

Checklists for Declaring Disasters

1. Agriculture Disasters

Lead Agency: U.S. Dept. of Agriculture (WY Dept. of Agriculture {WYDA} monitors)

Disaster Declaration Options:

YES County (County Commissioners)
YES State (Governor -- WYDA prepares declaration)
NO Presidential (U.S. Secretary of Agriculture authorizes assistance programs)

Page 1: Disaster Declaration Checklist
Page 2: Sample State Declaration
Pages 3 to 9: Overview of Disaster Assistance Programs available

2. Business Disasters

Lead Agency: Wyoming Business Council

Disaster Declaration Options:

YES County (County Commissioners)
YES State (Governor -- WY Business Council prepares declaration)
NO Presidential (U.S. Small Business Administration authorizes assistance programs)

Page 10: Disaster Declaration Checklist
Page 11: Sample State Declaration
Pages 12 to 15: Overview of Disaster Assistance Programs available

3. Wildfire Disasters

Lead Agency: State Forestry

Disaster Declaration Options:

YES County (County Commissioners)
YES State (Governor -- State Forester prepares declaration)
NO Presidential (President -- DHS/FEMA Region VIII prepares declaration)

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Page 17: Sample State Declaration
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4. All disasters EXCEPT Agriculture, Business, and Wildfire

Lead Agency: Wyoming Office of Homeland Security (WOHS) – Stafford Act

Disaster Declaration Options:

YES County (County Commissioners)
YES State (Governor -- WOHS prepares declaration)
YES Presidential (President -- D.S./FEMA prepares declaration)

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Checklist: USDA Emergency Programs

Note: A Presidential Disaster Declaration (Stafford Act) is not required for the USDA Emergency Programs.

Note: Disaster Declaration for Drought are currently handles by Mr. Ryan Lance, 777-5774.

1. The **Wyoming Department of Agriculture** (WYDA), in cooperation with the Wyoming State Farm Service Agency, will poll each of the counties and determine if they have disaster damage {see pages 3-8 for criteria}.
(WYDA)
2. The Wyoming Department of Agriculture will advise the Governor of the potential for a State disaster declaration.
(WYDA)
3. The Wyoming Department of Agriculture will request disaster declarations from each county with significant damage including county preliminary damage assessment data.
(WYDA)
4. All agricultural producers should be advised to contact the County Farm Service Agency Office for further information about available / requested programs.
(State FSA Office)
5. The Wyoming Department of Agriculture will prepare a State Disaster Declaration for the Governor's signature listing affected counties and the programs requested (see program overviews)
(WYDA)
6. Sign the State Disaster Declaration and forward to the Secretary of Agriculture. (Governor's Office)
7. Upon receipt of the State Disaster Declaration, the Secretary of Agriculture will request a damage assessment from the Wyoming State Farm Service Agency Office.
(State FSA Office)
8. Upon authorization of USDA Emergency Programs, each agricultural producer will apply for and receive assistance through the County Farm Service Agency Office.
(County FSA Offices)

Note: The FSA Administrator may authorize EM loan assistance to cover physical losses only, or for counties declared as disaster areas by the President or designated by the Secretary of Agriculture, FSA can provide EM loan assistance to help cover production and physical losses.

Sample State Disaster Declaration

**DECLARATION
OF A
STATE OF DISASTER
DUE TO DROUGHT AND THE AGRICULTURAL IMPACTS OF DROUGHT**

WHEREAS, the State of Wyoming has been experiencing and continues to experience a drought which has and continues to severely impact the agricultural economy of the State;

WHEREAS, the need for immediate economic and technical assistance is present across our State's agricultural community, and;

WHEREAS, the conditioned outlined above are predicted to worsen and to continue for the next several months and the long term impacts of the drought cannot yet be fully determined.

NOW, THEREFORE, pursuant to the authority of Wyo. Stat. § 19-13-101, *et. seq.*, **there is proclaimed to be in the State of Wyoming a generalized state of disaster** due to the drought conditions which are impacting our State.

This declaration of Disaster shall be continuing in nature and duration. This Declaration will terminate at the end of ninety (90) days unless extended by further Order of the Governor.

IN WITNESS HEREOF AND GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF WYOMING THIS THE 17th DAY OF AUGUST 2003.

David Freudenthal
Governor

Prepared by:

Wyoming Department of Agriculture
for Governor's Signature

Coordinated with:

Wyoming Office of Homeland Security
Business Council

Forwarded to:

U.S. Secretary of Agriculture

Overview: USDA Emergency Conservation Program (ECP)

The USDA Emergency Conservation Program (ECP) shares with agricultural producers the cost of rehabilitating eligible farmlands damaged by natural disaster. During severe drought, ECP also provides emergency water assistance — both for livestock and for existing irrigation systems for orchards and vineyards. ECP may be made available in areas without regard to a Presidential or Secretarial emergency disaster designation.

State Lead Agency:

Department of Agriculture
777-6569

What Are the Eligibility Requirements?

To be eligible for ECP assistance, the applicant must have suffered a natural disaster that created new conservation problems, which, if left untreated, would:

- ▶ Impair or endanger the land.
- ▶ Materially affect the land's productive capacity.
- ▶ Represent unusual damage which, except for wind erosion, is not the type likely to recur frequently in the same area.
- ▶ Be so costly to repair that Federal assistance is or will be required to return the land to productive agricultural use.

What Can I Use the Money For?

ECP funds may be used for the following purposes:

- ▶ Debris removal.
- ▶ Fence restoration.
- ▶ Grading and shaping of farmland.
- ▶ Restoring structures.
- ▶ Water conservation measures, including providing water to livestock in periods of severe drought.

