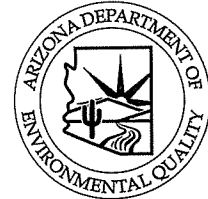




Janice K. Brewer  
Governor

# ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007  
(602) 771-2300 • [www.azdeq.gov](http://www.azdeq.gov)



Henry R. Darwin  
Director

February 24<sup>th</sup>, 2014

Dennis Kimberlin  
Assistant State Conservationist – Programs  
USDA NRCS  
230 N. 1<sup>st</sup> Avenue, Suite 509  
Phoenix AZ 85003

Re: ADEQ/NRCS National Water Quality Initiative MOU and Conservation Cooperator Agreement

Dear Dr. Kimberlin,

Please find enclosed two (2) originals of the above-referenced MOU. These have both been signed by ADEQ Water Quality Division Director Michael Fulton, and require the signature of NRCS State Conservationist Keisha L. Tatum.

Please review the MOU and forward to Ms Tatum for final signature on both originals. One original will stay with NRCS for your records. Please mail the second back to me at the address below.

If you have any questions or concerns, please don't hesitate to contact me at (602) 771-4635, or by email at [ko1@azdeq.gov](mailto:ko1@azdeq.gov).

Sincerely,

A handwritten signature in black ink that reads "Krista Osterberg".

Krista Osterberg  
Grants & Outreach Unit Supervisor, Water Quality Division  
Arizona Department of Environmental Quality  
1110 W Washington St  
Phoenix AZ 85007

Southern Regional Office  
400 West Congress Street • Suite 433 • Tucson, AZ 85701  
(520) 628-6733

*Printed on recycled paper*

MEMORANDUM OF UNDERSTANDING  
BETWEEN  
U.S. DEPARTMENT OF AGRICULTURE – NATURAL RESOURCE CONSERVATION SERVICE  
AND  
ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

**PARTIES**

The Memorandum of Understanding (MOU) is hereby entered into by and between the USDA-Natural Resources Conservation Service (USDA-NRCS) and the Arizona Department of Environmental Quality (ADEQ).

**RELATIVE TO:**

The effectiveness of cumulative conservation and restoration actions in achieving natural resource outcomes through collaborative monitoring, evaluation, and reporting.

**AUTHORITY:**

- USDA-NRCS Conservation Technical Assistance Program (CTA), 16 U.S.C. 590a-590f, 590q, 7 CFR Part 610 (CFDA 10.902)
- Arizona Revised Statute Section 49-203(B)(5)

**PURPOSE:**

USDA-NRCS and ADEQ have the following missions that provide a basis for this partnership. The missions for each agency are:

- USDA-NRCS' mission is to help people conserve, maintain, and improve our natural resources and environment.
- ADEQ's mission is to protect and enhance public health and the environment in Arizona.
  - Further, the mission of ADEQ's Nonpoint Source program is to achieve and maintain water quality standards through the reduction of nonpoint source pollutant contributions to Arizona's surface and groundwater.

As part of these missions, USDA-NRCS and ADEQ have a need for monitoring and evaluating the effectiveness of conservation and restoration activities from their collective technical and financial assistance programs. This type of cumulative effectiveness monitoring can play a key role in demonstrating the accountability, success, and value of restoration investments by our agencies. This information will also allow the agencies to be more strategic with implementation of programs and resources.

However, each agency alone does not have the resources to effectively achieve the goal of monitoring, evaluating and reporting their cumulative conservation effectiveness. It is therefore necessary to work together to further each agency's missions through partnership and coordination of resources. This partnership will facilitate sharing information, data, and data analysis of natural resource actions and monitoring data in Arizona.

Therefore, the USDA-NRCS and ADEQ deem it mutually advantageous to cooperate in this undertaking.

