

HEIDI HEITKAMP
NORTH DAKOTA
HART SENATE BUILDING 502
WASHINGTON, DC 20510
PH: 202-224-2043
FAX: 202-224-7776
TOLL FREE: 1-800-223-4457

<http://www.heitkamp.senate.gov>

United States Senate

WASHINGTON, DC 20510

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The Honorable Robert Bonnie
Under Secretary for Natural Resources and Environment
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Dear Under Secretary Bonnie,

I write regarding the Natural Resources Conservation Service's (NRCS) proposed state offsite methods (SOM) for North Dakota. As you heard first-hand when you visited North Dakota last year, producers in my state face a great deal of uncertainty as it relates to wetland determinations and conservation compliance. Currently, there is a backlog of 791 wetlands determinations, and farmers are awaiting certainty on what they can and cannot do on their land.

I appreciate your attempts to streamline and provide quick answers and certainty, which I understand is the overall goal of the proposed SOM. It is absolutely critical the SOM get it right and, just as importantly, that the Department communicate the rules of the road and process to producers as it relates to wetland determinations.

Specific to this proposal, there is still a great deal of confusion regarding various definitions and processes, as well as the legal or regulatory origins of the process. For example, it is not clear to many what years NRCS uses for mapping, how it determines normal conditions, and why the maps must include the wet portion of the growing season.

Additionally, producers are still unclear on how the SOM will apply to them and how it affects the overall wetland determination process. I encourage you to make every effort to clarify both how the proposal affects the offsite process, but also the entire process for determinations—including producer rights to request on-site determinations and the appeals process.

North Dakota's producers are counting on you to get this right and provide certainty for their operations. Please do not hesitate to contact me should you need anything from me or if you would like to speak with North Dakota producers on this important issue.

Sincerely,



Heidi Heitkamp
United States Senate

BISMARCK OFFICE:
228 FEDERAL BUILDING
220 EAST ROSSER AVENUE
BISMARCK, ND 58501
PH: 701-258-4648
FAX: 701-258-1254

DICKINSON OFFICE:
40 1ST AVENUE WEST
SUITE 202
DICKINSON, ND 58601
PH: 701-225-0974
FAX: 701-225-3287

FARGO OFFICE:
306 FEDERAL BUILDING
657 SECOND AVENUE NORTH
FARGO, ND 58102
PH: 701-232-8030 - 1-800-223-4457
FAX: 701-232-6449

GRAND FORKS OFFICE:
33 S. 3RD ST., SUITE B
GRAND FORKS, ND 58201
PH: 701-775-9601
FAX: 701-746-1990

MINOT OFFICE:
105 FEDERAL BUILDING
100 FIRST STREET S.W.
MINOT, ND 58701
PH: 701-852-0703
FAX: 701-838-8196