

Congress of the United States
Washington, DC 20515

February 15, 2022

The Honorable Tom Vilsack
Secretary
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, D.C. 20250

Dear Secretary Vilsack,

Thank you for the Farm Service Agency's quick response to the devastating wildfires that impacted Kansas farmers and ranchers in December 2021. Allowing ranchers the opportunity to repair fence and not just rebuild fence that was damaged by the wildfire has helped address supply issues, labor issues, and timeliness while still meeting the guidelines and rules within the Emergency Conservation Program (ECP). We write today to request flexibility under the Emergency Livestock Assistance Program (ELAP). Specifically we request the establishment of a winter grazing season and the elimination of the Livestock Needs calculation.

We have concerns about Kansas producers' ability to utilize ELAP because of the timing of this disaster. Many ranchers in Kansas set aside pasture for winter grazing and also grow forage sorghum for winter grazing. Under ELAP, producers can only be paid for a qualifying loss (such as the wildfire) that occurs during the USDA defined "normal grazing period". Unfortunately, the December fires that affected family farms and ranchers occurred outside of the grazing season established for Kansas. That means producers who lost winter pasture and/or winter grazing of forage sorghum to the wildfires would not qualify for reimbursement. We ask that you allow Kansas to establish a winter grazing season that would allow those ranchers who lost winter pasture and/or forage sorghum for winter grazing to the wildfire to qualify for ELAP.

Additionally, the Livestock Needs calculation for ranchers does not contemplate the long-term needs of those who lost hay to the wildfire. Under ELAP, producers who have qualifying hay loss to wildfire are limited to reimbursement of only the amount of hay that the livestock they own would consume in a normal year. Many producers in practicing proactive management and conservation practices will grow more hay than is needed for the current year with the intention of storing the hay to be used in times of drought or severe weather. We would ask that the Livestock Needs calculation is dropped from ELAP, allowing those producers to be reimbursed for all of their hay losses.

Finally, as you work to establish assistance programs for disasters that occurred in 2020 and 2021, we strongly urge you to ensure producers in Kansas who are rebuilding from fires receive robust assistance. It is important that the \$10 billion for disaster assistance provided by Congress be used to help producers facing losses that do not fit perfectly into other USDA programs, such as ranchers who lost winter grazing lands but are currently deemed ineligible for ELAP assistance.

Thank you in advance for your consideration of our requests. We appreciate your agency's quick response to the needs of the Kansas wildfire victims and ask that you consider these additional changes to allow our family farmers and ranchers to rebuild and continue their operations for the next generation.

Sincerely,



Roger Marshall, M.D.
United States Senator



Jerry Moran
United States Senator



Tracey Mann
United States Congressman

Cc: The Honorable Zach Ducheneaux, FSA Administrator
The Honorable Robert Bonnie, Undersecretary for Farm Production and Conservation Programs