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## United States Senate

WASHINGTON, DC 20510

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May 13, 2015

The Honorable Tom Vilsack  
Secretary  
U.S. Department of Agriculture  
1400 Independence Ave, SW  
Washington, DC 20250

Dear Secretary Vilsack,

I write regarding the U.S. Department of Agriculture's (USDA) recently released interim final rule implementing the 2014 Farm Bill provision requiring conservation compliance by participants in the federal crop insurance program. While I did not support tying conservation compliance rules to crop insurance, this rule incorporates protections we included in the Farm Bill and I commend you for following Congressional intent when drafting this rule.

However, I am concerned about the Department's decision to not define "timely manner" as part of the requirement for evaluating a producer's form AD-1026 and making compliance determinations. Failure to define "timely manner" could have a negative effect on North Dakota's producers, and a final rule must set a firm time period for meeting the requirement and treat all producers equally.

I understand that the Department opted not to define "timely manner" because the agency wanted flexibility in applying this requirement across regions. We should not be unevenly administering our programs and invalidating protections in the 2014 Farm Bill, as all producers deserve the same level of service regardless of where they farm. North Dakota producers should not be subject to long delays and uncertainty while producers in other parts of the country receive more timely service.

As you know, North Dakota has an extremely high backlog of wetland determinations, with 878 requests currently pending. Until these are resolved, producers don't know what they can and can't do with part of their land, and that is simply unacceptable. I urge USDA to provide equal treatment to all farmers across the country and set a standard for "timely manner" which does not negatively affect North Dakotans as they work to manage wetlands on their farms.

Sincerely,



Heidi Heitkamp  
United States Senate

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