**IT IS MUTUALLY AGREED AND UNDERSTOOD BY ALL PARTIES THAT:**

1. USDA-NRCS and ADEQ will work together to share information and technical expertise to monitor, evaluate and report the effectiveness of cumulative conservation and restoration actions in achieving natural resource outcomes.
2. Nothing herein shall be construed as obligating the parties to expend or as involving the parties in any contract or other obligation for future payment of money in excess of funds authorized by law and administratively made available.
3. The parties will develop appropriate agreements under this MOU to further define this partnership by identifying specific geographic areas within Arizona to focus our collaborative monitoring and evaluation efforts.
4. Privacy of personal information relating to USDA-NRCS Programs will be in accordance with Section 1619 of Title II of the Food, Conservation, and Energy Act of 2008, PL 110-246; 122 Stat. 1751. The "Acknowledgement of Section 1619 Compliance" document will be signed by ADEQ and attached to this MOU. Any staff using NRCS data must be made aware of the protection of private personal information.
5. This collaboration and the information shared will not be used for enforcement actions by ADEQ or actions by ADEQ or NRCS unrelated to the intent of the effort to monitor, evaluate and report the effectiveness of cumulative conservation and restoration actions in achieving natural resource outcomes in the areas of the state mutually identified by the partnership.
6. This agreement takes effect upon the signature of USDA-NRCS and ADEQ and shall remain in effect until June 30, 2019. This memorandum can be modified or terminated at any time by mutual consent of the parties, thereto or can be terminated in whole, or in part by either party alone by giving 30 days' notice in writing to the other.

**PRINCIPAL CONTACTS FOR EACH AGENCY:**

<p><u>ADEQ</u>          Krista Osterberg          Grants &amp; Outreach Unit Supervisor          Arizona Department of Environmental Quality          1110 W Washington St.          Phoenix, AZ 85202          (602) 771-4635  <a href="mailto:ko1@azdeq.gov">ko1@azdeq.gov</a></p>	<p><u>USDA-NRCS</u>          Dennis Kimberlin          Assistant State Conservationist - Programs          USDA NRCS          230 N. 1st Avenue, Suite 509          Phoenix, AZ 85003          (602) 280-8800  <a href="mailto:Dennis.Kimberlin@az.usda.gov">Dennis.Kimberlin@az.usda.gov</a></p>
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**APPROVED BY:**

<p>Name: Michael A. Fulton           Signature:   <hr/>          Title: Water Quality Division Director          Arizona Department of Environmental Quality           Date: <u>2/18/14</u></p>	<p>Name: Keisha L. Tatum           Signature:   <hr/>          Title: State Conservationist          Natural Resource Conservation Service           Date: <u>02/27/2014</u></p>
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**ATTACHMENTS:**

- A. ADEQ Acknowledgement of Section 1619 Compliance

NATURAL RESOURCES CONSERVATION SERVICE (NRCS)  
UNITED STATES DEPARTMENT OF AGRICULTURE (USDA)

ACKNOWLEDGMENT OF SECTION 1619 COMPLIANCE

## Purpose and Background

The purpose of this Acknowledgment of Section 1619 compliance (hereinafter “Acknowledgment”) is to require acknowledgment by [the Arizona Department of Environmental Quality \(ADEQ\)](#) of the requirements of Section 1619 of the Food, Conservation, and Energy Act of 2008 (the 2008 Farm Bill), which prohibits disclosure of certain information by the Department of Agriculture (USDA) and its cooperators. [ADEQ](#) assists NRCS in the delivery of conservation-related services (for example, services that sustain agricultural productivity, improve environmental quality, reduce soil erosion, enhance water supplies, improve water quality, increase wildlife habitat, and reduce damages caused by floods and other natural disasters) or with monitoring, assessing, or evaluating of conservation benefits from USDA conservation programs under a [Memorandum of Understanding \(MOU\)](#). Those individuals or organizations (governmental or nongovernmental) that assist NRCS with providing conservation-related services are known as NRCS Conservation Cooperators.

## NRCS Conservation Cooperator

As an NRCS Conservation Cooperator, [ADEQ](#) is authorized access to otherwise-protected agricultural information. Such protected information must be strictly limited to only that information necessary for [ADEQ](#) to [perform monitoring, assessing, or evaluating of conservation benefits](#). Disclosure to [ADEQ](#) can include receiving the protected information either 1) directly from NRCS; 2) directly from the producer or owner as part of the process required to enable a producer or owner to participate in a USDA program; or 3) in another manner with the producer’s permission.

