

EXHIBIT B



United States Department of the Interior

FISH AND WILDLIFE SERVICE
 FEDERAL BUILDING, FORT SNELLING
 TWIN CITIES, MINNESOTA 55111



IN REPLY REFER TO:
 FWS/ARW-WSS

JAN 14 1988

Dr. Keith W. Harmon
 Western Field Representative
 Wildlife Management Institute
 421 Pioneer Court
 Hickman, Nebraska 68372

Dear Keith:

Your letter of December 18, 1987 reaches the conclusion that U. S. Department of Agriculture is accommodating drainage and not policing the Swampbuster Program. You also stated there was increased drainage activity in the fall of 1987 due to lack of fear by landowners of enforcement by U. S. Department of Agriculture.

I know from the reports of regional staff that Swampbuster implementation may not be in a manner that is fully consistent with the purposes, intent, and letter of either the Food Security Act or the step-down regulations. However, I should add that many individuals in the Soil Conservation Service and some in the Agricultural Stabilization and Conservation Service are attempting to implement the law and regulations faithfully. In recognition of this we are fully committed to developing working relationships with both of these agencies.

Service field personnel have noted a greatly increased level of drainage activity in the summer and fall of 1987. In Minnesota we have been advised by the Soil Conservation Service that approximately 15,000 wetland determinations were requested by landowners through the AD-1026 form. The disturbing thing is they estimate another 15,000 landowners should have requested the wetland determination and did not. They estimate further that approximately 20 percent, or 3,000 landowners, are now out of compliance with Swampbuster provisions. Despite this, the Agricultural Stabilization and Conservation Service has advised us that only one landowner in the United States has lost his program benefits due to non-compliance with Swampbuster provisions. That landowner is in Todd County, Minnesota.

Our experience, in our consultation role with U. S. Department of Agriculture agencies, has been continual hair-splitting that accommodates more drainage. Whether the issue is maintenance in prairie potholes or determination of commenced drainage, the result seems to be more drainage. We want to see the Agricultural Stabilization and Conservation Service and the Soil Conservation Service fully implement their new, more regulatory, role under this law so that on-the-ground benefits to wetlands will result.

