



August 7, 2026

Public Comments Processing
Attn. Docket No. FWS-R6-ES-2026-2641
Policy and Regulations Branch
U.S. Fish and Wildlife Service
MS: PRB (JAO/3W)
5275 Leesburg Pike
Falls Church, VA

Re: **Docket No. FWS-R6-ES-2026-2641**

Submitted electronically via <http://www.regulations.gov>

The Wildlife Society (TWS) appreciates the opportunity to respond to the U.S. Fish and Wildlife Service's Request for Information on Implementation of Drain Tile Setbacks. Although the short period to respond to this request (14-days) did not allow sufficient time for more extensive analysis and engagement with broader experts and practitioners, we offer the following comments.

The ecological significance of the Prairie Pothole Region (PPR) of North America as habitat for breeding waterfowl^{1,2}, shorebirds³, amphibians⁴, and other wildlife, as well as a provider of broader ecosystem services including carbon sequestration^{5,6}, is well documented in both peer-reviewed literature and through other systems of traditional knowledge. The current 2024 Drain Tile Setback Rule is grounded in science and based on site-specific evaluations of topography, hydrology, soil type, hydrology, and other data to ensure protection and effectiveness of these easement wetlands while providing landowners the ability to manage

¹U.S. Department of the Interior and Environment Canada. 1986. North American waterfowl management plan: a strategy for cooperation. U.S. Fish and Wildlife Service, Washington, D.C., USA; and Canadian Wildlife Service, Ottawa, Ontario, Canada. <https://nawmp.org/sites/default/files/2018-01/1986%20OriginalNAWMP.pdf>. Accessed 7 Aug 2026.

²Blohm, R. J., D. E. Sharp, P. I. Padding, R. W. Kokel, and K. D. Richkus. 2006. Integrated waterfowl management in North America. Pages 199–203 in G. C. Boere, C. A. Galbraith, and D. A. Stroud, editors. *Waterbirds around the world*. The Stationery Office, Edinburgh, Scotland.

³Niemuth, N. D., et al. (2008). *Waterfowl use of Conservation Reserve Program grasslands in the Prairie Pothole Region of the United States*. *The Auk*, 125(1), 20–29.

⁴Niemuth, N. D., et al. (USGS Open-File Report / Publication). *Conserving Prairie Pothole Region wetlands and surrounding grasslands: Evaluating spatial patterns*.

⁵Tangen, B. A., et al. (2012). *Ecosystem services provided by wetlands in the Prairie Pothole Region*. *Wetlands Ecology and Management*, 20(3), 191–205.

⁶Euliss, N. H., et al. (2006). *North American prairie wetlands: Important points in a continuum of risk*. *Science of the Total Environment*, 357(1–3), 119–132.



their land. Field data and model simulations for the PPR indicate that drainage setbacks reduce, but do not eliminate, impacts to the water balance for wetlands high-relief terrain.^{7,8,9}

Weakening or eliminating the 2024 Drain Tile Setback Rule has the potential to seriously impact – or may even eliminate – most wetlands remaining on privately-owned agricultural land in the five-state region. Indeed, all states in the PPR already have estimated significant loss of wetlands, up to 90% of the wetland base in some states. These setbacks and protections for wetlands in the PPR, codified by the 2024 National Wildlife Refuge System Drain Tile Setback final rule, indeed work and have measurable benefits that should continue as part of managing those wetlands.

North American breeding bird populations face a myriad of threats today, including significant impacts from loss and degradation of habitat.¹⁰ The voluntary, science-based provisions of the Service's wetlands easement program is an effective means of conserving wetlands and sustaining wildlife populations. **We ask that the Service uphold and continue to implement the 2024 rule.**

Sincerely,

Edward B. Arnett, Ph.D.
Certified Wildlife Biologist®
Chief Executive Officer, The Wildlife Society

⁷McCauley, L. A., et al. (2016). *Effects of subsurface tile drainage on wetland hydrology in the Prairie Pothole Region*. JAWRA, 52(6), 1410–1425.

⁸Tangen, B. A., & Mushet, D. M. (USGS Publication). *A case study examining the efficacy of drainage setbacks in limiting effects on wetlands in the Prairie Pothole Region*.

⁹McCauley, L. A., et al. (2018). *Evaluating setback distances for subsurface drainage near prairie pothole wetlands*. Journal of Fish and Wildlife Management, 9(1), 274–286.

¹⁰Rosenberg, K. V., et al. (2019). *Decline of the North American avifauna*. Science, 366(6461), 120–124.