

Best Management Practice (BMP) Implementation Data-Sharing Status & Concerns

Agriculture Workgroup

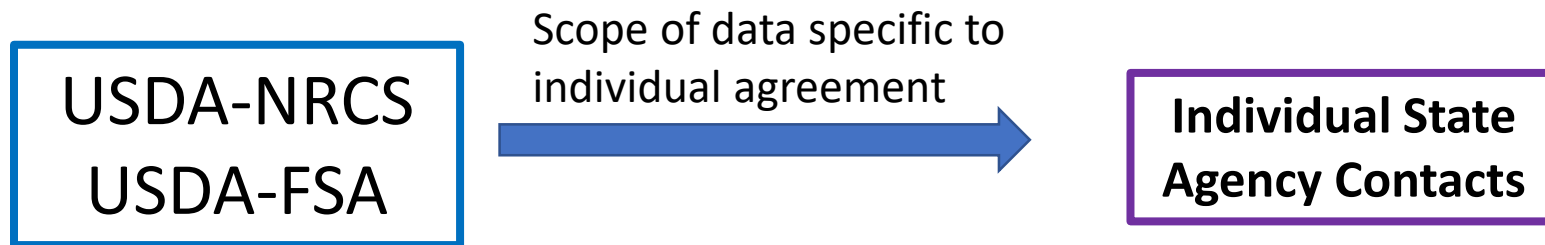
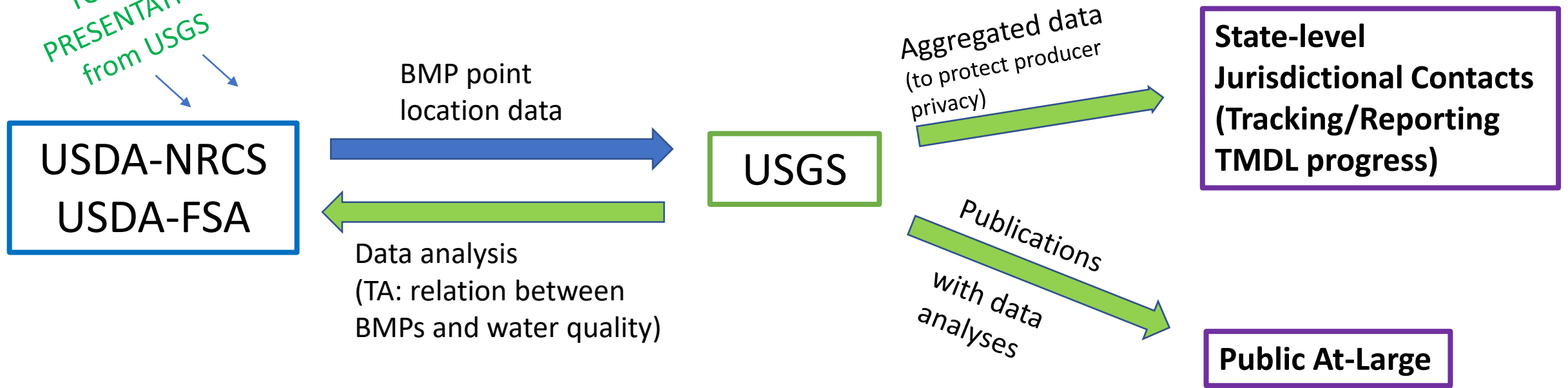
February 21, 2019

Section 1619:

