



A G R O W I N G I N F L U E N C E

4712 S. Technopolis Drive
Sioux Falls, SD 57106

USDA, NRCS, Office of the Chief
1400 Independence Ave SW, Room 5105-S
Washington, DC 20250

December 23, 2014

Dear Chief Weller,

My comments today are in response to your agency's proposed State Off-Site Methods for wetland determinations in South Dakota and other Prairie Pothole states. The South Dakota Corn Growers understand the need for new technologies in order to increase efficiencies and eliminate the enormous wetland determination backlog that burdens farmers and landowners across the state. With that said, we also feel that landowner rights need to be protected, and that these proposed methods must be an option to the growers for whom you serve.

I am the currently the president of the South Dakota Corn Growers Association, the state's largest and most active commodity organization. We represent the interests of over 1,500 farmer-members who work to provide our state, nation and world with an abundant and affordable supply of food, feed, fuel and fiber.

For several years our organization has taken complaints from hundreds of our members about the NRCS's wetland determination backlog. Some of these family farmers have been waiting for close to two years to get a determination done. We understand and appreciate the extra steps and additional funding your agency has taken in an attempt to reduce the backlog, yet thousands remain in waiting unsure as to when they'll be able to practice water management on their ground while remaining in compliance with federal farm program guidelines.

This urgency and frustration was clearly represented this summer in Aberdeen when over 400 farmers showed up to share their concerns with NRCS Associate Chief Tom Christensen, State Conservationist Jeff Zimprich and staff from South

Dakota's delegation. The takeaway message from that day was that trust has been broken between farmers and the agency built to serve those who care for the land.

Close to 100 farmers also showed up to South Dakota's State Off-Site Methods hearing in Huron just days later showing real concerns about the newly proposed methods for determining wetlands. The majority message from that hearing was that growers wanted nothing to do with this new method. Attendees at that meeting were invited to provide comments about the State Off-Site Methods, but beyond extending the comment period those comments were seemingly ignored, creating additional angst among growers towards your agency.

It is for these reasons we believe that if the new State Off-Site Methods are implemented, they need to remain fully optional. Forcing a new methodology on landowners that doesn't ground truth South Dakota's complex soils will only increase the rift between farmers and your agency, undoubtedly increasing the number of appeals and in turn creating an even larger backlog.

Beyond making the proposed State Off-Site Methods optional for farmers, the South Dakota Corn Growers share a number of other concerns when it comes to the wetland determination process.

We feel that all appeals should be done onsite to ground truth hydric soil indicators. The farmer deserves an onsite visit during the appeal process even if he or she initially elected to go with the off-site methods procedure.

The producer should be contacted when work is being done on their Certified Wetland Determination. The wetland specialist should explain the process, provide them with an onsite/off-site option and ask for any additional documentation they may have on the plot being determined.

The soil survey should not be used to indicate site-specific hydric soils. Hydric Soil Indicators should be found on site before the soils portion of a wetland is confirmed. The soil survey is meant for broad planning purposes only.

South Dakota is in a current wet cycle. The past 20 years are among the wettest in the last 10,000 years. Therefore, wetness signatures that appear on aerial images from the last 20 years are much more likely to be present than years prior to 1992. This overrepresentation of wetness signatures is not fair to the farmer, for whom the NRCS is working. An equal number of normal years post and prior to 1985 should be looked at.

With the abnormal wetness since the original law was passed in 1985, many wet areas and lakes have grown in size. In eastern South Dakota, many thousands of acres of farmland have been covered by water. The size of the wetlands should be determined by the size they were before the law was passed. These thousands of acres that became inundated only after 1985 should not be considered wetlands.

When using off-site methods, only normal precipitation years should be considered when making a wetland determination. Years that included a FEMA flood declaration, severe precipitation event or drought disaster declaration for the county of the plot being considered should be omitted from the determination process.

The NRCS tool for identifying wetlands does not work properly if the wetland delineation is less than 0.1 acre. Advanced programming should be done by the NRCS to accurately identify wetland boundaries. Otherwise the agency has no business making wetland determinations smaller than 0.1 acre.

The responsibility of labeling meandering streams should be left to Corps of Engineers, just as it is handled in Minnesota and Iowa.

We understand that your proposal aims to improve the agency's overall efficiency and to help reduce the large backlog in South Dakota, but the off-site procedure needs to be an option, not a mandate, for landowners who depend on the land for their family's livelihood. I hope that you will respect your customer's right for an onsite visit if he or she deems it necessary.

Giving landowners a choice will improve the trust that has been broken between farmers and the NRCS and will certainly lessen the number of appeals that would rise from farmers concerned with the off-site procedures.

Farmers strive to do the right thing when it comes to caring for the land. We hope that the NRCS will also do the right thing by giving growers an option if you choose to enact the State Off-Site Methods. No one wants to drain a wetland, but they do want answers in a reasonable timeline, and deserve a fair and honest answer using sound science under the technical guidelines enacted by law.

Sincerely,



Keith Alverson
President
South Dakota Corn Growers Association

cc: Secretary Tom Vilsack,
Senator John Thune,
Congresswoman Kristi Noem,
Associate Chief Tom Christensen,
South Dakota State Conservationist Jeff Zimprich
Comments to Docket Number: NRCS-2014-0013