Other emergency conservation measures may be authorized by county Farm Service Agent (FSA) committees with the approval of the State Committee and the Agency's Deputy Administrator for Farm Programs.

When Is ECP Assistance Available?

ECP cost-share assistance may be available to agricultural producers for all designated natural disasters. Eligibility for ECP assistance is determined by county FSA committees, based on individual on-site inspections, taking into account the type and extent of the damage. Technical assistance for ECP may be provided by the USDA's Natural Resources Conservation Service (NRCS).

Overview: USDA Noninsured Crop Disaster Assistance Program (NAP)

The USDA Noninsured Crop Disaster Assistance Program (NAP) is for crops for which crop insurance is not available. It provides assistance for farmers who grow such crops, limiting their losses from natural disaster and helping to manage their overall business risk.

State Lead Agency:
Department of Agriculture
777-6569

NOTE: To be eligible for assistance in case of disaster, farmers must provide certain information to FSA annually, **before** a disaster occurs. See below.

What Crops Are Eligible for Protection Under NAP?

Eligible crops include commercial crops or agricultural commodities that are:

- ▶ Grown for food.
- ▶ Planted and grown for livestock consumption, including but not limited to grain and seeded and native forage crops.
- ▶ Grown for fiber, except for trees.
- ▶ Specialty crops, such as aquaculture, floriculture, ornamental nursery, Christmas trees, turf for sod, industrial crops, and seed crops used to produce crops that are eligible for NAP.

What Losses Are Not Eligible?

- ▶ Crops where Catastrophic Crop Insurance coverage is available.
- ▶ Livestock.
- ▶ Losses caused by neglect or malfeasance.
- ▶ Failure to reseed or replant.
- ▶ Failure to follow good farming practices.
- ▶ Failure of irrigation system or inadequate irrigation resources

How Do I Become Eligible for Protection Under NAP?

Producers who want protection under NAP must make certain required crop information available to the Farm Service Agency (FSA) every year by the established program reporting deadlines. They must also maintain certain farm production records throughout the year.

To ensure that they will be able to take advantage of assistance under NAP, should it become available, producers **must** meet all program requirements.

Specifically, to be eligible for NAP, producers must:

- ▶ Accurately report the acreages and shares for all crops potentially eligible for NAP on or before the required deadline (contact local FSA county offices for acreage reporting dates).
- ▶ Report crop losses within 15 days of the date disaster occurs or the date crop damage becomes apparent.
- ▶ Certify crop production history and report current crop year production.
- ▶ Earn not more than \$2 million in annual gross revenue per "person," as defined by FSA, in the operation.
- ▶ Certify that they comply with all highly erodible land and wetland conservation requirements.
- ▶ Request measurement service if needed.
- ▶ Request payments by the acreage reporting date of the year following the year of the disaster.
- ▶

When Does NAP Become Available?

Assistance becomes available when natural disaster causes production losses:

- ▶ Greater than 35 percent of an eligible crop over a geographic area defined by FSA.
- ▶ Affecting a minimum of five producers of crops suffering the required area loss on separate and distinct farms in the 50 United States, or a minimum of 10 producers of each crop suffering the required area loss on separate and distinct farms outside the 50 United States.

The minimum geographic area eligible for consideration is one of the following:

- ▶ A county.
- ▶ At least 320,000 contiguous acres.
- ▶ Acreage on which the annual value of all crops grown is \$80 million or more.

Overview: USDA Emergency Haying and Grazing Assistance

Emergency haying and grazing of certain Conservation Reserve Program (CRP) acreage may be made available in areas suffering from weather-related natural disaster.

State Lead Agency:
Department of Agriculture
777-6569

How do I apply for assistance?

Requests for assistance may be initiated by FSA county committees. The State committee then makes a recommendation to the Deputy Administrator for Farm Programs. Determinations are made on a county-by-county basis.

What type of assistance is this and when does the assistance come?

If approved, harvesting of hay and/or livestock grazing is allowed on cropland that has been removed from production of annual program crops, such as wheat and feed grains, and devoted to a long-term resource-conserving cover. To protect wildlife during the primary nesting season, other limits also may be imposed.

Those agricultural producers whose CRP lands are used for Emergency Haying and Grazing Assistance normally forfeit 25 percent of their CRP payment.

Overview: USDA Emergency Loan (EM) Assistance

The Farm Service Agency (FSA) provides **low-interest Emergency (EM) loan assistance** to eligible farmers to help cover production and physical losses in counties declared as disaster areas by the President or designated by the Secretary of Agriculture. The FSA Administrator may also authorize EM loan assistance to cover physical losses only.

State Lead Agency:
Department of Agriculture
777-6569

Who Is Eligible for EM Loans?

Emergency loans are available to qualifying ranchers and farmers who:

- ▶ Are established operators of family farms.
- ▶ Are citizens or permanent residents of the United States.
- ▶ Have adequate training or experience in managing and operating a farm or ranch necessary to assure reasonable prospects of success.
- ▶ Have suffered a qualifying physical loss, or a production loss of at least 30 percent in any essential farm or ranch enterprise.
- ▶ Cannot obtain commercial credit.
- ▶ Can provide collateral to secure an EM loan.
- ▶ Can demonstrate that they have repayment ability.

What Can I Use EM Loans For?

Emergency loan funds may be used to:

- ▶ Restore or replace essential physical property, such as animals, fences, equipment, orchard trees, etc.
- ▶ Pay all or part of production costs associated with the disaster year.
- ▶ Pay essential family living expenses.
- ▶ Reorganize the farming operation.
- ▶ Refinance debts.

What Are the Terms of an EM Loan?

