

National Water Quality Initiative (NWQI)

Joint NRCs-EPA Webinar

September 11, 2013

- Overview of NWQI – Tom Christensen
- Agency Roles in NWQI– Lynda Hall, Tom Christensen
- NWQI in-stream monitoring – Lynda Hall
- NRCS Edge-of-Field (EoF) monitoring – Dr. Wayne Honeycutt
- Example of joint water quality monitoring efforts – Kip Potter
- Data Sharing and Confidentiality – Keith Admire
- Example Data Sharing Agreements – Gene Foster, Mike Merrill
- Feedback and questions



National Water Quality Initiative (NWQI) - Overview



Joint NRCS-EPA webinar
September 11, 2013



Tom Christensen
USDA Natural Resources Conservation Service

Purpose:

To inform stakeholders about the NWQI, agency roles, why monitoring is important, and ways in which information can be shared in order to develop successful monitoring programs.

Private Lands and Conservation

- 70 percent of the land in the lower 48 states is owned by private landowners.
- 88 percent of all surface water falls on private land before reaching lakes, streams, and groundwater aquifers.
- The quality of our environment depends on the millions of individual decisions private landowners make every day.
- Since 2009, USDA has worked with more than 500,000 private landowners to implement conservation practices.



Focus of Conservation Planning = Conservation Systems

At its core, the focus of conservation planning is on increasing voluntary adoption of:

- Right conservation systems
- Right position on landscape
- Right amount
- Right timing and sequencing of practice/system implementation (progressive implementation)

“Practices to reduce nitrogen and phosphorus are very different due to different transport pathways.”

—Dr. Jane Frankenberger, Purdue University

Systems Approach to Nutrients: Avoiding, Controlling, Trapping (ACT)



Avoiding

- Nutrient management
 - Rate, Timing, Form, Method



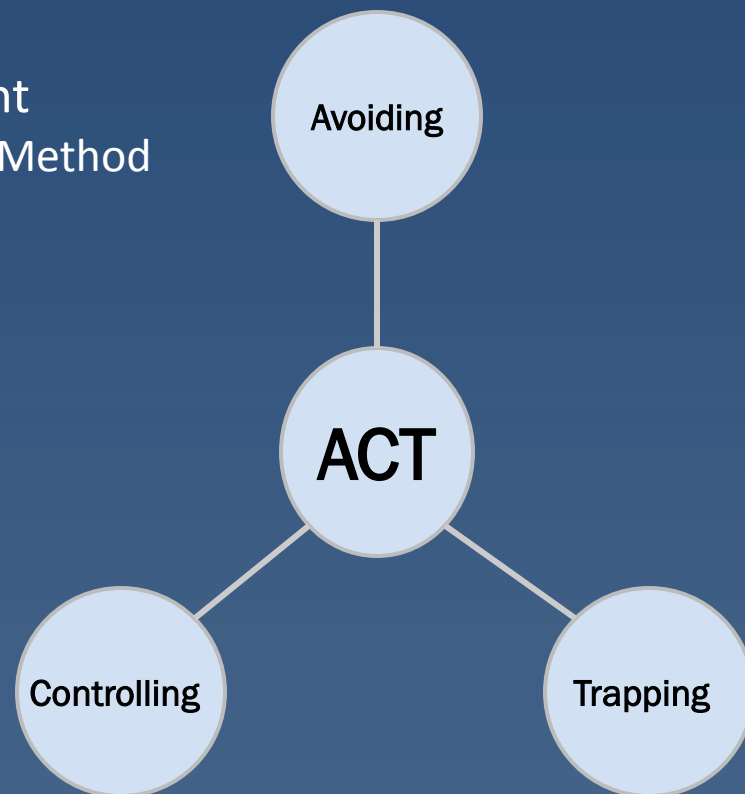
Controlling

- Residue and tillage management
- Drainage water management



Trapping

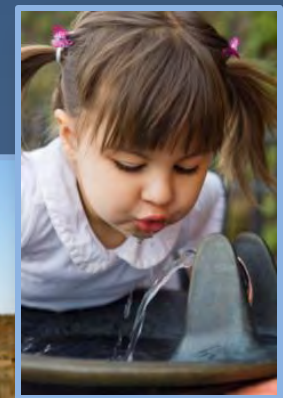
- Buffers
- Wetlands designed for nutrient removal



Landscape Conservation Initiatives

Initiatives have national or regional significance and focus on critical resource concerns at the landscape level.

- Build on existing locally-led efforts
- Partnership driven
- Dedicated funding to accelerate implementation
- Science-based
- Focused on performance and environmental outcomes



National Water Quality Initiative (NWQI)

- ◎ Launched in FY 2012, the National Water Quality Initiative (NWQI) targets small (12- digit) watersheds in all 50 states and Puerto Rico to improve water quality, particularly in water bodies that are on the 303d list or are in threatened status.

- ◎ **Goal:** Remove streams and other water bodies
 - from 303d list, or
 - from threatened status, or
 - from contributing to impairments, or
 - to adequately address a TMDL plan.

National Water Quality Initiative

- ◎ NWQI addresses agricultural sources of pollution that NRCS can effectively address through voluntary action of producers:
 - Nutrients
 - Sediment
 - Pathogens (new for FY 2013)

- ◎ A critical facet of NWQI is local collaboration around water quality concerns
 - Eligible watersheds are identified with assistance from state agencies, key partners, and USDA's Natural Resources Conservation Service (NRCS) State Technical Committees.

NWQI: Path to Outcomes

- ◎ Water Quality Index for Agricultural Fields (WQIag)
 - One pilot watershed per state

- ◎ APEX at 12-digit HUC level

- ◎ Water quality monitoring
 - Edge of field
 - In-stream
 - Pour point



WQIAG: Water Quality Index for Runoff Water From Agricultural Fields



INTRODUCTION

THE WATER QUALITY index (WQI) is a simple, convenient way to express quality of water in easy-to-understand value. Miller (1986) describes it as a dimensionless number that combines multiple water quality factors into a single number by normalizing values using subjective rating curves. Traditionally, it has been used for evaluating the quality of water for water resources such as rivers, streams and lakes, etc. Factors included in a WQI vary depending upon the designated water uses of the waterbody and local preferences. Some of the factors include dissolved oxygen (DO), pH, biological oxygen demand (BOD), chemical oxygen demand (COD), total coliform bacteria, temperature, nutrients (nitrogen and phosphorus), etc. These parameters are measured in different ranges and expressed in different units. The WQI takes the complex scientific information of these variables and synthesizes them into a single number. Several authors have worked on this concept and presented examples with case scenarios in the literature (Bolton et al. 1978, Bhargava 1983, House 1989, Mitchell and Stapp 1996, Pesce and Winderlin 2000, Cude 2001, Liou et al. 2004, Said et al. 2004, Nasiri et al.

