



Southern Group of State Foresters Assessment Report on the USDA-FSA Emergency Forest Restoration Program (EFRP)

March 2020

Report Prepared by the SGSF Forest Management Committee and SGSF Policy Director

Executive Summary

In the past ten years, the southern region of the United States¹ has seen numerous hurricanes, tornados, floods, wildfires, and other natural disasters that have necessitated the activation of EFRP. This experience has led to many lessons learned within the region. The Forest Management Committee of the Southern Group of State Foresters (SGSF) has compiled and provided feedback on EFRP implementation experiences for the benefit of USDA Farm Service Agency (FSA) leadership, as well as the USDA Forest Service (USFS) and State Forestry Agencies.

Periodic review and assessment of federally funded programs that state forestry agencies help administer are beneficial to highlight program accomplishments, program delivery successes or challenges, and recommendations to improve program delivery and coordination between agencies.

Key Findings

- A stronger role for State Forestry Agencies in many aspects of EFRP would benefit the program, including in post-disaster landowner needs assessments and county activations, as well as making in-state forestry policy decisions within the framework of national EFRP guidelines.
- More regular joint meetings between USDA-FSA, USFS and State Forestry Agencies would help foster improved communication and program coordination to support shared agency priorities and EFRP program goals.
- Increased federal and state agency awareness and promotion of EFRP is needed to proactively publicize program funding for forestry practices and technical assistance available to landowners when impacted by natural disaster events. The EFRP program is under-utilized in several states for disaster financial assistance for forest rehabilitation or recovery due to irregular funding and lack of program support or understanding by agency personnel.
- Clarity of USDA-FSA program policies and procedures is needed from the top down to ensure uniform delivery of the program across the region.
- A review of restrictive program rules that can negatively impact landowner participation in EFRP, and thus program accomplishments, would be useful, particularly around the issues of short enrollment periods, funding approval timelines, application and payment process streamlining, EFRP practice implementation, reimbursement for state technical assistance, and income deduction of salvage material following the loss of timber.

¹ The Southern Group of State Foresters represents a 13-state region of the southern United States, comprised of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia, as well as the territories of Puerto Rico and the US Virgin Islands.

Introduction

The Emergency Forest Restoration Program (EFRP) was originally authorized by Congress in Section 407 of The Agricultural Credit Act of 1978. The most recent version of the program was codified in the 2008 Farm Bill (Food, Conservation, and Energy Act of 2008). Authorizing language and administrative regulation language can be found in Appendices A and B of this document. The FSA Handbook for EFRP can be found at the following weblink: https://www.fsa.usda.gov/Internet/FSA_File/1-efrp_r00_a01.pdf

In addition, a formal Memorandum of Agreement between the Farm Services Agency (FSA), USDA Forest Service (USFS), and Commodity Credit Corporation (CCC) exists that guides interagency functions within EFRP. While FSA is responsible for making payments to landowners, the USFS is responsible for providing EFRP technical assistance, and does so through state forestry agencies, as FSA has no authority for such a function. As such, USFS manages the technical assistance payment process for state forestry agencies.

Methods

All 13 states in the southern region as well as the USFS Region 8 office were sensed about experiences since 2011 with the USDA-FSA Emergency Forest Restoration Program (EFRP). Responses were received from 7 states – Florida, Georgia, Mississippi, North Carolina, South Carolina, Texas and Virginia – as well as the USFS.

The purpose of this assessment report is to provide summary feedback from state forestry agencies experiences working with the USDA-FSA EFRP within the southern region. Information is summarized below, along with recommendations to both federal and state agencies to address program challenges that would benefit forest landowners and forest resources within the southern region.

EFRP Assessment Results

National EFRP Appropriations

The USDA administers several permanent disaster assistance programs to help producers recover or repair damaged crop and forestland following natural disasters. Funding for emergency assistance for agricultural or forestland rehabilitation varies greatly from year to year. A 2019 Congressional research service report “Emergency Assistance for Agricultural Land Rehabilitation” summarized that the change in funding mechanism from standalone supplemental appropriations to annual appropriations has presented a challenge for agricultural land assistance programs.

From a period of FY 2010 – FY 2019, appropriations for EFRP funding were approved at various levels in six out of the ten years (Table 1). The timing of these annual appropriations bills does not always coincide with natural disasters and the subsequent requests for assistance.