## Section 1619 of the 2008 Farm Bill

Section 1619 of the Food, Conservation, and Energy Act of 2008 (Exhibit 1) (hereinafter “section 1619” provides that USDA, or any “contractor or cooperator” of USDA, “shall not disclose—(A) information provided by an agricultural producer or owner of agricultural land concerning the agricultural operation, farming or conservation practices, or the land itself, in order to participate in the programs of the Department; or (B) geospatial information otherwise maintained by the Secretary about agricultural land or operations for which information described in subparagraph (A) is provided.” USDA may disclose protected information to a USDA cooperator when such cooperator is “providing technical or financial assistance with respect to the agricultural operation, agricultural land, or farming or conservation practices” if USDA determines that the protected information will not be subsequently disclosed, except in accordance with the exceptions contained in Section 1619. [ADEQ](#) is a “contractor or cooperator” of USDA within the meaning of Section 1619. Accordingly, [ADEQ](#) may not subsequently disclose any information protected by section 1619. By signature on this Acknowledgment, [ADEQ](#) is certifying future compliance with the statutory obligations under

Section 1619. Upon execution of this Acknowledgment, NRCS may continue to provide to [ADEQ](#) the protected information provided under the [MOU](#).

## Responsibilities

[ADEQ](#) (hereinafter the “Conservation Cooperator”) certifies that:

- Signature on this Acknowledgment indicates acknowledgment and understanding that the Conservation Cooperator is legally bound by Federal statute to comply with the provisions of Section 1619 and that the Conservation Cooperator will not subsequently disclose information protected by section 1619 to any individual or organization that is not directly covered by this Acknowledgment. Any such subsequent disclosure of the protected information (except as permitted under Section 1619) will be considered a violation of Section 1619. The Conservation Cooperator will be held responsible should disclosure of the protected information occur.
- Signature on this Acknowledgment legally binds every owner, manager, supervisor, employee, contractor, agent, and representative of the Conservation Cooperator to comply with the provisions in Section 1619. The Conservation Cooperator must consult with NRCS prior to providing protected information to an entity or individual outside of the Conservation Cooperator and as necessary to implement the program to ensure that such release is permissible.
- The Conservation Cooperator will use the protected information only to perform work that is directly connected to [perform monitoring, assessing, or evaluating conservation benefits](#). Use of the protected information to perform work that is not directly connected to [performing monitoring, assessing, or evaluating conservation benefits](#) is expressly prohibited.
- The Conservation Cooperator must internally restrict access to the protected information to only those individuals who have a demonstrated need to know the protected information in order to [perform monitoring, assessing, or evaluation of conservation benefits](#).
- The provisions in Section 1619 are continuing obligations. Even when the Conservation Cooperator is no longer an NRCS Conservation Cooperator, or when individuals currently affiliated with the Conservation Cooperator become no longer so affiliated, every person having been provided access to the protected information will continue to be legally bound to comply with the provisions of this Acknowledgment.
- The Conservation Cooperator must notify all managers, supervisors, employees, contractors, agents, and representatives about this Acknowledgment and the requirements of Section 1619. For the duration of this Acknowledgment, notifications about the existence of this Acknowledgment must be made to those individuals who are new to the organization and periodic notifications must be sent throughout the

organization (as well as to all contractors and agents) to remind all about the ongoing and continuing requirements.

- When the Conservation Cooperator is unsure whether particular information is covered or protected by Section 1619, the Conservation Cooperator must consult with NRCS to determine whether the information must be withheld.
- This Acknowledgment is nontransferable and may not be bought, sold, traded, assigned, extended to, or given free of charge to any other individual or organization not directly covered by this Acknowledgment.
- Use of the protected information for any purpose is expressly prohibited when an individual or organization is no longer an NRCS Conservation Cooperator. When the Conservation Cooperator is no longer an NRCS Conservation Cooperator, any protected information provided under this Acknowledgment must be immediately destroyed or returned to NRCS. The Conservation Cooperator must provide to NRCS written certification that the protected information (paper copy, electronic copy, or both) has been properly destroyed, removed from any electronic storage media, or both.
- The State's "sunshine law," "open records act" or other version of the Freedom of Information Act is superseded by section 1619 under the Supremacy Clause of the U.S. Constitution. Accordingly, information protected from disclosure by section 1619 must not be released under such State laws.