2007, NSF 2007). A past article in *Water Efficiency* ("Introduction to Water Quality Index," September/October 2011, www.waterefficiency.net/WE/Articles/15374.aspx) reviewed the work of these authors and discussed different WQI models using a simple example dataset. The paper also recognized the need for a WQI model that can be used for qualifying the quality of surface water runoff from agricultural fields.

The US Department of Agriculture Natural Resources Conservation Service (USDA/NRCS) provides technical assistance and financial assistance cost shares that encourage agricultural producers to be good stewards of United States' soil, water, and related natural resources on private and tribal lands. One of the key goals of implementing conservation practices is to safeguard and improve water quality of the watershed. The USDA/NRCS is always looking for approaches and techniques to evaluate the effects of its programs on the environment. For example, the CEAP Program (USDA/NRCS 2011) is one such program that uses the APEX model for this purpose. The WQI may serve as a simple tool in the effort to evaluate the effects of the conservation practices on improving and/or sustaining the quality of water in the watershed. However, the structure and components of conventional WQI models discussed by the

FACTORS	DESCRIPTION	WQI RANKING FACTOR	WEIGHTING	WEIGHT
Field Physical Sensitivity Factors				
Slope (%)	Get Slope Interaction (Select one)	0.00	0.00	0.00
HS group	(Select one)	0.00	0.00	0.00
K-factor	(Select one)	0.00	0.00	0.00
OM content	(Select one)	0.00	0.00	0.00
Rainfall/Veg	Get Rain / Vegetation Interaction	0.00	0.00	0.00
Nutrient Management Factors				
Application rate	(Select one)	0.00	0.00	0.00
N-source and timing	(Select one)	0.00	0.00	0.00
P-source and timing	(Select one)	0.00	0.00	0.00
Soil condition / application	(Select one)	0.00	0.00	0.00
Tillage Management Factors				
Description / STIR	(Select one)	0.00	0.00	0.00
Pest Management Factors				
Description	(Select one)	0.00	0.00	0.00
Irrigation Management Factors				
Description	No irrigation (0%)			
Runoff Water Quality Index (WQIag)				0.00
Conservation Practices				
Get Conservation Practice(s)				# Selected 0
Runoff Water Quality Index (WQIag) with additional Conservation Practices				0.00
Field name:		Acres:		
Project file:	(none)	Open		

CEAP Agricultural Policy/Environmental Extender (APEX)

- Modeling is needed to augment multi-tiered monitoring.
- Simulates nutrient, pesticide, and sediment losses under conditions of agricultural practices based on farmer surveys at selected National Resource Inventory (NRI) sample points.
- NRCS is developing a method to use APEX to characterize 12-digit watersheds and is meant to complement monitoring activities.
 - Boone and Raccoon Watersheds (Iowa)
 - Maumee Watershed (Indiana, Michigan, and Ohio)

C CROPPING HISTORY & CONSERVATION PRACTICES—SELECTED FIELD C

1. Now I'd like to ask you about the field where the point is located and obtain the cropping and land use history for the past 3 years. (Please include all crops planted for cover crop, double crop, multiple crop, replanting of same crop and if strip cropped, all crops in the strip crop scheme. (Use a separate column for each use of the field in each year.)

Let's begin with the 2012 crop year. What was/were the:		1	2	3
		2012	2012	2012
Crop(s) planted or Land Use _____?	Crop			
1. Crop(s) code or Land Use Code. [See Respondent Booklet for codes.]	Code	1005	1037	1066
2. Intended use of Crop(s)? [See Respondent Booklet for codes.]	Code	1006	1038	1070
3. Acres planted? (Include previous planted crops.)	Acres	1007	1039	1071
4. Date planted? (mm/dd/yy)	Date	1005	1040	1072
5. Row Width (for row crops)?	Inches	1011	1043	1075
6. Expected yield/acre at planting (yield goal)?	Number	1012	1044	1076
a. Unit: [See Respondent Booklet for codes.]	Code	1013	1045	1077
7. Type of tillage used? 1 = no till, strip till (direct seed) 2 = ridge till (Select from list) 3 = mulch till 4 = conventional till	Code	1014	1046	1078
8. Acres harvested?	Acres	1015	1047	1079
a. Date harvested? (mm/dd/yy)	Date	1016	1048	1080
9. Actual yield at harvest/acre?	Number	1017	1049	1081
a. Unit: [See Respondent Booklet for codes.]	Code	1018	1050	1082
10. Acres abandoned?	Acres	1019	1051	1083
11. Was this crop irrigated?	Yes=1 No=3	1020	1052	1084
12. Was straw or stubble harvested? If Yes, enter 1 and continue. If No, enter 3 then go to question 13.	Yes=1 No=3	1021	1053	1085
a. How many acres were harvested for straw or stubble?	Acres	1022	1054	1086
b. What was the remaining stubble height after harvest?	Inches			

Edge-of-Field Monitoring

- ⦿ EoF Monitoring are activities that may be used in NWQI watersheds, and in other Landscape Initiative areas
- ⦿ Edge-of-Field Monitoring will be addressed in more detail later in this presentation



2012 Progress Through NWQI

- ◎ More than **760 agreements** with landowners in **154 small (12-digit HUC) watersheds** (1,082 applications received)
 - 128 have water quality monitoring stations
 - 82 have 319 projects
 - 68 are within Landscape Conservation Initiatives (e.g., MRBI and GoMI)
- ◎ Approximately **161,000 acres** of targeted conservation under contract or agreement in FY 2012
- ◎ More than **\$34 million** in funding obligated in FY 2012



FY 2013 NWQI Improvements

- Earlier and consistent coordination with state water quality agencies.
- Strengthen outreach to farmers/ranchers in selected watersheds.
- Selection of FY2013 watersheds—allow states the flexibility to use FY2012 watersheds and/or add new ones on a limited basis.
- Encourage states to choose contiguous watersheds for any new selections.

2013 NWQI

- ◎ In 2013, NWQI expanded the number of watersheds to 165 HUCs across the nation.
- ◎ NRCS is projected to invest nearly \$33 million through approximately 800 contracts

NRCS National Water Quality Initiative FY2013 Watersheds



FY 2013 NWQI Improvements

- Additional emphasis on source water when selecting watersheds
- Establish realistic expectations for outcomes.
- Establish incremental measures of success—it may be many years before delistings.
- Need to be very strategic about where to add monitoring.

NWQI: What's next?