- ▶ Loans for crop, livestock, and non-real-estate losses are normally repaid in one to seven years depending upon the loan purpose, repayment ability, and collateral available as loan security. In special circumstances, terms of up to 20 years may be authorized.
- ▶ Loans for physical losses to real estate must normally be repaid within 30 years.

Security Requirements

All EM loans must be fully collateralized. A first lien is required on all property or products acquired, produced, or refinanced with loan funds. The specific type of collateral required may vary depending upon the loan purpose, repayment ability, and the individual circumstances of the applicant.

Other Requirements

Applications for EM loans must be received within eight months of the disaster designation date.

How Does EM Loan Assistance Become Available?

For EM loan assistance to become available, the county in which the damage occurred must be designated as a disaster area, or be contiguous to a county that is designated.

At the request of a State Governor or Indian Tribal Council, the Secretary of Agriculture can designate counties as disaster areas and provide EM loan assistance for physical and production losses in those and contiguous counties.

Overview: USDA Food Assistance

USDA Food Distribution Program regulations provide that foods donated for school food service and other Food and Nutrition Service programs may be released to relief organizations that prepare congregate meal service in situations of distress.

State Lead Agency:
Department of Agriculture
777-6569

How do I get this assistance?

The Secretary of Agriculture may authorize State/local agencies to make available disaster food stamp assistance during any disaster which disrupts commercial channels of food distribution if such assistance is determined to be necessary and commercial channels of food distribution have again been restored. Such assistance may be determined to be necessary, if, as a result of the disaster, income or resources are reduced or inaccessible, and households need food assistance that cannot be met by the regular Food Stamp Program procedures

Overview: USDA Land Protection

The Natural Resources Conservation Service (NRCS) provides technical and financial assistance for runoff retardation and soil erosion prevention as needed to reduce hazards to life and property from floods, drought, and the products of erosion on any watershed impaired by a natural disaster. The National Resource Conservation Service (NRCS) provides technical assistance for:

State Lead Agency:
Department of Agriculture
777-6569

- Rehabilitation of land and conservation systems for which FSA provides cost-sharing.
- Emergency protection to assist in relieving imminent hazards to life and property from floods and products of erosion created by natural hazards that are causing a sudden impairment of a watershed.

Overview: USDA Protection of Forests and Rangelands Program

The Forest Service (FS) sets priorities, establishes policies, and formulates and implements forestry and rangeland programs for national forests and provides financial and technical assistance to State Foresters. The FS has the capability to respond to a wide variety of national and international emergency disaster needs.

State Lead Agency:

Department of Agriculture
777-6569

How do I apply for this assistance?

The FS provides technical and financial assistance to State Foresters in mitigating and improving their fire suppression capability, and serves as a technical fire advisor to DHS/FEMA in the Fire Suppression Assistance Program. The FS provides fire protection on national forest lands and takes direct action in the control of fires that threaten to spread from adjacent lands. Assistance is provided to other Federal and State agencies in the suppression of wildfires. Communications networks, disaster coordination management teams, aviation transportation, firefighter crews, and assistance in the overall organization of multi-agency response efforts are a few examples of the assistance provided.

The FS provides technical and financial assistance to State agencies and organizations for preventing, detecting, and evaluating forest insect and disease outbreaks on forest lands, regardless of ownership. Forest pest management entomologists and remote sensing specialists assess resource damage and the potential for forest insect outbreaks following major storms.

What about watershed protection?

Through the Emergency Watershed Protection Program, the FS, in cooperation with the National Resource Conservation Service (NRCS), may assist in the planning and installation of emergency conservation measures on State and private lands suddenly damaged by fire, flood, or other disasters. Emergency measures help prevent further damage to communities, public water supplies, and transportation systems by relieving imminent hazards to life and property.

What about insects and diseases?

In cases of major damage to forest resources caused by adverse weather conditions, such as hurricanes and tornadoes, insects, or diseases, the FS can assign wood utilization and marketing specialists to expedite salvage, marketing, and other recovery operations to minimize economic losses.

What about search and rescue?

The FS furnishes personnel and equipment for search and rescue work and other emergency measures on national forest lands and on other lands in cooperation with State agencies.

**Overview: Internal Revenue Service, Sales of Livestock and Produce
Caused by Weather-Related Conditions**

Agricultural producers who sell more livestock, including poultry, than they normally would in a year because of drought, flood, or other weather-related condition may be able to choose to include the gain in the following year's income. The area must be designated as eligible for assistance by the President, Department of Agriculture, or other federal agencies.

State Lead Agency:

Department of Agriculture
777-6569

Agriculture producers must meet the following conditions to qualify.

- ▶ Principal trade or business is farming.
- ▶ Use the cash method of accounting.
- ▶ Show that, under usual business practices, they would not have sold the animals this year except for the weather-related condition.
- ▶ The weather-related condition resulted in an area being designated as eligible for assistance by the federal government (Designation by President or U.S. Secretary of Agriculture).

Sales made before the area became eligible for federal assistance qualify if the weather-related condition that caused the sale also caused the area to be designated as eligible for federal assistance

The livestock does not have to be raised or sold in an area affected by a weather-related condition, but the sale must occur solely because of weather-related conditions that affected the water, grazing, or other requirements of The livestock so that the sale became necessary. (Source: Publication 225, Farmer's Tax guide)

Checklist: Business Disaster Assistance Programs

Note: A Presidential Disaster Declaration (Stafford Act) is not required for assistance under the Small Business Administration Disaster Assistance Program, the Imminent Threat provision of the Community Development Block Grant, or the Wyoming Partnership Challenge Loan Program.

