

September 29, 2009

**NATIONAL FOOD SECURITY ACT MANUAL (NFSAM)  
Fourth Edition, Amendment 6  
180-V-NFSAM, Amendment WI 29**

**Subject:** To update policy regarding the release of information related to wetland inventories.

**Purpose:** To provide a state supplement to the NFSAM to all Wisconsin NRCS offices.

**Effective Date:** This supplement is effective upon receipt.

**Background:** The Food, Conservation, and Energy Act of 2008 (2008 Farm Bill) provided new guidance on how NRCS employees are to respond to requests for information related to wetland inventories, determinations and any form of Personally Identifiable Information (PII) related to USDA program participants.

**Appendix C – Section 1619 of the 2008 Farm Bill**

**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.

Previous guidance restricted the release of wetland-related documentation developed for the wetland compliance requirements of the farm bill. Since the wetland inventory maps do not fall under Section 1619 (b)(2)(A) above (information provided by the producer), the following information related to wetland determinations is releasable to the public and to Federal, state, and local agencies and entities:

- Aerial photography – “original” FSA compliance slides in NRCS control, with no identifying markings or notations.
- Original wetland inventory maps showing potential Food Security Act wetland locations/boundaries when labeled “DRAFT” or “NOT OFFICIAL” or “FOR INFORMATION PURPOSES ONLY, NOT AN OFFICIAL DETERMINATION”. Maps containing identifying personal private information (i.e., names, acreages, field or tract boundaries) are NOT to be released.

Requests shall be for site-specific locations and can be completed as your workload allows. Do not honor requests that cover large areas, entire townships, or are county-wide.

**Wetland determinations and any landowner PII are not to be released.** Information pertaining to or from landowners that contains personal or proprietary information (e.g., personal identification, business decisions/plans, conservation plans, etc.) may be subject to the confidentiality provision, the Privacy Act and the Freedom of Information Act. Requests for information identified as non-releasable in this bulletin should be forwarded to Brock Chalmers, Wisconsin NRCS FOIA Coordinator.

This notice supersedes Amendment WI 27.

**Filing Instructions:** File Amendment 29 in the NFSAM. Remove and discard NFSAM 3<sup>rd</sup> Edition Amendment 6 180-V-NFSAM Amendment WI 27 dated September 7, 2005.



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