- ⦿ Entering year two of multi-year initiative (President's FY2013 Budget)
- ⦿ Need to be strategic about where to add monitoring
- ⦿ Focus on measuring outcomes for FY2013
 - NRCS uses many tools (CEAP-APEX, SWAT, SPARROW, WQIag, etc.)
 - Use WQIag in selected watershed for FY2012
- ⦿ Establish incremental measures of success—it may be many years before de-listing

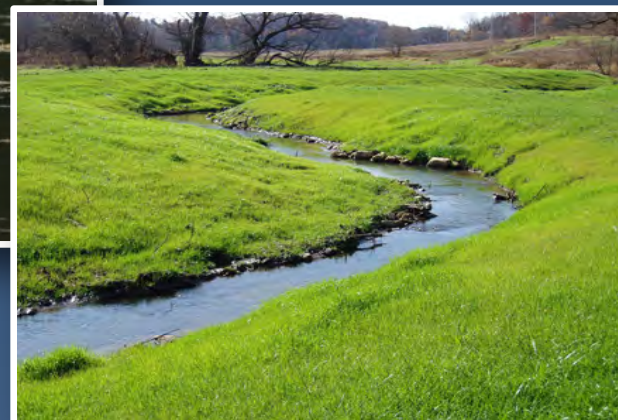
Opportunities to Improve Water Quality Efforts

- ⦿ Increased commitment to a systems approach to conservation, with soil health as the foundation
- ⦿ Improved and expanded technical assistance to foster systems approach
- ⦿ Greater focus on the economics and sustainability of conservation systems
- ⦿ Greater commitment to adaptive management and the tools/technical assistance to support it
- ⦿ Approaches to foster and sustain conservation innovation with regards to both technologies and approaches

Opportunities to Improve Water Quality Efforts (*cont.*)

- ⦿ Further refinement of targeting efforts—greater focus on high treatment need/vulnerable acres
- ⦿ Greater collaborative commitment to monitoring, modeling, and assessment of environmental outcomes on a long-term basis
- ⦿ Development and implementation of recognition and certainty “programs” by states or added incentives to support voluntary approaches
- ⦿ Continued development of environmental service economic opportunities





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Agency Roles in NWQI Overall

- **NRCS:** Manages the initiative as part of EQIP program; provides funding for conservation practices in NWQI watersheds; consults with state agencies in watershed selection
- **EPA:** Coordinates and oversees state participation in NWQI via the Section 319 program; provides guidance and support for instream monitoring
- **State 319/water quality agencies:** Recommend watersheds for selection; conduct instream monitoring in one NWQI watershed per state

Agency Roles

NWQI Monitoring & Tracking

- **NRCS:** Provide information to support instream monitoring; fund EoF monitoring in select watersheds; track progress
- **EPA:** Coordinate and support instream monitoring; track progress
- **State 319/water quality agencies:** conduct focused instream monitoring in one NWQI watershed, optional monitoring and/or track progress elsewhere
- Different levels of activity among NWQI watersheds (see table)

Activity	NRCS Role	State Role	EPA Role	Potential Partners
<p>Focused monitoring One watershed per state. Ideally watersheds have good water quality baseline data, high level of practice adoption, and watershed plans/TMDLs to track progress towards water quality goals</p>	<ul style="list-style-type: none"> • Targeted EQIP conservation systems • EoF Monitoring aligned where possible, based on participation • Support/participate in data sharing agreements where appropriate 	<ul style="list-style-type: none"> • Instream monitoring at long term stations, up/downstream sites or paired sites • Support/participate in data sharing agreements where appropriate 	<ul style="list-style-type: none"> • Overall guidance on NWQI in-stream monitoring • Technical assistance for monitoring designs based on watershed circumstances. • Support direct use of 319 funds 	<ul style="list-style-type: none"> • NRCS, States, and EPA may provide contactor or partner support in any of these tasks. • These contractors and partners may be universities, other federal and state agencies, non-profits, or private entities.
<p>Optional monitoring of additional NWQI watersheds – beyond the 1 per state.</p>	<ul style="list-style-type: none"> • Targeted EQIP conservation systems • EoF Monitoring where possible based on participation • Data-sharing agreements as appropriate 	<ul style="list-style-type: none"> •Optional leveraging of existing monitoring at other NWQI sites (e.g. rapid bioassessment, rotating basin assessments) •Data-sharing agreements as appropriate 	<ul style="list-style-type: none"> • Overall guidance on NWQI in-stream monitoring • Use National Aquatic Resource Surveys as possible to assess trends in NWQI vs. other ag. watersheds 	<ul style="list-style-type: none"> • Support/participate in data sharing agreements where appropriate. • Landowners and partners for EoF monitoring
<p>Tracking for remaining NWQI watersheds - TBD</p>	<ul style="list-style-type: none"> • WQlag index, leveraging with APEX and/or other models • Annual report on progress 	<ul style="list-style-type: none"> • Annual report on progress 	<ul style="list-style-type: none"> •Annual report on progress summarizing participation, instream monitoring activity 	

Key Milestones

Date	Description / Action	Responsible Party(ies)	Comments
August	NRCS selects edge of field monitoring projects	NRCS	This identifies NWQI watersheds with EoF monitoring (6 watersheds in FY13)
Aug 30	States select NWQI watersheds for in-stream monitoring	State 319/WQ agencies	Descriptions of problem, baseline data, proposed designs, challenges, and degree of implementation – to the extent available
Aug - Jan '14	State/NRCS monitoring partnerships get underway; complete data sharing agreements as appropriate	State 319/WQ agencies with NRCS	May include other monitoring partners
Sept 30	State applications to EPA for one-on-one assistance	State 319/WQ agencies	Contractor can provide technical, statistical expertise for instream monitoring – up to 10 states with current funds
Oct 28-30	National NPS Monitoring Workshop in Cleveland, OH	EPA, states and partners	Includes NWQI session open to all workshop attendees. Info at: https://npsmonitoring.tetrattech-ffx.com/
Spring '14	Monitoring begins in most states	States and partners	Monitoring may have begun in 2013 or earlier. Could also be pre-implementation monitoring for a few years to establish a baseline

NWQI Instream Monitoring



**Lynda Hall, Chief
Nonpoint Source Control Branch
USEPA Office of Water
Washington, D.C.**



Many different types of monitoring, with different objectives, technical issues, costs

- Identify water quality or resource problems
- Assess permit compliance
- Develop TMDLs and pollutant load allocations
- Analyze national or statewide trends
- Assess water quality impacts of management practices
- Calibrate or validate WQ models



Tuckasegee Mud Meter

Dr. Roger Clapp, Executive Director, Watershed Association of the Tuckasegee River, P.O. Box 2593, Bryson City, NC 28713. Phone: 828-488-8418; E-mail: info@watrnc.org



Posted by [Krispy](#) at 2:34 PM

NWQI Monitoring Objectives

- ***Are practices reducing nutrient, sediment, and/or pathogen pollution?***
 - Concentrations, loads, or biological measures
- ***Has water quality improved and if so can this be associated with practices?***
- Answering either question requires understanding of *what conservation practices are adopted, their extent and general location*