## Protected Information

An example of the type of information prohibited by disclosure under Section 1619 includes, but is not limited to, the following:

- State identification and county number (where reported and where located).
- Producer or landowner name, business full address, phone number, Social Security Number, and similar personal identifying information.
- Farm, tract, field, and contract numbers.
- Production shares and share of acres for each Farm Serial Number (FSN) field.
- Acreage information, including crop codes.
- All attributes for Common Land Units (CLUs) in USDA's Geospatial Information System
- Any photographic, map, or geospatial data that, when combined with other maps, can be used to identify a landowner.
- Location of conservation practices.

Section 1619 allows disclosure of "payment information (including payment information and the names and addresses of recipients of payments) under any Department program *that is otherwise authorized by law*" (emphasis added). The names and payment information of producers generally may be provided to the public; however the Conservation Cooperator shall consult with NRCS if there is any uncertainty as to the provision of such information.

Section 1619 also allows disclosure of otherwise protected information if “the information has been transformed into a statistical or aggregate form without naming any—(i) individual owner, operator, or producer; or (ii) specific data gathering cite.” The Conservation Cooperator must consult with NRCS as to whether specific information falls within this exception prior to relying on this exception.


#### Violations

The Conservation Cooperator will be held responsible for violations of this Acknowledgment and Section 1619. A violation of this Acknowledgment by the Conservation Cooperator may result in action by NRCS, including termination of the underlying *MOU*.

#### Effective Period

This Acknowledgment will be in effect on the date of the final signature and continues until NRCS notifies the Conservation Cooperator that the Acknowledgment is no longer required based on changes in applicable Federal law.

#### Signature of the NRCS Conservation Cooperator and the Date Signed



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Michael A. Fulton, Director  
Water Quality Division  
Arizona Department of Environmental Quality

Executed this 18<sup>th</sup> day of February, 2014

**SEC. 1619. INFORMATION GATHERING.**

(a) **GEOSPATIAL SYSTEMS**—The Secretary shall ensure that all the geospatial data of the agencies of the Department of Agriculture are portable and standardized.

(b) **LIMITATION ON DISCLOSURES**—

(1) **DEFINITION OF AGRICULTURAL OPERATION**—In this subsection, the term “agricultural operation” includes the production and marketing of agricultural commodities and livestock.

(2) **PROHIBITION**—Except as provided in paragraphs (3) and (4), the Secretary, any officer or employee of the Department of Agriculture, or any contractor or cooperator of the Department, shall not disclose—

(A) Information provided by an agricultural producer or owner of agricultural land concerning the agricultural operation, farming or conservation practices, or the land itself, in order to participate in programs of the Department; or

(B) Geospatial information otherwise maintained by the Secretary about agricultural land or operations for which information described in subparagraph (A) is provided.

(3) **AUTHORIZED DISCLOSURES**—

(A) **LIMITED RELEASE OF INFORMATION**—If the Secretary determines that the information described in paragraph (2) will not be subsequently disclosed except in accordance with paragraph (4), the Secretary may release or disclose the information to a person or Federal, State, local, or tribal agency working in cooperation with the Secretary in any Department program—

(i) When providing technical or financial assistance with respect to the agricultural operation, agricultural land, or farming or conservation practices; or

(ii) When responding to a disease or pest threat to agricultural operations, if the Secretary determines that a threat to agricultural operations exists and the disclosure of information to a person or cooperating government entity is necessary to assist the Secretary in responding to the disease or pest threat as authorized by law.

(4) **EXCEPTIONS**—Nothing in this subsection affects—

(A) The disclosure of payment information (including payment information and the names and addresses of recipients of payments) under any Department program that is otherwise authorized by law;

(B) The disclosure of information described in paragraph (2) if the information has been transformed into a statistical or aggregate form without naming any—

(i) Individual owner, operator, or producer; or

(ii) Specific data gathering site; or

(C) The disclosure of information described in paragraph (2) pursuant to the consent of the agricultural producer or owner of agricultural land.

(5) **CONDITION OF OTHER PROGRAMS**—The participation of the agricultural producer or owner of agricultural land in, or receipt of any benefit under, any program administered by the Secretary may not be conditioned on the consent of the agricultural producer or owner of agricultural land under paragraph 4(c).

(6) **WAIVER OF PRIVILEGE OR PROTECTION**—The disclosure of information under paragraph (2) shall not constitute a waiver of any applicable privilege or protection under Federal law, including trade secret protection.



