

# GROUNDWATER MANAGEMENT DISTRICTS ASSOCIATION

P.O. Box 905  
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(913) 462-3915 Fax (913) 462-2693

March 8, 2009

FSA Acting Director Joy Harwood  
US Department of Agriculture  
Farm Service Agency  
1400 Independence Ave., S.W., Stop 5060  
Washington, DC 20250-0506

Dear Ms. Harwood:

During the 2009 annual conference of the Groundwater Management Districts Association (GMDA) the issue of Farm Service Agency (FSA) records was discussed.

Several Nebraska Natural Resource Districts (NRDs) are under state legislative mandate to certify irrigated acres. The data they need to accomplish this task is currently all together, in electronic form, within FSA records. Repeated requests for this information have been made to FSA. The NRD had agreed to honor all privacy stipulations of FSA, and requested only information that was public information in other venues within the state of Nebraska. Because of FSA's refusal to share the limited, non-sensitive information requested, the NRD was forced to spend over \$250,000.00 over the following 2 years to secure it from a variety of other sources and put it into electronic form.

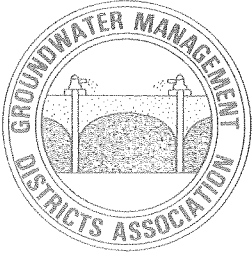
A similar story was shared by a Mississippi attorney who had represented an entity in that state in a case in which the state FSA office has denied a FOIA request for similar digital information based on the privacy exemption. A FOIA appeal was then heard by FSA in Washington, DC, after which FSA's state office in Mississippi was directed to reconsider its denial of the FOIA request. Before FSA's state office completed its reconsideration and before any information was provided, more restrictive language was inserted in the 2008 Farm Bill, thus rendering the pending FOIA request moot. This entity in Mississippi still has no data.

In a unanimous action, GMDA passed the attached Resolution urging FSA to re-think its position on sharing specific land use and landownership data with state and local governments who need it to carry out their management missions effectively and efficiently. Please understand GMDA's recognition of other FSA data sharing successes and the association's appreciation for FSA's cooperation in these other efforts. Thank you for your consideration of this issue.

Sincerely,

Wayne Bossert, GMDA Secretary

cc: GMDA File; Congressional delegates from: Texas; Kansas; Mississippi; Nebraska; and Colorado; Secretary of Agriculture



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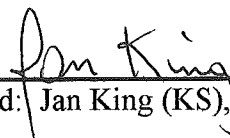
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GMDA Resolution 2009-1  
Enacted at the GMDA 34<sup>th</sup> Annual Conference, San Diego, CA  
Dated January 9, 2009


*Will Long (MS) moved that the full GMDA membership in attendance at the 2009 annual conference adopt and present the following GMDA resolution to the appropriate agencies and entities:*

*“Recognizing the historic, positive working relationships between local and state FSA offices and local groundwater management and natural resource districts, be it resolved that GMDA pursue through all available legal avenues the release by FSA of digitally stored data relating to land ownership, including CLU data, ownership data, operator data, cropping history data and land status data (irrigation and/or dryland), in GIS format, to facilitate the more economical and administratively efficient gathering of such data required to be maintained and kept current by groundwater management districts, natural resource districts and similar governmental entities.”*

*Ron Bishop (NE) seconded the motion which passed unanimously.*

  
Signed: Jan King (KS), GMDA President

  
Date

  
Signed: Wayne Bossert (KS), GMDA Secretary/Treasurer

  
Date