EXHIBIT C

United States Department of the Interior
FISH AND WILDLIFE SERVICE
1500 CAPITOL AVENUE
BISMARCK, NORTH DAKOTA 58501

MEMORANDUM

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NWF WILDLIFE TEAM

To: Farm Bill Coordinator, Region 6
Denver, CO MAIL STOP 60130

From: Supervisor, ND Wetland Habitat Office
Bismarck, North Dakota

Subject: Comments on Director's Memo of 2-23-88 - Requesting Information on Swampbuster

1. What consultation opportunities are actually available to Service field personnel? Is Service participation making a difference? How should it be improved?

Response

To this point, the Service has provided continuous consultation with SCS on wetland determinations. The guidelines, and training in which the Service was involved provided a better understanding of wetland identification and ultimately a better wetland determination product. We are continuing to consult with SCS on wetland determinations and there will be a need to continue to do so for the duration of the wetland determination process. We are also in the process of developing an MOU identifying the process by which a producer can get back into compliance by restoration through a minimal effect determination. Presently we are continuing to consult with SCS on all minimal effect determinations and will continue to do so in the future. We expect a need for additional MOU's dealing with other aspects of minimal effect determinations, such as with state enacted no-net-loss wetland legislation. We have a very positive and productive working relationship with SCS and, yes, it is making a difference in proper implementation of Swampbuster. The only area where our input could be improved is at the county SCS level where in certain counties there still exists a negative attitude towards Swampbuster and Service involvement.

The work with ASCS also has a positive aspect. We have consulted at the state and county level on commencement requests with the state office accepting our recommendation of a commencement filing form. Certain ASCS county committees welcome Service involvement at commencement hearings and we expect the involvement to continue. We are continuing to provide information on potential Swampbuster violations to county offices and in some cases this has resulted in wetlands restored. Overall Service involvement with ASCS has resulted in better Swampbuster implementation than would have occurred without us. There is, however, room for improvement. As with SCS, certain county ASCS offices have an attitude problem with Swampbuster and Service involvement and implementation will continue to be a problem there. Clearer direction to both ASCS and SCS county offices on their responsibility under Swampbuster and the Service's consulting role would help.

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