



THE WILDLIFE SOCIETY

South Dakota Chapter

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March 27, 2017

Leonard Jordan
Acting Chief of NRCS
USDA, NRCS, Office of the Chief
1400 Independence Ave., SW, Room 5105-A
Washington, DC 20250

Dear Acting Chief Jordan:

The South Dakota Chapter of The Wildlife Society (SDTWS) has reviewed the January 2017 Wetland Conservation Provisions in the Prairie Pothole Region Audit Report (10601-0003-31) prepared by the Office of Inspector General (OIG) and has concerns regarding some of the findings listed in the report. Of highest concern to SDTWS is the decision made by the Natural Resources Conservation Service (NRCS) to certify wetland determinations completed prior to July 3, 1996 to serve as documentation that Swampbuster provisions for associated parcels of land have been met. Multiple sources listed in the audit report (including NRCS) indicated that most wetland determinations completed from 1990 to 1996 were not certified; therefore, they are not valid for determining Swampbuster compliance. Furthermore, the National Appeals Division (NAD) ruled that pre-1996 determinations were unacceptable for certification. The report also indicated that in the 1996 Farm Bill, Congress decided that such inventory maps were not completely accurate. The SDTWS believes the decision by NRCS to implement existing policy incorrectly to certify pre-1996 wetland determinations has led to weakened enforcement of Swampbuster provisions and has resulted in the draining of numerous wetlands.

The SDTWS concurs with the two audit recommendations:

- 1) NRCS issue official guidance reinforcing correct and current rules and clarifying procedures for making wetland determinations and certifications, including the status of pre-1996 determinations.
- 2) Review all NAD decisions in the Prairie Pothole Region from January 1, 2010 through the present time to determine whether the decisions were implemented.

Furthermore, SDTWS recommends NRCS cease to use pre-1996 wetland maps to certify wetland determinations and strongly encourages NRCS to mitigate for the loss of any wetlands that were drained as a result of using pre-1996 wetland determinations. SDTWS welcomes future collaboration with NRCS regarding this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joshua D. Stafford". The signature is stylized and cursive.

Joshua D. Stafford, Ph.D.
President – South Dakota Chapter of The Wildlife Society
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