Table 1. Appropriations for Emergency Forest Restoration Program (EFRP), 2010-2019

Fiscal Year	Funding Level	Authorizing Statute and Congressional Direction
2019 (to date)	\$480 million	P.L. 116-20, for necessary expenses related to the consequences of Hurricanes Michael and Florence and wildfires occurring in calendar year 2018, tornadoes and floods occurring in calendar year 2019, and other natural disasters
2018	\$0	
2017	\$0	
2016	\$6 million	P.L. 114-113, of which \$2 million is for major disasters declared pursuant to the Stafford Act
2015	\$3.2 million	P.L. 113-235, for major disasters declared pursuant to the Stafford Act only
2014	\$0	
2013	\$13.8 million	P.L. 113-6 ^a
2013	\$23 million	P.L. 113-2, for necessary expenses related to the consequences of Hurricane Sandy and major disasters declared pursuant to the Stafford Act (42 U.S.C. 5121 et seq.) only
2012	\$28.4 million	P.L. 112-55, for major disasters declared pursuant to the Stafford Act only
2011	\$0	
2010	\$18 million	P.L. 111-212, for disasters that occurred on or after January 1, 2010. Additional direction was provided to expedite the program's implementation

Source: CRS, using historical appropriation and supplemental acts, FY2010-FY2019. Table Source: M. Stubbs 2019

- a. Funding provided under regular appropriations; therefore, the Stafford Act requirement does not apply. Funding total includes the Section 3001 and 3004 rescissions of 2.513%.

Regional EFRP Activation Summary and Accomplishments

In February of 2020 at the request of SGSF, USDA-FSA staff provided data by state and year that included EFRP payments and acres accomplished. This data for the SGSF region from FY 2011 to 2019 is summarized in Tables 2 and 3.

Landowners in the southern region have received \$13.59M in EFRP payments between FY 2011 and 2019. Data shows that EFRP has been used in 11 of the 13 states in the region, excepting Louisiana and Oklahoma. The states with the most use of EFRP have been Alabama, Georgia, Mississippi, South Carolina, and Texas. When comparing dates of natural disasters within the southern region, the EFRP has been under-utilized or not effectively promoted in several states.

Table 2: EFRP Cost-share Payments by State and Fiscal Year 2011-2019

	2011	2012	2013	2014	2015	2016	2017	2018	2019	TOTAL
Alabama	\$0	\$94,540	\$554,897	\$321,900	\$63,993	\$29,029	\$5,493	\$217,996	\$247,358	\$1,535,206
Arkansas	\$0	\$102,342	\$89,832	\$23,785	\$0	\$5,828	\$16,199	\$32,798	\$0	\$270,784
Florida	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$63,591	\$0	\$63,591
Georgia	\$0	\$283,443	\$295,269	\$122,679	\$902,677	\$1,293,775	\$52,117	\$719,025	\$286,365	\$3,955,350
Kentucky	\$0	\$0	\$0	\$27,796	\$1,680	\$0	\$1,766	\$0	\$0	\$31,242
Mississippi	\$64,564	\$581,988	\$711,094	\$169,475	\$121,450	\$264,895	\$221,917	\$223,126	\$0	\$2,358,509
North Carolina	\$0	\$25,629	\$84,334	\$6,222	\$0	\$0	\$128,037	\$4,538	\$1,148	\$249,908
South Carolina	\$0	\$0	\$0	\$0	\$844,108	\$1,148,210	\$279,245	\$9,403	\$14,723	\$2,295,689
Tennessee	\$0	\$4,500	\$5,371	\$11,543	\$78,848	\$97,758	\$14,768	\$0	\$0	\$212,788
Texas	\$0	\$20,381	\$1,863,957	\$434,300	\$272,663	\$0	\$0	\$23,324	\$0	\$2,614,625
Virginia	\$0	\$0	\$0	\$0	\$0	\$0	\$3,437	\$2,341	\$0	\$5,778
Regional Total	\$64,564	\$1,112,823	\$3,604,754	\$1,117,700	\$2,285,419	\$2,839,495	\$722,979	\$1,296,142	\$549,594	\$13,593,470

* Data received from EFRP program staff on 02/18/2020.