MEMORANDUM OF UNDERSTANDING  
BETWEEN  
U.S. DEPARTMENT OF AGRICULTURE – NATURAL RESOURCE CONSERVATION SERVICE  
AND  
ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

**PARTIES**

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**RELATIVE TO:**

The effectiveness of cumulative conservation and restoration actions in achieving natural resource outcomes through collaborative monitoring, evaluation, and reporting.

**AUTHORITY:**

- USDA-NRCS Conservation Technical Assistance Program (CTA), 16 U.S.C. 590a-590f, 590q, 7 CFR Part 610 (CFDA 10.902)
- **Arizona Revised Statute Section 49-203(B)(5)**

**PURPOSE:**

USDA-NRCS and ADEQ have the following missions that provide a basis for this partnership. The missions for each agency are:

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5. This collaboration and the information shared will not be used for enforcement actions by ADEQ or actions by ADEQ or NRCS unrelated to the intent of the effort to monitor, evaluate and report the effectiveness of cumulative conservation and restoration actions in achieving natural resource outcomes in the areas of the state mutually identified by the partnership.
6. This agreement takes effect upon the signature of USDA-NRCS and ADEQ and shall remain in effect until June 30, 2019. This memorandum can be modified or terminated at any time by mutual consent of the parties, thereto or can be terminated in whole, or in part by either party alone by giving 30 days' notice in writing to the other.

**PRINCIPAL CONTACTS FOR EACH AGENCY:**

<p><u>ADEQ</u>          Krista Osterberg          Grants &amp; Outreach Unit Supervisor          Arizona Department of Environmental Quality          1110 W Washington St.          Phoenix, AZ 85202          (602) 771-4635  <a href="mailto:ko1@azdeq.gov">ko1@azdeq.gov</a></p>	<p><u>USDA-NRCS</u>          Dennis Kimberlin          Assistant State Conservationist - Programs          USDA NRCS          230 N. 1st Avenue, Suite 509          Phoenix, AZ 85003          (602) 280-8800  <a href="mailto:Dennis.Kimberlin@az.usda.gov">Dennis.Kimberlin@az.usda.gov</a></p>
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**APPROVED BY:**

<p>Name: Michael A. Fulton</p> <p>Signature: </p> <hr/> <p>Title: Water Quality Division Director          Arizona Department of Environmental Quality</p> <p>Date: <u>2/18/14</u></p>	<p>Name: Keisha L. Tatum</p> <p>Signature: </p> <hr/> <p>Title: State Conservationist          Natural Resource Conservation Service</p> <p>Date: <u>02/27/2014</u></p>
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**ATTACHMENTS:**

- A. ADEQ Acknowledgement of Section 1619 Compliance

NATURAL RESOURCES CONSERVATION SERVICE (NRCS)  
UNITED STATES DEPARTMENT OF AGRICULTURE (USDA)

ACKNOWLEDGMENT OF SECTION 1619 COMPLIANCE

## Purpose and Background

The purpose of this Acknowledgment of Section 1619 compliance (hereinafter “Acknowledgment”) is to require acknowledgment by [the Arizona Department of Environmental Quality \(ADEQ\)](#) of the requirements of Section 1619 of the Food, Conservation, and Energy Act of 2008 (the 2008 Farm Bill), which prohibits disclosure of certain information by the Department of Agriculture (USDA) and its cooperators. [ADEQ](#) assists NRCS in the delivery of conservation-related services (for example, services that sustain agricultural productivity, improve environmental quality, reduce soil erosion, enhance water supplies, improve water quality, increase wildlife habitat, and reduce damages caused by floods and other natural disasters) or with monitoring, assessing, or evaluating of conservation benefits from USDA conservation programs under a [Memorandum of Understanding \(MOU\)](#). Those individuals or organizations (governmental or nongovernmental) that assist NRCS with providing conservation-related services are known as NRCS Conservation Cooperators.

