saying that the water shortage has led to tremendous costs associated with crop shortages, wildfires and other problems. Presidential disaster declarations for droughts are rare: The last one happened nearly 30 years ago.

Schwarzenegger wrote a letter to President Barack Obama asking him to reconsider the denial.

"The economic impact of the drought is especially critical in Fresno County, where per capita income is low and the unemployment rate is high," the letter states.

Letters from Fresno County government and nonprofit leaders were included in the appeal.

The federal law authorizing presidential declarations specifically include droughts as the kind of disasters that can be recognized. The selection process, though, tilts more toward disasters with outright physical destruction that overwhelm government forces.

The major selection criteria identified by the Federal Emergency Management Agency include "the number of homes destroyed," "impact on the infrastructure" and the presence of "imminent threats to public health and safety."

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[return to the top](#)