1. The **Wyoming Business Council** will poll each of the counties and determine if they have disaster damage to businesses and require business disaster assistance {see pages 12-15 for criteria}
(Business Council)
2. The Wyoming Business Council will advise the Governor of the potential for a State disaster declaration.
(Business Council)
3. The Wyoming Business Council will request disaster declarations and damage assessments from each county with disaster damage to businesses and requiring business disaster assistance including:
(Business Council)
 - Disaster damages to businesses
 - Disaster damages for homeowners and renters
 - Economic injury to businesses as a result of the disaster.
4. Upon receipt of county damage declarations and assessments, convene a working group with the following State Agencies (minimum):
(Business Council)
 - Governor's Office
 - Business Council
 - Wyoming Office of Homeland Security
5. Review the county damage declarations and assessments and determine if a state disaster declaration under the Small Business Administration Disaster Assistance Program or an application for state assistance under one of the Business Council programs is justified.
(Working Group)
6. If Small Business Administration Disaster Assistance is justified, draft a Small Business Administration disaster declaration for the Governor's signature.
(Working Group)
7. Sign the Small Business Administration Disaster Assistance Program disaster declaration and forward to the SBA Regional Office.
(Governor's Office)
8. Advise all jurisdictions that have declared disasters of the requirements and availability of assistance under the Imminent Threat provision of the Community Development Grant Program and the Wyoming Partnership Challenge Loan Program.
(Business Council)

Sample State Disaster Declaration

**PROCLAMATION
DECLARATION OF A STATE OF DISASTER
FOR SUBSTANTIAL ECONOMIC INJURY
DUE TO WATER MAIN BREAK**

WHEREAS, a disaster did occur within the State of Wyoming, County of Laramie, City of Cheyenne during the period March 2-4, 2003, when a water main break in the City of Cheyenne caused severe damages and economic injury to businesses in the area bordered by 20th Street on the North, 15th Street on the South, Warren Avenue on the East, and Thomes Avenue on the West.

WHEREAS, this event resulted in severe physical damage to 14 businesses and temporary disruption to an additional 120. The area affected was without utility service and business owners were unable to open their doors to customers and suppliers for approximately two weeks. A sample survey of these businesses was conducted to determine the economic impact of their losses. The survey results show that 12 businesses surveyed have a gross revenue loss exceeding 40% for the disaster period as compared to the same period in the preceding year.

WHEREAS, based on this survey, I hereby certify in accordance with the Code of Federal Regulations 13, Chapter 1, Part 123.3, that more than five (5) small businesses within Cheyenne suffered substantial economic injury as a direct result of the March 2-4, 2003, incident. I further certify that the degree of economic injury suffered is so severe that financial assistance at reasonable rates and terms is not otherwise available, thereby creating the necessity for federal involvement in the form of subsidized loans.

WHEREAS, the above has adversely affected the health, safety, and the economy of the State of Wyoming;

NOW, THEREFORE, acting under and by the virtue of the power vested in me as Governor of the State of Wyoming, I do hereby declare that a state of disaster exists in Laramie County and ask that the appropriate state and federal agencies exercise their statutory authority to assist the entities affected. I direct the Wyoming Business Council to seek Federal Small Business Administration loans and any appropriate state assistance programs to help remedy the impact on businesses in the State.

IN WITNESS HEREOF AND GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF WYOMING THIS THE 5th DAY OF MARCH 2003.

David Freudenthal
Governor

Prepared by:

Wyoming Business Council
for Governor's Signature

Coordinated with:

Wyoming Office of Homeland Security

Forwarded to:

U.S. Small Business Administration

Overview: Small Business Administration Disaster Assistance Program

The Small Business Administration Disaster Assistance Program is the primary federally funded disaster assistance program for funding long-range recovery for private sector, non-farm disaster victims. These **loans** would be available by either a Small Business Administration (SBA) disaster declaration or as part of a Presidential Disaster Declaration (Stafford Act).

State Lead Agency:
Business Council
777-2800

There are three separate and distinct Small Business Administration disaster loan programs:

- ◆ Home Disaster Loans are available to homeowners and renters to repair or replace disaster damages to real estate or personal property.
- ◆ Business Physical Disaster Loans are made to businesses to replace or repair disaster damages to property owned by the business.
- ◆ Economic Injury Disaster Loans provide necessary working capital until operations resume after a physical disaster (Governor's Certification Declaration).

All requests for physical damage disaster declarations must be made by the Governor of the state wherein the disaster occurred. SBA Disaster Declaration Requests are made to the SBA Regional Office servicing the affected area. All governor's requests for physical disaster declarations must be made within 60 days of the incidence period of a disaster.

Once a SBA Disaster Declaration Request is submitted to the SBA Regional Office, a damage survey shall be conducted by the Area Office. The SBA Area Office shall recommend an SBA Disaster Declaration if one of two damage criteria are met:

- ▶ At least 25 homes or 25 businesses, or a combination of 25 eligibles in any county or political subdivision have sustained uninsured loss equal to 40% or more of their estimated fair replacement value.
- ▶ At least three businesses have sustained uninsured loss equal to 40% or more of their estimated fair replacement value and as a result, 25% of the work force in the community would be unemployed for at least 90 days as a direct result of the physical damage.

If losses are agricultural in nature, the Governor may request the Secretary of Agriculture to declare the area and the SBA can make working capital loans, called Economic Injury Disaster Loans, available to small businesses that are dependent on the agricultural producers. *Physical damages cannot be covered by these loans.*

If the physical disaster losses do not warrant a Presidential or SBA Administrative declaration but the disaster causes substantial financial and economic losses to at least five small businesses in an area, the Governor may request an SBA Economic Injury declaration. *Physical damages cannot be covered by these loans.*

Overview: Community Development Block Grant Imminent Threat Grants

With an emergency declaration by the governor (to the Wyoming Business Council), Community Development Block Grant (CDBG) funds may be allocated at any time to fund eligible activities which will alleviate an imminent threat to public health or safety which requires immediate resolution and which is of recent origin.