Table 3: EFRP Acres Accomplished by State and Fiscal Year 2011-2019

	2011	2012	2013	2014	2015	2016	2017	2018	2019	TOTAL
Alabama	-	1,468.6	9,120.1	3,180.1	890.3	381.5	23.3	2,128.8	5,000.0	22,193
Arkansas	-	349.9	976.5	31.0	-	6.8	73.0	212.0	-	1,649
Florida	-	-	-	-	-	-	-	896.1	-	896
Georgia	-	976.5	6,319.0	1,408.4	6,820.7	11,118.3	578.5	34,093.0	1,268.8	62,583
Kentucky	-	-	-	57.0	2.7	-	6.0	-	-	66
Mississippi	228.7	5,185.6	6,353.6	1,907.1	640.0	1,054.7	674.7	1,465.4	-	17,510
North Carolina	-	379.1	435.0	40.0	-	-	187.1	10.8	0.0	1,052
South Carolina	-	-	-	-	14,854.6	26,297.4	2,771.5	63.1	1,385.0	45,372
Tennessee	-	6.0	21.8	30.0	23.8	125.4	115.1	-	-	322
Texas	-	-	7,119.9	3,938.7	1,086.0	-	-	0.0	-	12,145
Virginia	-	-	-	-	-	-	40.0	36.0	-	76
Regional Total	228.7	8,365.7	30,345.9	10,592.3	24,318.1	38,984.1	4,469.2	38,905.2	7,653.8	163,863

* Data received from EFRP program staff on 02/18/2020.

Reported Program Successes

The following represents a summary of positive feedback received on the operation of EFRP over the past decade:

- The forestry impact from EFRP can be significant, and the funding can prove helpful to many landowners requiring site preparation and stand re-establishment efforts.
- Some state agencies report a good working relationship with USDA-FSA offices
 - One state reported being at the table for much of the development and roll out, and they were able to provide a lot of direction as far as practice needs and establishing proper cost rates for reimbursements
 - One state reported being able to assist FSA in assessing flooded stands and these efforts helped quite a few landowners replant the areas with significant mortality
 - One state reported receiving EFRP assistance for landowners to replace stream crossings that were destroyed by flooding. Since they had not worked with these practices in the past, there were some growing pains both for the state agency and the local FSA offices, but eventually a successful process was worked out
- Some state agencies report a willingness of FSA to give state agencies complete control over technical assistance
- Some state agencies report that FSA State offices did a good job lobbying for practices to meet landowner needs
- In some cases, county FSA offices sent EFRP applications to the state agency foresters as soon as they received them instead of batching them
- In one state, FSA was able to split the EF-9 practices (Other Emergency Forest Restoration) from the reforestation practices (for the same landowner), so that the EF-9 process would not hold up reforestation

Current Program Challenges

The following represents a summary of feedback received on challenges experienced with EFRP over the past decade. Challenges listed are in no particular order, and have not necessarily been experienced in all places within the southern region.

1. Short sign-up periods (2-3 weeks in some cases), oftentimes too soon after a disaster event for landowners to be thinking about their forests, and oftentimes with minimal advertising by FSA
2. Limited forestry knowledge by some FSA staff
3. Short FSA staffing in areas with significant EFRP program demand
4. Long time lag in EFRP reimbursements to landowners (1yr +)
5. FSA's state office and district offices have a noticeable breakdown in communications of program specifics and guidelines.

6. Some FSA offices seem to be focused on agricultural problems in the wake of disasters and are hesitant to authorize a forestry program. There are unengaged County Executive Directors who assume there is very little forestry damage in the county, so they do not initiate the EFRP process.
7. EFRP requires that the county committee activate the program. State forestry agencies or emergency management are not the ones that can activate funding or enrollment, and personnel may not be in the initial information loop to encourage activation.
8. The timeline for restoration plan development after landowner sign up (90 days) is too short during periods with numerous other response requests (like after major disasters) and state agency staffing to process EFRP projects can be a limitation.
9. Restoration plan development and other work was done by state forestry agencies for some landowners, only to determine later these projects were not eligible for the program per FSA.
10. FSA State leadership appears to lean heavily on reports from county offices to determine funding needs, and there is a reluctance to override county assessments of damage even though the State Forestry agencies will likely have more accurate figures and locations.
11. EFRP designations are perceived as directly tied to federal disaster declarations, which is not a requirement found in authorizing legislation or program regulations. Forest damage from state-level disaster designation should be considered as well.
12. State forestry agencies are not reimbursed for all EFRP-related technical assistance, either due to landowners not completing the program, or oversight in the technical assistance payment processes
13. The USFS regional office does not receive any EFRP money to administer their functions within the program and must subsidize their work with other program funds, such as the Forest Stewardship Program.
14. There are a handful of technical program issues which appear to be implemented inconsistently across states, and in some places are not aligned with forest management norms:
 - a. In some states, landowners have been met with a requirement that their payments for any EFRP practices must be reduced by the amount of any income received for salvaging the broken wood. In other states, the decision was made that salvage value income only had to be deducted from landowners cost share for practices specific to debris removal. To have to deduct salvage income from practices such as reforestation makes little sense, especially given that salvage saves a tremendous amount of dollars associated with site preparation/debris removal under EFRP.
 - b. In some states, FSA staff require that EFRP restoration must be back to the forest type that originally occurred in the damaged area, regardless of the silvicultural recommendation or the landowner's objective. In other states this is not a requirement.
 - c. Removal of stumps and other standard processes for site preparation must have inspections first by staff which are unnecessary and can significantly slow down program delivery.