Section 319 Grant Guidelines

NWQI Monitoring

- States monitor in NWQI watersheds
 - Where watershed recommended (or OK'd) by state water quality/319 agency
 - Where circumstances are “aligned to assess the effects of conservation practices”
 - Refers to watershed characteristics, baseline data, and availability of information on conservation practices
 - Using state’s existing monitoring, QA/QC approaches
 - Considering extent of practices and lag time
 - Subsequently determined to be one NWQI watershed/state

Invest Monitoring Resources Strategically

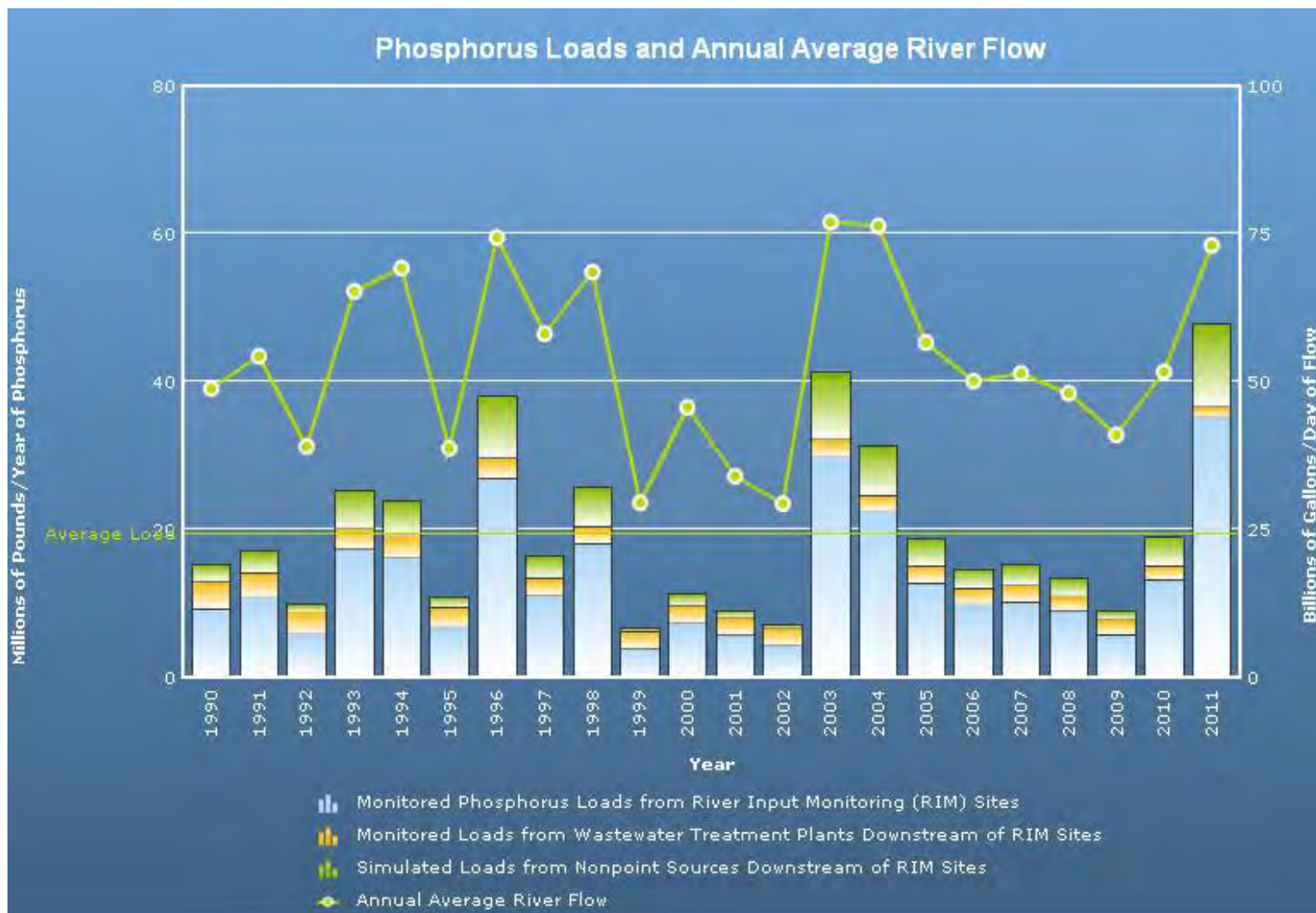
- USDA CEAP, EPA studies, state experience confirm it is **difficult to discern water quality change from NPS management practices at watershed scale**
 - **Practices/targeted pollutants/location inapplicable or insufficient** to change water quality
 - **Insufficient monitoring design** and/or insufficient **information on watershed practices**
 - **Growth, development, or new sources** in watershed
 - Precipitation-driven **variability** year-to-year
 - Even when all of the above addressed **lag time** between implementation and results is 5-10 years+
- Monitoring is costly and must be done judiciously to document results

Example of annual variation in phosphorus loads in Chesapeake Bay – tied to precipitation

Flow - billions of gallons per day – **green line**

Total P load (millions lbs/year) – **green tipped bar**

Average P load – 19 mil-lbs/yr



Monitoring Challenges Specific to Agricultural Practices



- Practices vary considerably in ability to control target pollutants
- Conservation practices applied in other than “critical areas” are less likely to impact water quality
- Must be able to identify implemented practices
 - Need type, design, location, and effective dates for land treated with conservation practices
 - In order to gauge whether water quality outcomes are a result of conservation practices or other factors
- Robust baseline data is needed to report progress
 - Numerous sources of NPS variability require good baseline data to discern signal change



Addressing Challenges in Nonpoint Source (NWQI) Monitoring

- Discerning water quality changes from conservation practices is feasible with care in **site selection, tracking, and monitoring design**
- Monitoring design must incorporate explanatory variables – weather data, stream bank assessment, **nature and extent of adopted conservation practices**, other changes in watershed
- Scale, type and location of monitoring will vary based on many factors including:
 - layout and characteristics of watershed
 - location of fixed monitoring stations
 - amount and distribution of conservation practices, including relative to other sources of pollution and management measures in watershed

NWQI Practices and Monitoring Scale/Location

Upstream /Downstream

Upper watershed is relatively homogeneous with low pollution levels.