State Office of Primary Responsibility:
Business Council
777-2800

What Are The Eligibility Requirements?

- A condition will be considered of recent origin if it developed or became urgent within 18 months preceding the application by the community.
- The imminent threat must be a catastrophic or emergency situation which creates an impending or immediate threat, danger or peril to human health and safety.
- Situations which result from neglect or lack of maintenance or have gradually become urgent are not considered imminent threats.
- The grantee is unable to finance the activity on its own.
- Other sources of funding are not available to carry out the activity.

Any Application Submitted Must Contain The Following:

- A cover sheet containing the name of the applicant, contact person, project title, proposed funding level, other sources of funds, and expected start-up and completion dates.
- Documentation concerning the nature and degree of seriousness of the condition requiring assistance.
- Evidence that the CDBG activity is designed to address the imminent threat.
- Information on the timing of the development of the serious condition.
- Evidence confirming that the grantee is unable to finance the project on its own, and that other financial resources to alleviate the problem are not available.
- The project location, including a suitable map.
- A detailed budget, including a cost estimate of the activity to be funded with CDBG funds, and the source of all other funding.
- Certification of public participation through the public hearing process.
- An assessment of probable operation and maintenance costs of the facility or site improvement(s) to be constructed using CDBG funds, and an explanation of how these costs will be funded.

What Can The Funds Be Used For?

- Funds can be used for any eligible CDBG activity that is designed to alleviate existing conditions which pose a serious threat to the health or welfare of the community.

The Wyoming Business Council staff shall review the application and make a recommendation to the Wyoming Business Council which shall review the proposal and make a recommendation to the Governor. The Governor shall make the final decision whether to approve or deny the application.

**Overview: Wyoming Partnership Challenge Loan Program
Economic Disaster Loans**

State Office of Primary Responsibility:

Business Council

777-2800

Eligible Applicants.

- Any business or group of businesses may apply to the Wyoming Business Council for designation of an area of the state as an area in which an economic disaster {as defined in Wyo. Stat. § 9-12-301 (a) (v)} has occurred, through the submission of an application to the Council, as defined by legislation.
- Any business which has been directly impacted in the form of lost revenues, by an economic disaster, as determined by the Council to have occurred in Wyoming, may apply for an economic disaster loan, through the submission of an application to the Council or its servicing agent, as defined by legislation.

Definitions.

- “Borrower” means the business which has been negatively directly impacted by an economic disaster in Wyoming, where such borrower applies for, commits to, and is responsible for repayment of funds provided under this program.
- “Business” means any existing enterprise which employs people within the state, provides services within the state, uses resources within the state or otherwise adds economic value to goods, services or resources within the state, and includes farm and ranch operations.
- “Council” means the Wyoming Business Council.
- “Economic disaster area” means a geographic area in which an event has occurred which has resulted in total lost revenues to directly impacted businesses in a twelve (12) calendar month period of four million dollars (\$4,000,000.00) or greater, where the Council has designated such geographic area as an economic disaster area.
- “Economic disaster loan(s)” means loans made to eligible businesses, up to a maximum of two hundred fifty thousand dollars (\$250,000.00), where such loans are funded by the Challenge Loan Program.

Application Process For Designation Of An Economic Disaster Area.

- All applications for declaration of an economic disaster area shall be submitted on the required forms. Complete applications will be accepted at any time and scheduled for final review and approval or denial by the Council Board of Directors on a first-come, first-served basis.
- Three (3) copies of the application must be submitted to the Council offices at:

Wyoming Business Council
214 West 15th Street
Cheyenne, Wyoming 82002

Application Process For An Economic Disaster Loan.

- All applications for economic disaster loans shall be submitted on the required forms. Complete applications will be accepted at any time and scheduled for final review and approval or denial by the Council Board of Directors on a first-come, first-served basis.

- Three (3) copies of the application must be submitted to the Council offices at:

Wyoming Business Council
214 West 15th Street
Cheyenne, Wyoming 82002

Review and Recommendation.

- Completed requests for declaration of an economic disaster area shall be reviewed by Council staff to determine eligibility and completeness. The Council may require whatever documentation is necessary to verify the extent of the economic impact, and may use good faith estimates of lost revenues to businesses in determining whether an event qualifies as an economic disaster.

Terms, Conditions, and Repayment.

- In making loans, the Council Board of Directors shall:
 - Establish for recovery of filing fees and other administrative fees at cost, which are required for the perfection of security interests.
 - Set an interest rate (minimum 4% per annum) after considering:
 - The availability, likelihood of receipt, and the pledging of potential federal grants and/or loans, and insurance and legal proceeding proceeds, if any, for the immediate repayment of the Economic disaster loan, to the extent proceeds available.
 - The extent of the borrower's financial assets which could be used to meet its financial needs
 - The extent of the verified uninsured economic disaster loss and the financial needs of the potential borrower.
 - The proposed use of funds.
 - Other interest rates associated with borrowers existing indebtedness.
 - Projected cash flows and repayment plan of the borrower.
 - Credit risk of the borrower.
 - Current and projected market interest rates.
 - Collateral and security package.
 - Personal guarantee(s) with a blanket lien.
 - Whether the event was beyond the control of the business or the result of poor management decisions and planning.
 - The availability of a non-judicial foreclosure agreement with the borrower's existing lenders.
 - Establish the terms of repayment, not to exceed ten (10) years.
 - Establish other terms and conditions determined to be necessary by the Council Board of Directors, as well as other customary and prudent terms and conditions, negative and affirmative covenants, cross-default, conditions precedent, security agreements, etc..
 - Require written permission from the borrower agreeing to allow the Department of Audit and an auditor designated by the Council Board of Directors to examine its books and records, upon request.
 - Require all statutory requirements regarding the loan be met.