Recommendations from State Forestry Agencies to Address Program Challenges

After reviewing the experiences of all the SGSF states and discussing the program challenges experienced, a suite of recommendations were developed. Recommendations are referenced to numbered program challenges listed above and are not listed in any particular order.

- A. Amend policy to allow for easier timeline extensions (not only extenuating circumstances), especially at the request of state forestry agencies – 1, 8
- B. Conduct joint USFS, FSA, NRCS, and State Agency training on EFRP – 2, 5
- C. Allow state forestry agencies flexibility in administering portions of the program, provided they have capacity – 2, 3, 10
- D. Support increased Forestry/State Agency personnel participation in county committees – 6, 7
- E. Formally establish a stronger role for State Forestry agencies in assisting FSA state offices in determining disaster damages and counties in need of EFRP activation. SGSF is currently developing a regional quick-response protocol for natural disasters, which will include use of Forest Inventory and Analysis data to assess forest damage, and which will be helpful in determining EFRP need. – 6, 10
- F. Streamline payment processing between FSA and landowners – 4
- G. Establish clear and consistent top-down direction on program implementation rules, including around eligible disasters, salvage deduction, forest-type conversation, and initial application vetting – 5, 9, 11, 12, 14
- H. Streamline technical assistance payment system from FSA to USFS, including pre-allocating some portion of technical assistance dollars to the USFS immediately upon disaster declaration – 12
- I. Allow for state forestry agencies to be paid for time spent on EFRP technical assistance, even for landowners that are either declared ineligible by FSA or decide not to follow through with program participation – 9, 12
- J. Allocate an adequate portion of EFRP dollars to USFS program staff charged with administering the technical assistance portion of the program - 13
- K. Conduct a review of program rules, considering changes to address technical issues related to forest management – 14

References

Megan Stubbs. June 2019. Emergency Assistance for Agricultural Land Rehabilitation. Congressional Research Service Report R42854

Shanita Landon. EFRP – Emergency Forest Restoration Program Presentation. 2020 Winter SGSF FM Committee Meeting, Savannah GA. January 2020

For More Information

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Appendix A – Authorizing Language for EFRP

16 U.S. Code § 2206. Emergency forest restoration program

(a) DEFINITIONS In this section:

(1) EMERGENCY MEASURES - The term “emergency measures” means those measures that—
(A) are necessary to address damage caused by a natural disaster to natural resources on nonindustrial private forest land, and the damage, if not treated—
(i) would impair or endanger the natural resources on the land; and
(ii) would materially affect future use of the land; and
(B) would restore forest health and forest-related resources on the land.

(2) NATURAL DISASTER -The term “natural disaster” includes wildfires, hurricanes or excessive winds, drought, ice storms or blizzards, floods, or other resource-impacting events, as determined by the Secretary.

(3) NONINDUSTRIAL PRIVATE FOREST LAND - The term “nonindustrial private forest land” means rural land, as determined by the Secretary, that—

(A) has existing tree cover (or had tree cover immediately before the natural disaster and is suitable for growing trees); and
(B) is owned by any nonindustrial private individual, group, association, corporation, or other private legal entity, that has definitive decision-making authority over the land.

(b) AVAILABILITY OF ASSISTANCE

The Secretary may make payments to an owner of nonindustrial private forest land who carries out emergency measures to restore the land after the land is damaged by a natural disaster.

(c) ELIGIBILITY

To be eligible to receive a payment under subsection (b), an owner must demonstrate to the satisfaction of the Secretary that the nonindustrial private forest land on which the emergency measures are carried out had tree cover immediately before the natural disaster.

(d) COST SHARE REQUIREMENT

Payments made under subsection (b) shall not exceed 75 percent of the total cost of the emergency measures carried out by an owner of nonindustrial private forest land.