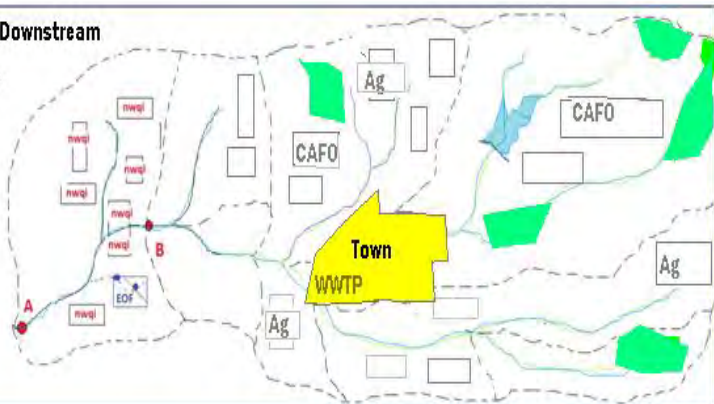


Upstream / Downstream with upstream HUC12s

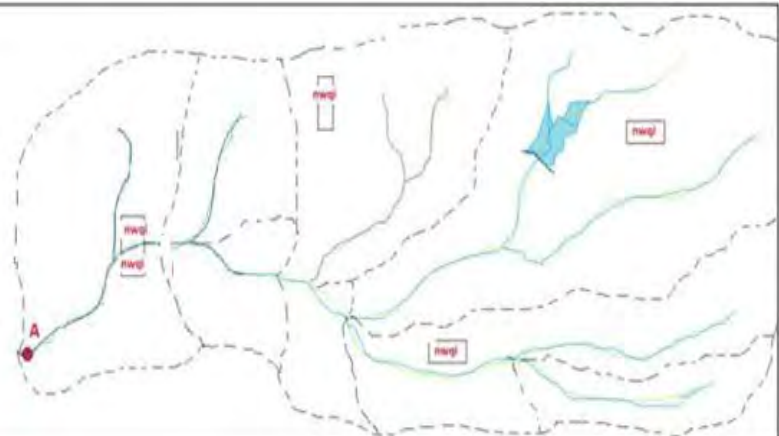


Upstream /Downstream

Highly variable land use and pollution levels



Instream trend station with scattered NWQI practices



NRCS Edge-of-Field Water Quality Monitoring

C. Wayne Honeycutt, Ph.D.
Deputy Chief
Science and Technology
USDA – NRCS
Washington, D.C.



Conservation Practices



Purposes of Edge-of-Field Monitoring

- Evaluate conservation practice effectiveness
- Use data to calibrate field-scale models
- Inform adaptive management



Model Needs

- Fertilizer and Manure Mgmt. Impacts on Surface Runoff Water Quality
- Tillage and Fertilizer Mgmt. Impacts on Tile Drainage Water Quality
- Drainage Water Mgmt. & Denitrifying Bioreactors
- Runoff on Nearly Level Soils