## NRCS Conservation Cooperator

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## Section 1619 of the 2008 Farm Bill

Section 1619 of the Food, Conservation, and Energy Act of 2008 (Exhibit 1) (hereinafter “section 1619” provides that USDA, or any “contractor or cooperator” of USDA, “shall not disclose—(A) information provided by an agricultural producer or owner of agricultural land concerning the agricultural operation, farming or conservation practices, or the land itself, in order to participate in the programs of the Department; or (B) geospatial information otherwise maintained by the Secretary about agricultural land or operations for which information described in subparagraph (A) is provided.” USDA may disclose protected information to a USDA cooperator when such cooperator is “providing technical or financial assistance with respect to the agricultural operation, agricultural land, or farming or conservation practices” if USDA determines that the protected information will not be subsequently disclosed, except in accordance with the exceptions contained in Section 1619. [ADEQ](#) is a “contractor or cooperator” of USDA within the meaning of Section 1619. Accordingly, [ADEQ](#) may not subsequently disclose any information protected by section 1619. By signature on this Acknowledgment, [ADEQ](#) is certifying future compliance with the statutory obligations under

Section 1619. Upon execution of this Acknowledgment, NRCS may continue to provide to [ADEQ](#) the protected information provided under the [MOU](#).

## Responsibilities

[ADEQ](#) (hereinafter the “Conservation Cooperator”) certifies that:

- Signature on this Acknowledgment indicates acknowledgment and understanding that the Conservation Cooperator is legally bound by Federal statute to comply with the provisions of Section 1619 and that the Conservation Cooperator will not subsequently disclose information protected by section 1619 to any individual or organization that is not directly covered by this Acknowledgment. Any such subsequent disclosure of the protected information (except as permitted under Section 1619) will be considered a violation of Section 1619. The Conservation Cooperator will be held responsible should disclosure of the protected information occur.
- Signature on this Acknowledgment legally binds every owner, manager, supervisor, employee, contractor, agent, and representative of the Conservation Cooperator to comply with the provisions in Section 1619. The Conservation Cooperator must consult with NRCS prior to providing protected information to an entity or individual outside of the Conservation Cooperator and as necessary to implement the program to ensure that such release is permissible.
- The Conservation Cooperator will use the protected information only to perform work that is directly connected to [perform monitoring, assessing, or evaluating conservation benefits](#). Use of the protected information to perform work that is not directly connected to [performing monitoring, assessing, or evaluating conservation benefits](#) is expressly prohibited.
- The Conservation Cooperator must internally restrict access to the protected information to only those individuals who have a demonstrated need to know the protected information in order to [perform monitoring, assessing, or evaluation of conservation benefits](#).
- The provisions in Section 1619 are continuing obligations. Even when the Conservation Cooperator is no longer an NRCS Conservation Cooperator, or when individuals currently affiliated with the Conservation Cooperator become no longer so affiliated, every person having been provided access to the protected information will continue to be legally bound to comply with the provisions of this Acknowledgment.
- The Conservation Cooperator must notify all managers, supervisors, employees, contractors, agents, and representatives about this Acknowledgment and the requirements of Section 1619. For the duration of this Acknowledgment, notifications about the existence of this Acknowledgment must be made to those individuals who are new to the organization and periodic notifications must be sent throughout the

organization (as well as to all contractors and agents) to remind all about the ongoing and continuing requirements.

- When the Conservation Cooperator is unsure whether particular information is covered or protected by Section 1619, the Conservation Cooperator must consult with NRCS to determine whether the information must be withheld.
- This Acknowledgment is nontransferable and may not be bought, sold, traded, assigned, extended to, or given free of charge to any other individual or organization not directly covered by this Acknowledgment.
- Use of the protected information for any purpose is expressly prohibited when an individual or organization is no longer an NRCS Conservation Cooperator. When the Conservation Cooperator is no longer an NRCS Conservation Cooperator, any protected information provided under this Acknowledgment must be immediately destroyed or returned to NRCS. The Conservation Cooperator must provide to NRCS written certification that the protected information (paper copy, electronic copy, or both) has been properly destroyed, removed from any electronic storage media, or both.
- The State's "sunshine law," "open records act" or other version of the Freedom of Information Act is superseded by section 1619 under the Supremacy Clause of the U.S. Constitution. Accordingly, information protected from disclosure by section 1619 must not be released under such State laws.