Checklist: Fire Suppression Assistance Program

Note: A Presidential Disaster Declaration (Stafford Act) is not required for assistance under the Fire Suppression Assistance Program.

1. **State Forestry** determines that assistance under the Federal Fire Suppression Assistance Program is appropriate {see pages 18-19 for criteria}. (State Forestry)
2. The State Forester will advise the Governor of the potential for a State request for Federal Fire Suppression Assistance. (State Forestry)
3. Acting as the Governor's Authorized Representative (GAR) the State Forester contacts the Federal Emergency Management Agency, Region VIII and requests a Principal Advisor to evaluate each specific Wildfire. (State Forestry)
4. Track eligible costs and submit for reimbursement to the Federal Emergency Management Agency, Region VIII. (State Forestry)

Sample State Disaster Declaration

**DECLARATION
OF A
STATE OF DISASTER
DUE TO WILDFIRE AND DANGEROUS FIRE CONDITIONS**

WHEREAS, wild land fires are currently burning in numerous counties across the State of Wyoming and conditions throughout the State favor the development of large complex wild land fires, with volatile conditions, drought, high temperatures, low relative humidity, strong winds, and an abundance of fuels;

WHEREAS, current fire fighting resources throughout the State are fully committed to the containment and extinguishment of current wild land fires and the resources are insufficient for adequate suppression of new ignitions;

WHEREAS, many of the current fires have the potential to threaten residential structures, commercial property, agricultural interests and other occupancies of the urban/rural interface, and;

WHEREAS, the conditioned outlined above are predicted to worsen and to continue for the next several months and the long term impacts of the drought can not yet be fully determined.

NOW, THEREFORE, pursuant to the authority of Wyo. Stat. § 19-13-101, *et. seq.*, **there is proclaimed to be in the State of Wyoming a generalized state of disaster** due to the imminent threat and the clear and present danger posed to people and property by the current wild land fires and the prevalent dangerous fire conditions which are impacting our State.

This declaration of Disaster shall be continuing in nature and duration. This Declaration will terminate at the end of ninety (90) days unless extended by further Order of the Governor.

IN WITNESS HEREOF AND GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF WYOMING THIS THE 17th DAY OF AUGUST 2003.

David Freudenthal
Governor

Prepared by:

Wyoming State Forester
for Governor's Signature

Coordinated with:

Wyoming Office of Homeland Security
Department of Agriculture

Forwarded to:

Director, DHS/FEMA Region VIII

Overview: Fire Suppression Assistance Program

The purpose of the Fire Suppression Assistance Program, the primary vehicle Congress intended for DHS/FEMA use in fire emergencies, is to fund suppression efforts for any fire(s) on publicly or privately owned forest

or grassland, threatening such destruction to life and/or improved property as would constitute a major disaster declaration. Unlike other DHS/FEMA programs, it provides a proactive approach to avert a major disaster by operating on a "real time" basis, rather than providing assistance after the disaster has occurred.

State Lead Agency:
State Forester
777-7586

A request for assistance is warranted when a state determines its capabilities may be overwhelmed by a single fire or fire complex that may become a major disaster affecting life and property. The request is made by the governor or his/her authorized representative through the affected DHS/FEMA Region and forwarded to DHS/FEMA Headquarters. Principal Advisors will provide consultation in this process. The declaration should be made before the situation becomes a disaster, so urgency is required in the process. DHS/FEMA Headquarters makes the final decision on declaration status rather than the President.

When authorized by declaration, the Fire Suppression Assistance Program provides reimbursement of actual and eligible fire suppression costs to a state in a single monetary grant. Eligible costs include personnel, camps and meals in lieu of per diem, equipment use, replacement value of equipment lost, mobilization and demobilization, and administrative costs associated with the grant. Costs are ineligible if they would not ordinarily be paid by the state, for instance, a mutual aid response or assistance rendered without a current cooperative fire agreement that authorizes payment.

Fire Suppression Assistance grants are set up on a cost share basis. The initial cost share structure of 70 % federal and 30% state is used to ensure that federal assistance is supplemental to state and local efforts.

"Floor costs" are determined annually by states and are used as a primary means of evaluating state program capabilities and balancing federal assistance to states. In determining floor costs, all fire program costs for the state's previous seven fiscal years are added together. The high and low cost years are discarded, and the average of the remaining five years is multiplied by .05 to determine the floor cost. State Foresters must review and certify that their floor costs are valid and auditable. Floor costs are submitted to the USDA Forest Service for validation and consolidation.

DHS/FEMA uses floor costs as a measure of state financial difficulty, and they are used in conjunction with a state's average annual fire program costs to determine the level of assistance from the Fire Suppression Assistance Program.

USDA Forest Service provides Principal Advisor services to DHS/FEMA for the Fire Suppression Assistance Program. The role of a Principal Advisor is to provide fire and emergency related information and expertise and to coordinate between agencies when the fire emergency may require DHS/FEMA assistance. Principal Advisors do not make disaster assistance judgments, but they do provide additional information and expertise when requested by DHS/FEMA.

The Fire Suppression Assistance Program provides reimbursement only for state fire suppression costs authorized by a DHS/FEMA declaration. No pre- or post-suppression costs are considered. Other ineligible costs are the restoration of facilities, timber salvage, seeding or planting, erosion control or costs not incurred during the incident period (outside of mobilization and demobilization). Fire Suppression Assistance Grant recipients are required to develop and implement a hazard mitigation plan as directed by Section 409 of the Stafford Act. No DHS/FEMA funds are available for implementation of hazard mitigation plans. Since fire incidents under the Fire Suppression Assistance Program are not declared by the President, they are ineligible for DHS/FEMA mitigation funding applied to major disasters. However, DHS/FEMA does offer technical advice and support in mitigation planning for states who receive Fire Suppression Assistance grants.