(e) AUTHORIZATION OF APPROPRIATIONS

There are authorized to be appropriated to the Secretary such funds as may be necessary to carry out this section. Amounts so appropriated shall remain available until expended.

Appendix B – Administrative Regulations for EFRP

7 CFR 701, Subpart C—Emergency Forest Restoration Program

Source:75 FR 70889, Nov. 17, 2010, unless otherwise noted.

§§ 701.200-701.202[Reserved]

§ 701.203Scope.

(a) Subject to the availability of funds and only for areas, natural disasters, and time periods for the natural disaster and rehabilitation approved by the Deputy Administrator, FSA will provide financial assistance to owners of nonindustrial private forest land who carry out emergency measures to restore land damaged by a natural disaster on or after January 1, 2010, as determined by FSA.

(b) The objective of EFRP is to make financial assistance available to eligible participants on eligible land for certain practices to restore nonindustrial private forest land that has been damaged by a natural disaster.

§ 701.204Participant eligibility.

(a) To be eligible to participate in EFRP, a person or legal entity must be an owner of nonindustrial private forest land affected by a natural disaster and must be liable for or have the expense that is the subject of the financial assistance. The owner must be a person or legal entity (including an Indian tribe) with full decision-making authority over the land, as determined by FSA, or with such waivers as may be needed from lenders or others as may be required, to undertake program commitments.

(b) Federal agencies and States, including all agencies and political subdivisions of a State, are ineligible for EFRP.

(c) An application may be denied for any reason.

§ 701.205Land eligibility.

(a) For land to be eligible, it must be nonindustrial private forest land and must, as determined by FSA:

- (1) Have existing tree cover or have had tree cover immediately before the natural disaster and be suitable for growing trees;
- (2) Have damage to natural resources caused by a natural disaster, which occurred on or after January 1, 2010, that, if not treated, would impair or endanger the natural resources on the land and would materially affect future use of the land; and
- (3) Be physically located in a county in which EFRP has been implemented.

(b) Land is ineligible for EFRP if FSA determines that the land is any of the following:

- (1) Owned or controlled by the United States; or
- (2) Owned or controlled by States, including State agencies or political subdivisions of a State.

§§ 701.206-701.209[Reserved]

§ 701.210Qualifying minimum cost of restoration.

(a) FSA will establish the minimum qualifying cost of restoration, which may vary by State or region.

(b) An applicant may request a waiver of the qualifying minimum cost of restoration. The waiver request must document how failure to grant the waiver will result in environmental damage or hardship to the person or legal entity, and how the waiver will accomplish the goals of the program.

§ 701.211 Prohibition on duplicate payments.

(a) Participants are not eligible to receive funding under EFRP for land on which FSA determines that the participant has or will receive funding for the same or similar expenses under:

- (1) The Emergency Conservation Program provided for in subpart B of this part;
- (2) The Wetland Reserve Program (WRP) provided for in part 1467 of this title;
- (3) The Emergency Wetland Reserve Program (EWRP) provided for in part 623 of this chapter;
- (4) The Emergency Watershed Protection Program (EWP), provided for in part 624 of this chapter; or
- (5) Any other program that covers the same or similar expenses so as to create duplicate payments, or, have the effect of creating in total, otherwise, a higher rate of financial assistance than is allowed on its own under this part.

(b) Participants who receive any duplicate funds, payments, or benefits must refund any EFRP payments received, except the Deputy Administrator may reduce the refund amount to the amount determined appropriate by the Deputy Administrator to ensure that the total amount of assistance received by the owner of the land under all programs does not exceed an amount otherwise allowed in this part.

§ 701.212 Eligible EFRP practices.

(a) Financial assistance may be offered to eligible persons or legal entities for EFRP practices to restore forest health and forest-related resources on eligible land.

(b) Practice specifications must represent the minimum level of performance needed to restore the land to the applicable FSA, NRCS, Forest Service, or State forestry standard.

§§ 701.213-701.225 [Reserved]

§ 701.226 Maximum financial assistance.

(a) In addition to other restrictions that may be applied by FSA, an EFRP participant will not receive more than 75 percent of the lesser of the participant's total actual cost or of the total allowable costs, as determined by this subpart, to perform the practice.

(b) A person, as defined in part 1400 of this title, is limited to a maximum cost-share of \$500,000 per person or legal entity, per disaster.

(c) The Deputy Administrator may waive the provisions of this section on a case by case basis to address unusually large losses. Such relief is solely at the discretion of the Deputy Administrator, and the failure to provide such relief is not subject to administrative review or appeal under parts 11 or 780 of this title.