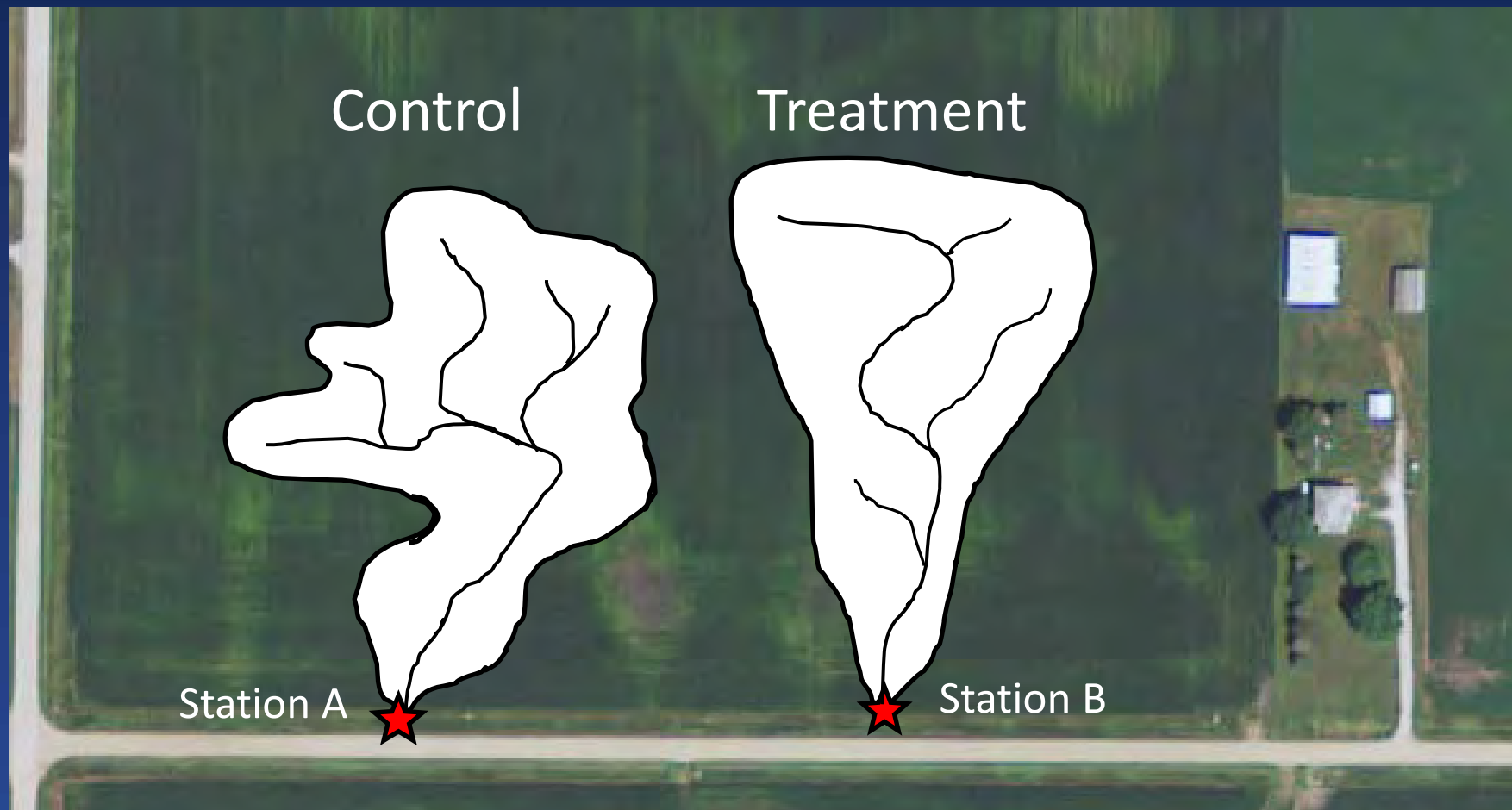


Monitoring Conservation Activities

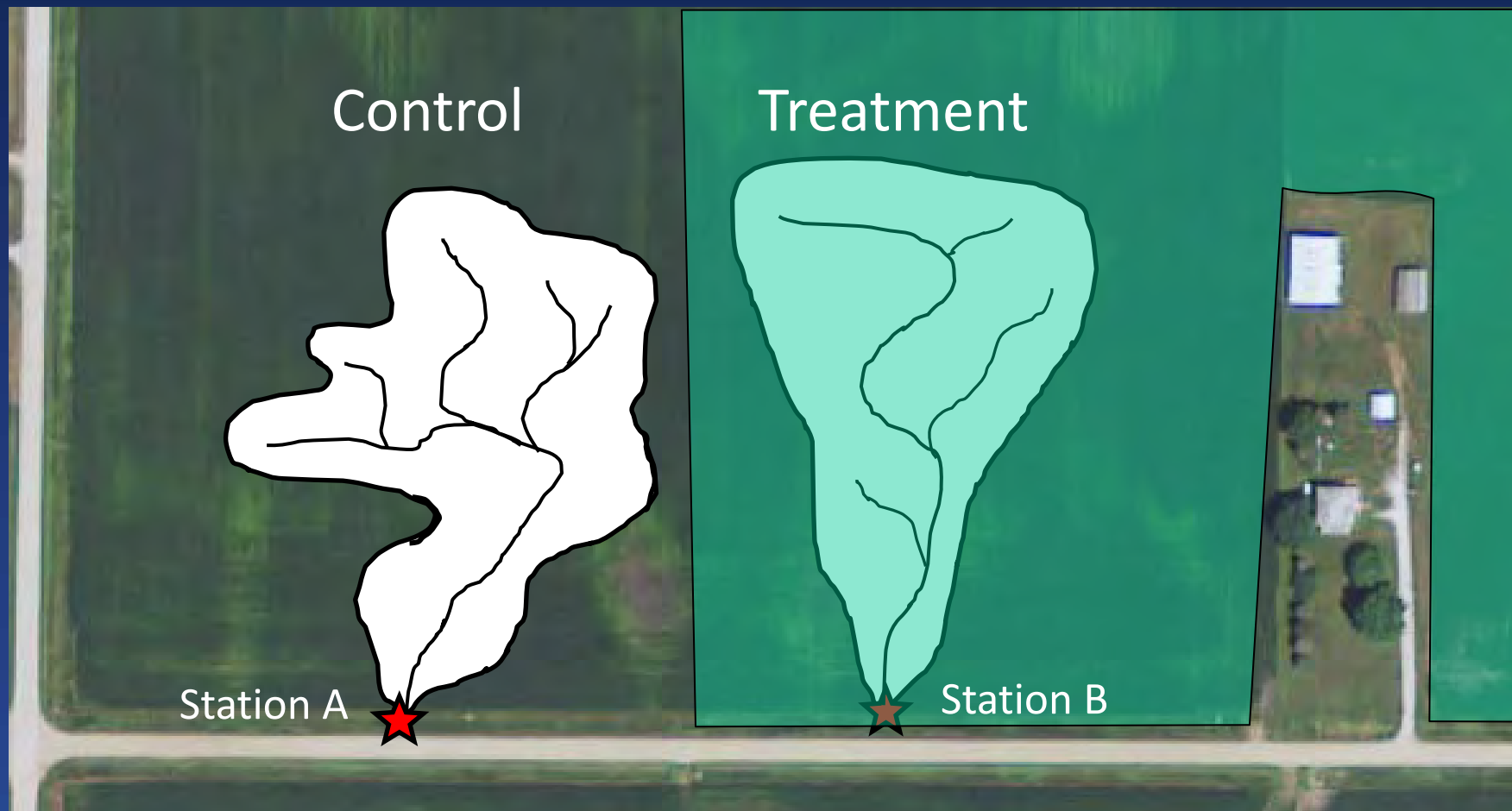
- System Installation (CA 202)
 - System Design
 - Reporting Requirements
- Data Collection and Evaluation (CA 201)
 - Monitoring Design and Site Selection
 - Operational Requirements
 - Data Management & Reporting



Edge-of-Field Paired Watershed Design



Edge-of-Field Paired Watershed Design



Hydrological Data

- Water quality
 - Nitrogen
 - Phosphorous
 - Sediment
- Runoff
- Precipitation



Farm Operations Data

- Crop mgmt. practices
- Conservation practices applied
- Fertilizer mgmt.
- Manure application
- Irrigation applications



2013 Edge-of-Field Monitoring Sites

FY 2013 EOF Sites Initiative

- ★ Lake Champlain [3]
- ★ MRBI (New) [9]
- ★ MRBI (Existing) [4]
- ★ NWQI [6]





The Rock River NWQI Watershed in Vermont

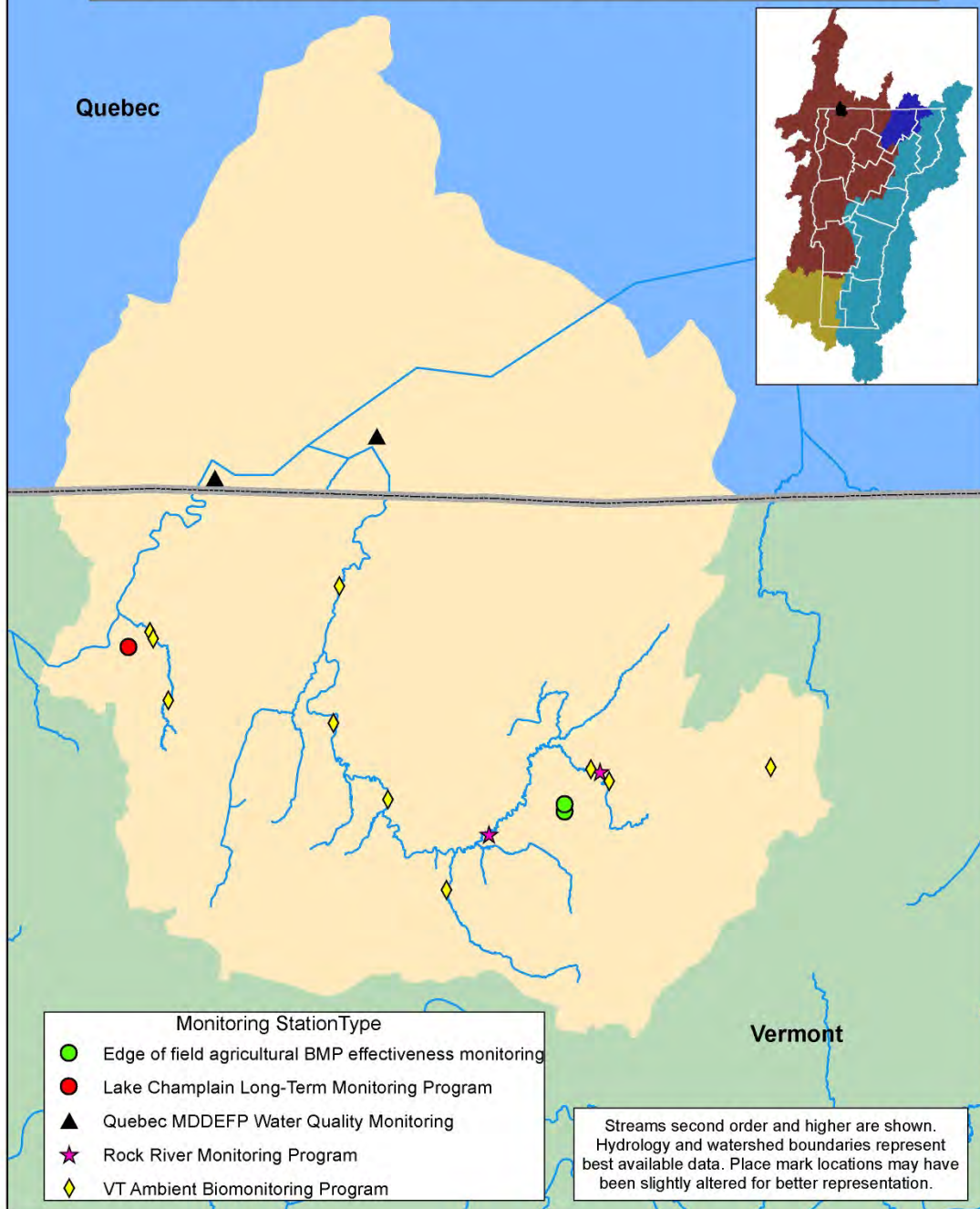
- Located in Vermont portion of the Lake Champlain Basin
- Long-term phosphorus reduction efforts, including a revised TMDL to be released in 2014
- Rock River Watershed is a bi-national watershed
- As a priority watershed it has been the focus of several monitoring efforts