The authority for awarding Fire Suppression Assistance grants is found in Section 420 of the Stafford Act (PL93-288, as amended) *The Disaster Assistance Programs Fire Suppression Assistance Handbook* (DAP 4, Oct, 1991) outlines specific program procedures.

Checklist: Presidential Disaster Declaration (Stafford Act)

1. The **Wyoming Office of Homeland Security** will poll each of the counties and determine if they have disaster damage {Criteria -- beyond the ability of the county to pay}. (WOHS)
2. The Wyoming Office of Homeland Security (WOHS) will request disaster declarations from each county with significant damage including county preliminary damage assessment data. (WOHS, County Coordinators, & County Commissioners)
3. The Wyoming Office of Homeland Security will advise the Governor of the potential for a State disaster declaration. (WOHS)
4. The Wyoming Office of Homeland Security will organize State Damage Assessment Teams to visit each county declaring a disaster to help determine the extent of the damage. (WOHS & DHS/FEMA)
 - 4a. WOHS will request DHS/FEMA regional disaster specialists from DHS/FEMA Region VIII to assist with determining the extent of the damage. (WOHS)
 - 4b. WOHS will require each county to provide a representative to accompany the joint State-DHS/FEMA damage assessment teams. (County Coordinators & County Commissioners)
 - 4c. Each Damage Assessment Team will recommend the type of federal assistance required for each jurisdiction. (Damage Assessment Teams)
5. The Wyoming Office of Homeland Security will receive and consolidate reports from each Damage Assessment Team identifying the types and amounts of federal assistance needed. (WOHS)
6. The Wyoming Office of Homeland Security will brief the Governor and the DHS/FEMA Region VIII Director about the eligibility and potential for federal disaster assistance. (WOHS)
7. The Governor will sign the Stafford Act Disaster Declaration and forward to DHS/FEMA Region VIII for action. (Governor's Office)
8. When the State Disaster Declaration is received at the DHS/FEMA Region, the Regional Director evaluates the proposal and makes a recommendation to the DHS/FEMA Director, who then makes a recommendation to the President. (DHS/FEMA)
9. If a Presidential Disaster Declaration is made, an appropriate federal official is designated as the Federal Coordinating Officer. (DHS/FEMA)
10. DHS/FEMA will request the Governor appoint a State Coordinating Officer to work in partnership with the federal officials and federal response and recovery assistance is activated. (WOHS)
11. DHS/FEMA may establish a Disaster Recovery Center in the affected area to provide a single place for disaster victims to go for all available federal assistance. (DHS/FEMA)

Sample State Disaster Declaration

**PROCLAMATION
DECLARATION OF A STATE OF DISASTER
DUE TO SEVERE WINDS, FREEZING TEMPERATURES,
AND ICE AND SNOW RESULTING IN SEVERE DAMAGE TO
THE ELECTRICAL POWER INFRASTRUCTURE,
LOSS OF ELECTRICAL POWER, AND DAMAGES TO CROPS AND LIVESTOCK**

WHEREAS, a disaster did occur within the State of Wyoming, Counties of Crook and Weston during the period November 1, 2003, and continuing by reason of severe winds, freezing temperature, ice and snow resulting in the loss of electrical power, severe damage to the electrical power infrastructure, and damages to crops and livestock, affecting the majority of citizens, agri-businesses, and businesses;

WHEREAS, I have determined that this incident is of such severity and magnitude that effective recovery is beyond the capabilities of the affected local governments, represents an extreme hardship upon state government, and that supplementary federal assistance is necessary;

WHEREAS, the above has adversely affected the health, safety, and the economy of the State of Wyoming;

NOW, THEREFORE, acting under and by the virtue of the power vested in me as Governor of the State of Wyoming, I do hereby declare that a state of disaster exists in Crook and Weston Counties and ask that the appropriate state and federal agencies exercise their statutory authority to assist the entities affected. I also direct the Wyoming Office of Homeland Security to assess the damage and direct the appropriate state and federal agencies to assist the affected areas. I direct the Department of Agriculture to seek federal assistance for the agricultural producers adversely affected. I also direct the Wyoming Business Council to seek Federal Small Business Administration loans and any appropriate state assistance programs to help remedy the impact on businesses in the State.

IN WITNESS HEREOF AND GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF WYOMING THIS THE 9th DAY OF NOVEMBER 2003.

David Freudenthal
Governor

Note: This is an example based on an actual declaration resulting from a severe winter storm. Declarations based on other types of disasters may vary significantly from this example.

Prepared by:
Wyoming Office of Homeland Security
for Governor's Signature
Coordinated with:
Other State Agencies as Necessary
Forwarded to:
Director, DHS/FEMA Region VIII

Overview: Presidential Disaster Declaration (Stafford Act)

A Stafford Act Declaration provides assistance for damages not covered by insurance or other federal programs. Damages covered by a Federal Fire Suppression Act, Small Business Administration programs, Departments of Agriculture programs are not eligible.

State Lead Agency:

Wyoming Office of Homeland Security
777-4900

What are the Criteria for Requesting a Presidential Disaster Declaration?

There are two types of Presidential Declarations: Emergency and Major Disaster. The definitions and characteristics for each are listed below:

Emergency:

"Any occasion or instance for which, in the determination of the President Federal Assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States."

