

**Devereux
Environmental
Consulting**

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Questions Re: 1619 for Chesapeake Bay states

Underwood, John - FSA, Kansas City, MO <john.underwood@kcc.usda.gov>

Sun, Aug 26, 2012 at 7:47 PM

To: Olivia Devereux <olivia@devereuxconsulting.com>

Cc: Dean Hively <whively@usgs.gov>

Olivia,

I appreciate your calling to remind me to return to this issue. And, my apologies for not making my estimated response time. As is often the case, almost immediately after we talked on Friday I was redirected to working other priority issues. I just now got the opportunity to complete my response to you.

I have reviewed the attached understandings.

The key aspect is that we must follow the text exactly as written in the understandings. For example, we can only share the data types that are specifically mentioned in the understandings. And if an individual signed the understanding only on behalf of themselves, not on behalf of an organization, release to other members of their organization is prohibited (someone with authority to legally bind the entire organization needs to sign in order for there to be organization based data sharing).

For the understanding:

1) Titled "Keeling." When considered along with the other applicable data sharing understandings, the understanding is acceptable with respect to authorizing USGS (through Devereux Environmental Consulting) to share protected data with William Gilbert Keeling of the Virginia Department of Conservation and Recreation. The understanding does not authorize disclosure of data to anyone other than William Gilbert Keeling. This understanding can't serve as the baseline for sharing protected data with other members of the Virginia Department of Conservation and Recreation.

2) Titled "VA_NRCS 1619 attachment C example." When considered along with the other applicable data sharing understandings, the understanding is acceptable with respect to authorizing USGS (through Devereux Environmental Consulting) to share protected data with Lawrence Edward Fender of the Virginia Department of Conservation and Recreation. The understanding does not authorize disclosure of data to anyone other than Lawrence Edward Fender. This understanding can't serve as the baseline for sharing protected data with other members of the Virginia Department of Conservation and Recreation.

3) Titled "1 MD_NRCS 1619 MOU." When considered along with the other applicable data sharing understandings, the understanding is acceptable with respect to authorizing USGS (through Devereux Environmental Consulting) to share protected data with the Maryland Department of Agriculture.

4) Titled "4 NY USC_NRCS 1619 Compliance Agreement. Upper Susquehanna." When considered along with the other applicable data sharing understandings, the understanding is acceptable with respect to authorizing USGS (through Devereux Environmental Consulting) to share protected data with the Upper Susquehanna Coalition.

5) Titled "WVDA USDA 1619 Agreement." When considered along with the other applicable data sharing understandings, the understanding is acceptable with respect to authorizing USGS (through Devereux Environmental Consulting) to share protected data with the West Virginia Department of Agriculture.

6) Titled "WV_NRCS TMDL MOU animals only." The understanding is not acceptable with respect to authorizing USGS (through Devereux Environmental Consulting) to share protected data with the West Virginia Conservation Agency (WVCA). The understanding lacks the key text that binds the WVCA to comply with Section 1619. I did note the text "Adequately aggregate the data to the county level to ensure the privacy of all producers is protected and abide by the requirements of the agreement currently in place between WVCA and NRCS concerning Section 1619 of the 2008 Farm Bill". It sounds to me like there is another NRCS/WVCA understanding specifically addressing Section 1619. Can you locate/provide me with a copy of the referenced NRCS/WVCA understanding?

I have included the FSA template for the cooperator understanding (see "Template - USDA Section 1619 Cooperator Memorandum of Understanding"). The template can be easily modified to become a multi-organization data sharing understanding. Basically, it is a fill in the blank template. The normal process is for the organization(s) to complete the draft and send it to me. I'll review/vet the information and make the determination concerning whether or not the data sharing can/can't take place. If the data sharing understanding can move forward, I'll make the determination on the appropriate FSA signature level.

Based on the information reviewed to date, I see no problem with issuing a consolidated understanding for the Chesapeake Bay states (Maryland, Virginia, West Virginia, Delaware, Pennsylvania, and New York). Also, I would be in a position to sign the consolidated data sharing understanding on behalf of FSA.

I agree that a single memorandum of understanding covering approved sharing of FSA data would be much more effective/efficient. Please let me know if you have any questions.

John

From: Olivia Devereux [mailto:olivia@devereuxconsulting.com]
Sent: Friday, August 24, 2012 9:23 AM
To: Underwood, John - FSA, Kansas City, MO
Cc: Dean Hively
Subject: Re: Questions Re: 1619 for Chesapeake Bay states

[Quoted text hidden]

7 attachments**1 MD_NRCS 1619 MOU.PDF**

189K

**2 VA_NRCS 1619 attachment C example.pdf**

223K

**3 WV_NRCS TMDL MOU animals only .pdf**

910K

**4 NY USC_NRCS 1619 Compliance Agreeemnet. Upper Susquehanna.pdf**

1950K

**WVDA USDA 1619 Agreement.pdf**

2148K

**Keeling.pdf**

222K

**Template - USDA Section 1619 Cooperator Memorandum of Understanding.docx**

32K