



August 6, 2026

Mr. Brian Nesvik

Director, U.S. Fish and Wildlife Service

1849 C Street, NW, Room 3331, Washington, DC 20240

Re: Docket No. FWS–HQ–NWRS 2026–2641, Policy and Regulations Branch, U.S. Fish and Wildlife Service, MS: PRB (JAO/3W), 5275 Leesburg Pike, Falls Church, VA 22041-3803.

Dear Director Nesvik,

Please accept these comments as Delta Waterfowl's official entry in the National Wildlife Refuge System; Request for Information on Implementation of Drain Tile Setbacks. Delta Waterfowl (hereafter Delta) and our members have a close relationship with the National Wildlife Refuge System and the easement program based on the critical importance of both to the long-term health of North American duck populations. The value of these habitats, as well as the historic and implicit contract between the Refuge system and the duck hunters who have been the primary funders of these programs, demands that Delta members, and duck hunters at large, are key stakeholders in deliberations on the easement program.

Delta has long understood that the health of duck populations, and the wetlands and grasslands upon which they depend, run through the farm gate. Delta has worked diligently to develop diverse programs to meet the dual objectives of conserving habitat while working with farmers and ranchers in ways that make sense to their operations, their families, and their bottom lines.

As such, we have supported a number of actions taken by the USFWS to ensure the easement program is focused on clarity, minimizing conflict, and sustaining social license in rural communities, while also meeting the explicit conservation mandates of the program. In recent years we have supported the following actions by the USFWS, which we believe have strengthened the easement program:

- We supported the extensive mapping work done by the USFWS to accurately define those easements acquired prior to 1976 to provide clarity to landowners,
- We supported a new approach to easement enforcement via Principal Director Sheehan's Director's Memo in August of 2018 and reiterated by Principal Director Everson via Director's Memo in December of 2019 and subsequently formalized into policy. This resolution was developed to address concerns expressed by Congressional members and agricultural groups as a means to minimize conflict as potential easement violations occur,
- We supported the 2020 USFWS Guidance Memo which sought to provide clarity and "safe harbor" to producers when installing tile in proximity to wetland easements with technical input from USFWS staff,
- And we support the ongoing efforts of the USFWS staff to work collaboratively with landowners in those instances where mapping of pre-1976 easements resulted in "over summary" maps.

It has been our perspective through all these varied actions that the USFWS staff have been working toward the goal of increasing clarity for landowners and in recognition that voluntary, incentive-based programs work best when landowners have all the information needed to make the best-informed decisions for their land and businesses. We believe the USFWS has made incredible strides in recent years (per the examples above) to meet that objective, but candidly, the USFWS staff receive far too little recognition for the work they do to work productively with landowners and make all manner of reasonable accommodations.

While landowners deserve fairness and clarity, duck hunters, as the primary funders of the easement program, must have the confidence that their investment is meeting their objectives and that that promise is kept.

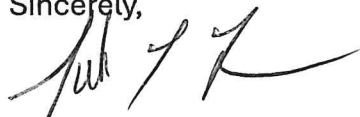
The small wetlands that are under easement represent the most vital habitat for breeding ducks. Roughly 70% of the wetlands under easement are under one acre in size, demonstrating the clear recognition that it is those small, shallow wetlands that are both the most important to breeding ducks while also being subject to the greatest loss rates.

While the USFWS wetland easement program has a small footprint within the entirety of the agricultural landscape of the U.S. Prairie Pothole Region, an estimated .6% of the annual cropland in the region, varying from .1% in Iowa to 1.5% in North Dakota, their contribution in terms of habitat and duck production, carrying capacity, and recruitment is significant.

Current estimates suggest the carrying capacity provided by USFWS easements supports 1.7 million breeding duck pairs and easements produce 700,000 young ducks to the annual fall flight. It is this asset, the easements secured via duck stamps purchased by duck hunters, that represents the very foundation of habitat upon which duck populations depend.

In conclusion, while we appreciate efforts to provide clarity to landowners, we also expect all decisions related to tile setbacks to preserve the full functions and values of all easement wetlands, as that was the reason they were acquired, and as importantly, it was an implicit promise made to generations of duck hunters.

Sincerely,



John L. Devney

Chief Policy Officer

Thank you for
considering our
input!

