

United States Senate

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VETERANS' AFFAIRS

August 5, 2026

The Honorable Doug Burgum, Secretary
U.S. Department of the Interior
1849 C Street,
N.W. Washington, DC 20240

Dear Secretary Burgum:

We write regarding the U.S. Fish and Wildlife Service's (USFWS) Request for Information (RFI) on National Wildlife Refuge System drain tile setbacks because we are concerned it could be used to weaken long-standing protections for Service wetland easements.

While we appreciate your leadership in reviewing existing regulations and improving USFWS programs and policies, we are concerned that this RFI may be a precursor to aligning USFWS drain tile setback requirements with the U.S. Department of Agriculture Natural Resources Conservation Service's (NRCS) Swampbuster provisions, which allow wetland drainage when deemed to have "minimal effects." Such a change would fundamentally alter the purpose and protections of permanent USFWS wetland easements.

USFWS wetland easements and USDA's Swampbuster provisions serve different purposes and should not be treated as interchangeable. USFWS easements are permanent property interests voluntarily purchased from willing landowners using taxpayer dollars to conserve wetlands in perpetuity. Swampbuster, by contrast, establishes minimum conservation standards tied to eligibility for USDA farm programs. It was never intended to define the level of protection afforded to permanent conservation easements.

Aligning these two frameworks would weaken protections for USFWS voluntary easements by allowing drain tile installation near protected wetlands under standards that permit up to 12 inches of water to be drained from a wetland over 14 days. Even modest hydrologic changes can permanently alter the shallow wetlands of the Prairie Pothole Region, reducing their value for nesting waterfowl and other wildlife.

The stakes are substantial. The Prairie Pothole Region provides breeding habitat for more than half of North America's migratory waterfowl. As we noted previously, waterfowl populations are already experiencing declines, and further habitat loss would exacerbate these trends, with consequences felt throughout the Mississippi Flyway and beyond.

For generations, hunters, conservationists, and taxpayers have invested in the National Wildlife Refuge System and related conservation programs to sustain waterfowl populations and preserve

America's hunting heritage. As Secretary of the Interior and Chair of the Migratory Bird Conservation Commission, we respectfully urge you to maintain the scientific drain tile setback rule that's been successful for more than 60 years. We ask you to continue safeguarding waterfowl habitat in the Prairie Pothole Region. Maintaining these protections will honor commitments made to willing landowners, safeguard taxpayer investments, sustain waterfowl habitat, and ensure America's outdoor traditions remain strong for future generations.

Sincerely,

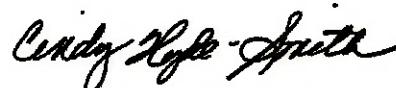

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