



State of Wisconsin
Governor Scott Walker

Department of Agriculture, Trade and Consumer Protection

August 21, 2017

Scott Pruitt, Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Leonard Jordan, Acting Chief
USDA NRCS, Office of the Chief
1400 Independence Ave., SW, Room 5105-S
Washington, DC 20250

Lieutenant General Todd T. Semonite
U.S. Army Corps of Engineers
441 G Street NW
Washington, DC 20314-1000

**Re: Wetland Delineations and Regulations for Federal and State
Wetland and Waterway Determinations and Permits**

Dear Mr. Pruitt, Mr. Jordan, and Lt. Gen. Semonite:

On behalf of the State of Wisconsin and the Department of Agriculture, Trade and Consumer Protection, I'm writing to request that federal agencies with compliance programs related to wetlands and waterways, including the Environmental Protection Agency ("EPA"), Natural Resources Conservation Service ("NRCS") and the Army Corps of Engineers, work together with the State of Wisconsin to eliminate overlapping and confusing federal wetlands regulations.

These three federal agencies have different standards, definitions, and regulatory practices related to wetlands. In addition, a wetland determination made by one agency is not binding on the other, because each agency has been granted wetland jurisdiction under three separate federal acts: EPA gets wetland authority from the 1972 federal Water Pollution Control Act ("Clean Water Act"); the Army Corps of Engineers has wetland regulatory authority stemming from Section 404 of the Clean Water Act; and NRCS gets its authority from the National Food Security Act of 1985 and subsequent Farm Bills.

We believe state and federal wetland programs should be consistent and duplicative requirements be eliminated. It is critically important to land owners that state determinations and permit decisions to be honored by the federal government. Specifically:

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1. The Department requests that the EPA, NRCS, and Army Corps of Engineers be directed to formally recognize wetland and waterway decisions made by the State, and that those federal agencies stop requiring additional determinations or processes for landowners.
2. We request that farmers be able to maintain and restore drainage systems without triggering violations of overlapping federal wetland regulations. We also request that farmers be permitted to restore wetlands using commonly accessible farm equipment, and without losing Farm Service Agency program eligibility.

Action on this issue supports the administration's efforts to re-establish the proper balance of power between state and federal governments. For too long, the federal government has imposed its will on agricultural producers, causing excessive time and costs dealing with the myriad regulations from federal and state agencies. As a result, land owners often face insurmountable obstacles, including permit denial, for installation of conservation practices and improvements to existing drainage and erosion control. These added costs and delays create a systemic effect on the economy, including driving up the cost of food.

The State of Wisconsin and Department of Agriculture, Trade and Consumer Protection appreciates your consideration and attention to these issues and looks forward to working with all of you on solutions.

Sincerely,



Jeff Lyon
Interim Secretary

Cc: Gov. Scott Walker
Wisconsin Congressional Delegation