Ongoing Monitoring in the Rock River Watershed

Currently Five Levels of Monitoring:

1. In-lake long-term monitoring supported by the Lake Champlain Basin Program
2. Watershed level in Quebec supported by Province of Quebec, this is used as the outlet loading for the watershed
3. Tributary monitoring within the watershed, to evaluate targeted BMP implementation in a small subwatershed, support by VTDEC
4. Periodic biomonitoring at 10 sites, at least once every 5 years, supported by VTDEC
5. Edge of field monitoring at two sites to evaluate BMP effectiveness, supported by NRCS, LCBP, VAFFM and VTDEC

Monitoring Stations Within The Rock River Watershed



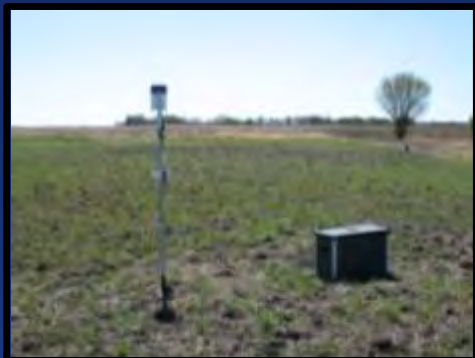
Vermont Water Quality Partnership and Data Sharing Agreements

- State level Memorandum of Understanding (MOU) with all state level water quality partners, including: NRCS, VACD, USFWS, VAAFM, UVM Extension, FSA, VTDEC, and LCBP
- MOU defines:
 - Data sharing responsibilities
 - Training responsibilities
 - State and local coordination responsibilities
- Separate 1619 agreements with each MOU partner
- Information release agreements between producers participating in EoF Monitoring and contractor conducting monitoring

NRCS- Data Sharing and Confidentiality

NWQI Water Quality Monitoring and Data Sharing Agreements Webinar
September 11, 2013

Keith Admire
Director, National water
Management Center
USDA NRCS



NRCS- Data Sharing and Confidentiality

- Farm Bill Section 1619 Considerations
- Data Sharing Limitations and Provisions within 1619



Don Meals, Stone Environmental, Inc.

SECTION 1619 OF THE FOOD, CONSERVATION, AND ENERGY ACT OF 2008 (2008 Farm Bill)

Section 1619 prohibits the Secretary of Agriculture, and USDA employees, contractors, and cooperators from disclosing certain categories of information provided by producers to participate in Department programs.

SECTION 1619

- The key to NRCS' ability to provide voluntary conservation assistance on private lands, in cooperation with local Conservation Districts, is our established relationship and trust with individuals



SECTION 1619

- Prohibition
 - 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
 - Geospatial information otherwise maintained by the Secretary about such agricultural land or operation

SECTION 1619

- Prohibition
 - What does this mean?
 - The language leaves NO DISCRETION to release:
 - Information concerning the agricultural operation, farming or conservation practices, or the land itself
 - Information was provided by producer to participate in Department programs
 - Geospatial includes identifying natural or manmade boundaries or traits of the earth

SECTION 1619

- Does not cover
 - USDA regulatory programs where participation (and submission of information) is required by law
 - Plain photographs with no attributes of the land
 - Information not provided by program participants
 - Easement boundaries held by the United States

SECTION 1619

- Exceptions to the prohibition on disclosure
 - Payment information (including names and addresses of recipients of payments)
 - Statistical and aggregate information
 - Consent of producer or owner

SECTION 1619

- Statistical or Aggregate Information
 - Must be sufficiently aggregated so as to not identify section 1619-covered information
 - Decided on a case-by-case basis

SECTION 1619

- Authorized disclosures
 - The Secretary may release information to Federal, State, local, or tribal agencies working in cooperation with USDA when:
 - providing technical or financial assistance; or
 - responding to a disease or pest threat

SECTION 1619 Cooperators

- To be a cooperator under section 1619, the entity must be assisting a Department agency in carrying out technical or financial assistance

SECTION 1619 Cooperators

- Sharing data
 - Among USDA agencies permissible
 - Among partners if a legitimate section 1619 cooperator (and such partners are required to sign an Acknowledgment of Section 1619 Compliance Certification)

SECTION 1619 - Other Federal Agencies

- Section 1619 does not provide any general exemption from the prohibition of disclosure to provide covered information to non-USDA federal agencies
- Therefore, such agencies generally would have to qualify as section 1619 cooperators to obtain such information

SECTION 1619 - Summary

- There are 3 potential routes of information sharing within 1619 provisions
 - Statistical and aggregate information
 - Consent of producer or owner (Information Release Request)
 - Cooperator, as defined in 1619 (via a USDA Cooperator Certification)
- Each is considered on a case by case basis at the discretion of the State Conservationist



Conservation Effectiveness Partnership Data Sharing Agreement

Gene Foster

Oregon Department of Environmental Quality (DEQ)
Manager, Watershed Management, WQ Division

Mike Merrill

Oregon NRCS, Portland
Watershed Planner



MEMORANDUM OF UNDERSTANDING

AMONG

U.S. DEPARTMENT OF AGRICULTURE- NATURAL RESOURCE CONSERVATION SERVICE AND OREGON WATERSHED ENHANCEMENT BOARD AND OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY AND OREGON DEPARTMENT OF AGRICULTURE

PARTIES:

The MEMORANDUM OF UNDERSTANDING (MOU) is hereby entered into by and between the USDA-Natural Resources Conservation Service (USDA-NRCS), Oregon Watershed Enhancement Board (OWEB), Oregon Department of Environmental Quality (DEQ) and Oregon Department of Agriculture (ODA).