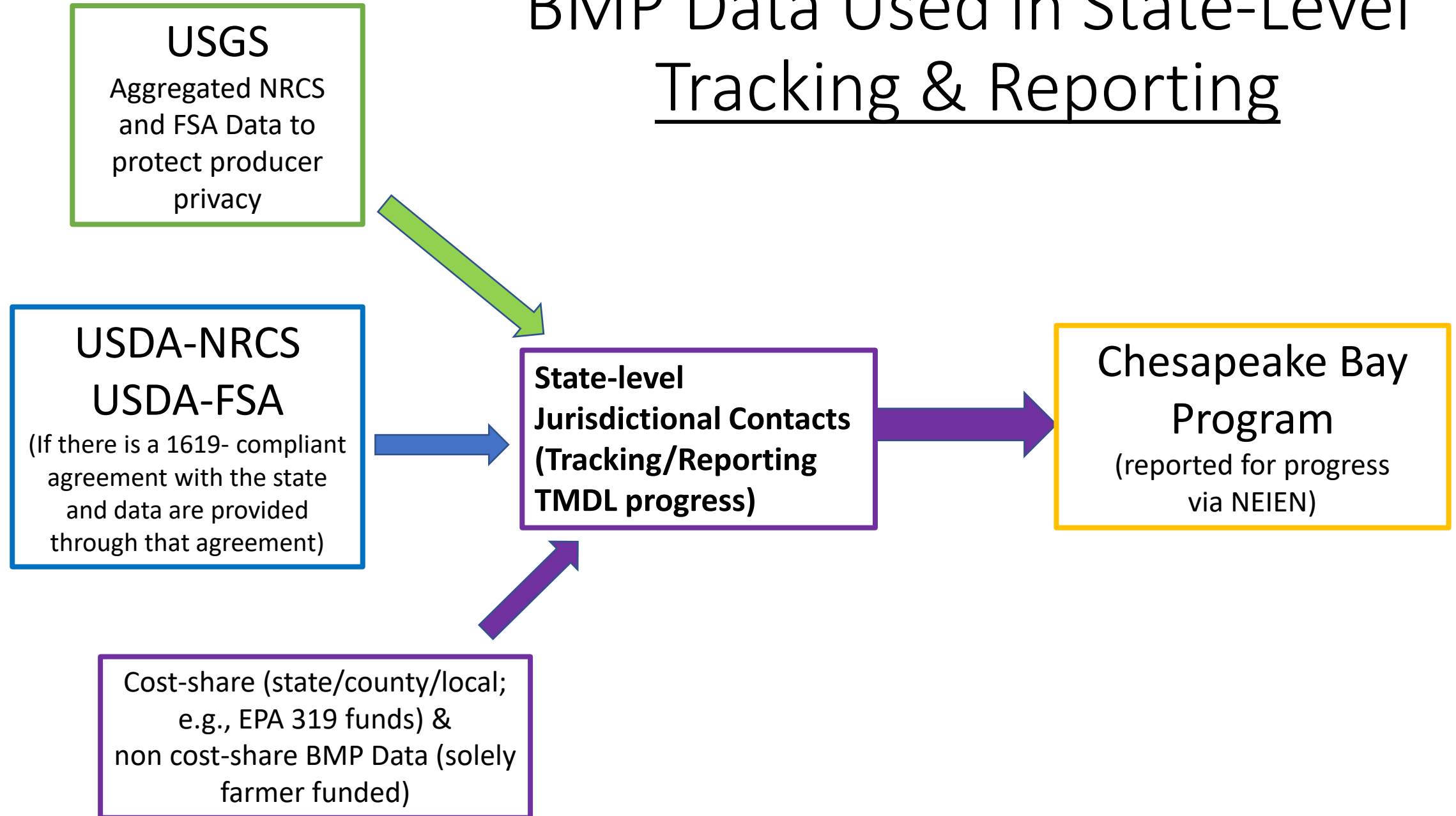
Food, Conservation, and Energy Act of 2008

- 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. ...

Agreements Under Privacy Protection



BMP Data Used in State-Level Tracking & Reporting



Challenges Related to BMP Data-Sharing

Verification: For BMPs cost-shared with USDA funds...

- State jurisdictions may not have access to point location data for BMPs (due to USDA privacy requirements)
 - Limits ability to locate cost-shared BMPs on the ground
 - Limits ability to re-verify BMPs that are approaching *or* have surpassed CBP credit duration limits (10 years for most BMPs)
 - BMPs with implementation dates > 10 years old will no longer count towards TMDL progress without on-the-ground re-verification

Merging of data sets: Concern regarding duplicate records for BMPs:

***Jointly funded by USDA and states**

***Planned for by USDA (CTA) but funded in part or in full by state**

- ***IF*** states choose to report BMPs using both federal and non-federal data sets
 - Risk of double-counting (& double-reporting) of BMPs
- ***IF*** states choose to report only select data sets to avoid double-counting
 - Risk of under-reporting of BMPs that are implemented and functioning as intended