

United States Department of Agriculture



Natural Resources Conservation Service
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Transmitted via Email

May 1, 2007

MINNESOTA BULLETIN NO. 180-7-3

SUBJECT- CPA – RELEASE OF WETLAND DETERMINATIONS AND RELATED INFORMATION

Purpose. To provide interim guidance on the applicability of the confidentiality provision of section 1244(b) of the Food Security Act of 1985, as added by the Farm Security and Rural Investment Act of 2002 (16 U.S.C. §3844(b)) to wetland determinations and delineations.

Expiration Date. December 31, 2007

We have discovered a conflict in the current FSA and NRCS agency policies for the release of wetland information and determinations. All NRCS staff will use the guidance in this bulletin until additional policy is distributed.

Effective immediately, the following information related to wetland determinations is NOT releasable to the public and to Federal, State, and local agencies or entities without a written FOIA request :

- Maps or aerial photographs showing wetland locations/boundaries;
- Site visit reports and documentation of site conditions prepared by NRCS;
- Wetland delineation data sheets prepared by NRCS; and
- Technical determinations (e.g., functional assessments, scope and effect determinations) made by NRCS.

Documents must be reviewed to ensure that commercial, trade secret, or personal information that is subject to the Confidentiality Provision, the Privacy Act, and the Freedom of Information Act are redacted before disclosure.

All requests for wetland information must be made in writing to William Hunt, State Conservationist. Only trained FOIA staff in the state office has both the authority and responsibility to release information in response to these requests. Field staff may not release or share wetland information, including determinations, with the public or partners.

If further information or clarification is needed regarding the release of wetland determinations, please contact either Pat McLoughlin or Tessa Garcia, the State FOIA Officers.

/s/

WILLIAM HUNT
State Conservationist

DIST: AO
FO
Pat McLoughlin, FOIA Officer, NRCS, St. Paul, MN
Tessa Garcia, FOIA Officer, NRCS, St. Paul, MN

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