RELATIVE TO:

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



- Discussions began in 2009 and earlier about shared goals
- MOU signed in September 2010 (for 5 years)
 - OWEB (OR Watershed Enhancement Board)
 - DEQ (OR Dept. of Environmental Quality)
 - OR Department of Agriculture (ODA) (added March 2012)

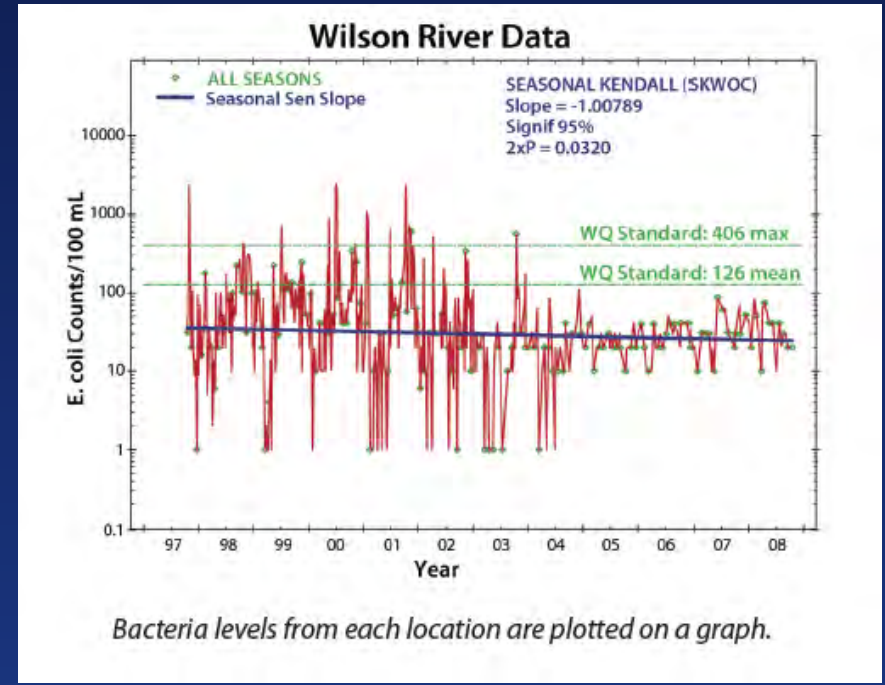
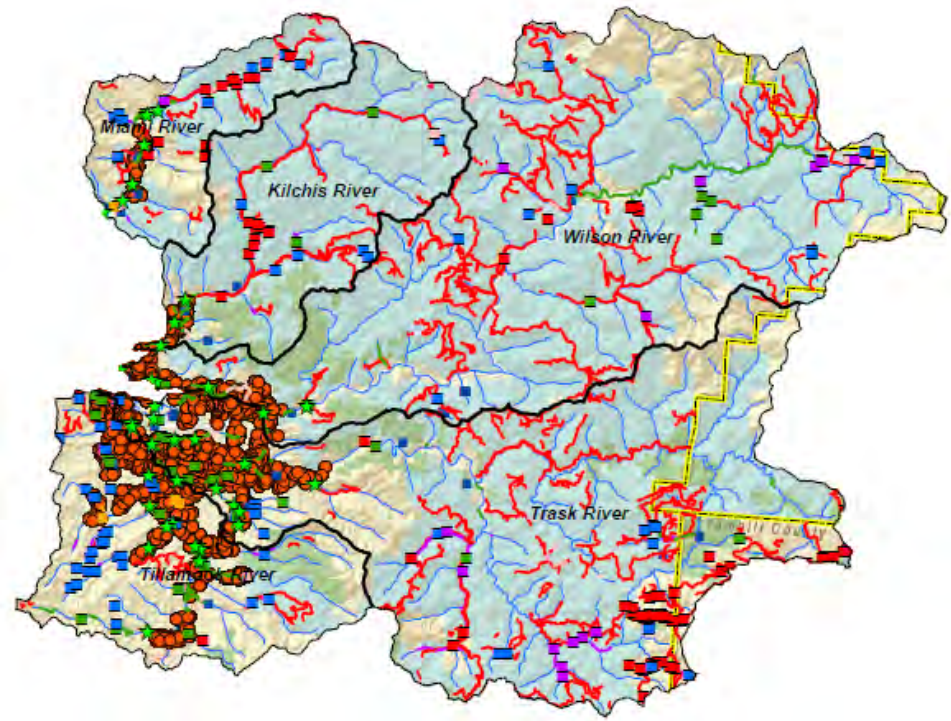


Goals of the Oregon Conservation Effectiveness Partnership

- 1. Build an understanding of the investment in watershed improvement actions through the agencies' collective grant programs*
- 2. Develop a better understanding of how local organizations are utilizing the agencies' respective grant programs*
- 3. Conduct an evaluation of the impacts of grant investments on water quality and watershed health*
- 4. Produce a description of gaps in the treatment of priority limiting factors and watersheds*
- 5. Design tools and methods of reporting accomplishments to the public and to NRCS.*









What's in the "FINE" print

IT IS MUTUALLY AGREED AND UNDERSTOOD BY ALL PARTIES THAT:

1. USDA-NRCS, OWEB, DEQ and ODA 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 Oregon 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 OWEB and DEQ and attached to this MOU. Any staff using NRCS data must be made aware of the protection of private personal information.
- 4a. NRCS will not provide ODA any data or private personal information protected under Section 1619 and will only provide information in an aggregated, nonlandowner specific form. Therefore, ODA will not need to sign the "Acknowledgement of Section 1619 Compliance" attachment to the MOU and will not be authorized access to otherwise protected NRCS information. The basis for this exception is that ODA routinely works with the many of the same landowners and acquires much of the same information about individual landowners that NRCS maintains. It would be difficult for ODA to demonstrate that NRCS was not the source of data used in other aspects of the agency's duties (e.g. complaints, enforcements, etc.).
5. This collaboration and the information shared will not be used for enforcement actions by DEQ or ODA or actions by ODA, DEQ, OWEB 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, OWEB, DEQ and ODA and shall remain in effect until September 30, 2015. 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.

- **Share data and technical expertise among the partners**
- **No money is exchanging hands....but it could**
- **Data Privacy – Section 1619 of Farm Bill Acknowledgement**
- **MOU work will not result in enforcement actions**

Questions?