Characteristics of an Emergency Declaration:

- Beyond State and local capabilities
- Supplementary emergency assistance
- Must exceed a minimum of \$1 per person (statewide population) or \$1,000,000 — whichever is greater.
- Not to exceed 5 million dollars.
- Federal Funding = 75%; Local Funding = 25% Cash Match

Major Disaster:

"Any natural catastrophe including hurricane, tornado, storm, high water, wind driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm or drought, or, regardless of any cause, any fire, flood, or explosion in any part of the United States which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance to supplement the effects and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby."

Characteristics of a Major Disaster Declaration:

- Beyond State and local capabilities
- Supplements available resources of State/local governments, disaster relief organizations and insurance
- Must request within 30 days
- Must exceed a minimum of \$1 per person (statewide population) or \$1,000,000 — whichever is greater.
- Federal Funding = 75%; Local Funding = 25% Cash Match

What are the Eligibility Requirements?

There are three components to Stafford Act assistance:

- ◆ Public Assistance: Damage to infrastructure including roads, some utilities, and government facilities.
- ◆ Individual Assistance: Damage to private homes and some expenses incurred because of the disaster.
- ◆ Hazard Mitigation: Measures which are cost-effective and which substantially reduce the risk of future damage, hardship, loss, or suffering in any area affected by a major disaster.

Once a Stafford Act Declaration is made, the Federal Emergency Management Agency and other federal agencies activated under the Federal Response Plan will meet with each individual, organization, business, or agency to review their eligibility for a wide range of federal grant and loan programs.

What Can the Money Be Used For?

There are specific rules for each loan or grant program. In general, there are funds or services to help offset the expenses incurred by a disaster and other funds to help rebuild homes and businesses following a disaster.

How Do We Go about Applying for Stafford Act Assistance?

Individuals, businesses, and agencies need to contact their County Coordinator. The Coordinator will ask for estimates regarding the damages and the needs for federal assistance. The County Coordinator is the single point of contact in each County for Stafford Act Assistance.

Each county which wishes to be considered must declare a disaster. Each county declaration should include an estimate of eligible damages. Each county declaration must state that the damages are beyond the ability of the county to pay.

When Will the Assistance Be Available?

Once the President declares a Stafford Act Disaster federal resources begin arriving within a matter of days. However, only the Governor or Acting Governor of the state can request a disaster declaration from the President.

Before a Stafford Act Disaster is Declared:

Before the disaster request is made, state and local disaster and emergency officials should:

- ▶ Visit the affected areas with DHS/FEMA regional disaster specialists to determine the extent of the damage.
- ▶ Identify the types of federal disaster assistance needed.
- ▶ Talk with the DHS/FEMA Regional Director about eligibility for federal disaster assistance.
- ▶ Inform the DHS/FEMA Regional Director if the state plans to request a declaration by the President.
- ▶ When the State Disaster Declaration is received at the DHS/FEMA Region, the Regional Director evaluates the proposal and makes a recommendation to the DHS/FEMA Director, who then makes a recommendation to the President.

After a Stafford Act Disaster is Declared:

After the disaster request is approved, federal, state and local disaster and emergency officials should:

- ▶ When a Presidential Disaster Declaration is made, an appropriate federal official is designated as the Federal Coordinating Officer.
- ▶ The Governor appoints a State Coordinating Officer to work in partnership with the federal officials and federal response and recovery assistance is activated.
- ▶ A Disaster Recovery Center may be established in the affected area to provide a single place for disaster victims to go for all available federal assistance.

Component Programs of a Presidential Disaster Declaration (Stafford Act)

Community Disaster Loans: To provide loans to any local government that has suffered substantial loss of tax and other revenue in an area in which the President designates a major disaster exists. The funds can only be used to maintain existing functions of a municipal operating character and the local government must demonstrate a need for financial assistance. CFDA 83.537

Cora Brown Fund: To provide for disaster-related needs that have not been, or will be, met by government agencies or any other organizations that have programs to address such needs. Money from the fund will not duplicate assistance for which a person is eligible from other sources. CFDA 83.538

Crisis Counseling: To provide immediate crisis counseling services, when required, to victims of a major Federally-declared disaster for the purpose of relieving mental health problems caused or aggravated by a major disaster or its aftermath. Assistance provided is short-term in nature and provided at no cost to the disaster victims. CFDA 83.539

Disaster Legal Services: To provide legal services to individuals affected by a major Federal disaster. CFDA 83.540

Disaster Unemployment Assistance: To provide Disaster Unemployment Assistance weekly benefits to help individuals who are left jobless in the wake of a Federally-declared major disaster, and are not eligible for regular Unemployment Insurance benefits. CFDA 83.541

Individual and Family Grants: To provide funds for the necessary expenses and serious needs of disaster victims which cannot be met through other forms of disaster assistance or through other means such as insurance. CFDA 83.543

Public Assistance Grants: To provide supplemental assistance to States, local governments, and political subdivisions to the State, and certain Private Non-Profit organizations in alleviating suffering and hardship resulting from major disasters or emergencies declared by the President. CFDA 83.544

Disaster Housing Program: To provide assistance to households affected by a disaster to assist with their disaster-created housing needs. CFDA 83.545

Hazard Mitigation Grant: To provide States and local governments financial assistance to implement measures that will permanently reduce or eliminate future damages and losses from natural hazards through safer building practices and improving existing structures and supporting infrastructure.

Distribution Listing

Distributed to:

Governor's Office	(2)
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Wyoming Office of Homeland Security	(2)

Updates, Corrections and Deletions:

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Suggestions for Additions, Deletions, and Corrections should be forwarded to:

**Wyoming Office of Homeland Security
Attn: Executive Policy Advisor
Herschler Bldg. 1st Floor East
122 West 25th Street
Cheyenne, Wyoming 82002**

**Phone: (307) 777-4912
FAX: (307) 635-6017**