### Protected Information

An example of the type of information prohibited by disclosure under Section 1619 includes, but is not limited to, the following:

- State identification and county number (where reported and where located).
- Producer or landowner name, business full address, phone number, Social Security Number, and similar personal identifying information.
- Farm, tract, field, and contract numbers.
- Production shares and share of acres for each Farm Serial Number (FSN) field.
- Acreage information, including crop codes.
- All attributes for Common Land Units (CLUs) in USDA's Geospatial Information System
- Any photographic, map, or geospatial data that, when combined with other maps, can be used to identify a landowner.
- Location of conservation practices.

Section 1619 allows disclosure of "payment information (including payment information and the names and addresses of recipients of payments) under any Department program *that is otherwise authorized by law*" (emphasis added). The names and payment information of producers generally may be provided to the public; however the Conservation Cooperator shall consult with NRCS if there is any uncertainty as to the provision of such information.

Section 1619 also allows disclosure of otherwise protected information if “the information has been transformed into a statistical or aggregate form without naming any—(i) individual owner, operator, or producer; or (ii) specific data gathering cite.” The Conservation Cooperator must consult with NRCS as to whether specific information falls within this exception prior to relying on this exception.

#### Violations

The Conservation Cooperator will be held responsible for violations of this Acknowledgment and Section 1619. A violation of this Acknowledgment by the Conservation Cooperator may result in action by NRCS, including termination of the underlying *MOU*.

#### Effective Period

This Acknowledgment will be in effect on the date of the final signature and continues until NRCS notifies the Conservation Cooperator that the Acknowledgment is no longer required based on changes in applicable Federal law.

#### Signature of the NRCS Conservation Cooperator and the Date Signed



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Michael A. Fulton, Director  
Water Quality Division  
Arizona Department of Environmental Quality

Executed this 18<sup>th</sup> day of February, 2014

**SEC. 1619. INFORMATION GATHERING.**

(a) **GEOSPATIAL SYSTEMS**—The Secretary shall ensure that all the geospatial data of the agencies of the Department of Agriculture are portable and standardized.

(b) **LIMITATION ON DISCLOSURES**—

(1) **DEFINITION OF AGRICULTURAL OPERATION**—In this subsection, the term “agricultural operation” includes the production and marketing of agricultural commodities and livestock.

(2) **PROHIBITION**—Except as provided in paragraphs (3) and (4), the Secretary, any officer or employee of the Department of Agriculture, or any contractor or cooperator of the Department, shall not disclose—

(A) Information provided by an agricultural producer or owner of agricultural land concerning the agricultural operation, farming or conservation practices, or the land itself, in order to participate in programs of the Department; or

(B) Geospatial information otherwise maintained by the Secretary about agricultural land or operations for which information described in subparagraph (A) is provided.

(3) **AUTHORIZED DISCLOSURES**—

(A) **LIMITED RELEASE OF INFORMATION**—If the Secretary determines that the information described in paragraph (2) will not be subsequently disclosed except in accordance with paragraph (4), the Secretary may release or disclose the information to a person or Federal, State, local, or tribal agency working in cooperation with the Secretary in any Department program—

(i) When providing technical or financial assistance with respect to the agricultural operation, agricultural land, or farming or conservation practices; or

(ii) When responding to a disease or pest threat to agricultural operations, if the Secretary determines that a threat to agricultural operations exists and the disclosure of information to a person or cooperating government entity is necessary to assist the Secretary in responding to the disease or pest threat as authorized by law.

(4) **EXCEPTIONS**—Nothing in this subsection affects—

(A) The disclosure of payment information (including payment information and the names and addresses of recipients of payments) under any Department program that is otherwise authorized by law;

(B) The disclosure of information described in paragraph (2) if the information has been transformed into a statistical or aggregate form without naming any—

(i) Individual owner, operator, or producer; or

(ii) Specific data gathering site; or

(C) The disclosure of information described in paragraph (2) pursuant to the consent of the agricultural producer or owner of agricultural land.

(5) **CONDITION OF OTHER PROGRAMS**—The participation of the agricultural producer or owner of agricultural land in, or receipt of any benefit under, any program administered by the Secretary may not be conditioned on the consent of the agricultural producer or owner of agricultural land under paragraph 4(c).

(6) **WAIVER OF PRIVILEGE OR PROTECTION**—The disclosure of information under paragraph (2) shall not constitute a waiver of any applicable privilege or protection under Federal law, including trade secret protection.