

1/30/2015

Customer: Tract: 5305

# Certified Wetland Determination

Agency: NRCS  
Field Office: Buffalo  
District: Wright



- |               |             |                   |
|---------------|-------------|-------------------|
| Missing Label | CMW         | MIW               |
| W             | CW or CW+yr | MW                |
| PC/NW         | CWNA        | MWM               |
| AW            | CWTE        | TP                |
| CC            | FW          | WX                |
| CPD           | FWP         | Old Labels        |
|               |             | Not Inventoried   |
|               |             | pls_twpsh_a_mn171 |

## Stockholm - Section 27

1:2,861 1 inch = 238 feet  
0 100 200 400  
Feet



2011 Image



This certified wetland determination/delineation has been conducted for the purpose of implementing the wetland conservation provisions of the Food Security Act of 1985. This determination/delineation may not be valid for identifying the extent of the COE's Clean Water Act jurisdiction for this site. If you intend to conduct any activity that constitutes a discharge of dredged or fill material into wetlands or other waters, you should request a jurisdictional determination from the local office of the COE prior to starting the work."



February 5, 2015

**RE: Preliminary Wetland Technical Determination on Tract 5305**

Dear Mr. ,

*As of 8/10/2011 all drainage and land clearing requests require a Certified Determination to be completed and mailed via Certified Mail.*

This letter is in regards to your request dated 9/27/2014 to add new tile.

As follow-up to our discussion on 1/26/2015, a preliminary wetland technical determination was completed to include a portion of your tract that was mistakenly included with your neighbor's tract to the north. Field 9 was determined to be a Wetland (W). Adding new tile to this area would be considered a violation of the Swampbuster provisions of the 1985 Food Security Act. However, it would be considered in compliance to install non-perforated tile through the wetland boundary. In order to protect the integrity of the wetland, non-perforated tile should also be installed a minimum of 70 feet back from the wetland boundary.

Enclosed is the Landowner Statement and Contractor Responsibility form to ensure this activity would be in compliance with state regulations. Please complete this form and return it to Andrew Grean, Wetland Specialist with the Wright County Soil and Water Conservation District.

Please contact the Wright County Field Office with any questions or concerns at (763) 682 – 1933 ext. 111.

Sincerely,

Katelyn Mattila  
NRCS Contractor  
Wright County

cc: Wright County FSA



United States Department of Agriculture

**You may appeal this Preliminary Technical Determination by acting on one of the following two options:**

- You may request that an NRCS representative reconsider this determination by **filing a written request no later than 30 calendar days after you receive this notice** in accordance with the NRCS's appeal procedures found at 7 C.F.R. Part 614. If you request reconsideration, you have the right to a field visit, office visit, or other designated location meeting site for an informal review with the decision maker. During the review you, and/or your representative may provide additional information and discuss the facts relating to the Preliminary Technical Determination. To request reconsideration with NRCS, write to the address below and explain why you believe this determination is erroneous. If you choose to seek further reconsideration, you may later appeal the determination to either the FSA County Committee or the National Appeals Division (NAD).

NRCS  
311 Brighton Ave, Suite C  
Buffalo, MN 55313

- **Mediation** is available as part of NRCS's informal appeal process. Mediation may enable NRCS to narrow the issues and resolve the matter by mutual agreement. You may have to pay all or part of the cost of mediation. If you request mediation, the running of the timeframe in which you may file an appeal stops. When mediation closes, the clock restarts and you will have the balance of the days remaining in that period to file an appeal. **To request mediation, you must submit your written request no later than 30 calendar days after you receive this notice.** To request mediation, write to the Minnesota State mediation program at the following address and provide a copy of your request for mediation to NRCS.

Mary Nell Preisler  
Farm Credit Mediation Program  
1526 170<sup>th</sup> Avenue  
Bejou, MN 56516  
Phone: 218-935-5785

In order to immediately address application needs or resource issues on the ground (i.e. wetland restoration), a **participant, who has received a Preliminary Technical Determination, may waive his or her preliminary appeal rights in order to obtain expedited finality of the technical determination.** The participant must request the waiver in writing to the State Conservationist (STC). Upon waiver request review, the STC will issue a Final Technical Determination, as appropriate. To seek a waiver, write to:

Mr. Donald Baloun  
State Conservationist  
USDA NRCS  
375 Jackson Street, Suite 600  
St. Paul, MN 55101-1854

**If you do not select any of your preliminary appeal rights, this Preliminary Technical Determination will become a Final Technical Determination in accordance with the wetland compliance provisions and the appeal regulations.** A technical determination becomes a final USDA decision when the time to request appeal expires without appealing the decision. A Final Technical Determination becomes appealable 30 days after receipt of the preliminary technical decision.





United States Department of Agriculture

**You may appeal the Final Technical Determination by acting on one of the following two options:**

- You may appeal this determination to the **FSA County Committee (COC)** by filing a written request no later than 30 calendar days after you receive this notice in accordance with the FSA appeal procedures found at 7 C.F.R. Part 780. If you appeal to the COC, you have the right to an informal hearing which you or your representative may attend either personally or by telephone. To appeal, write to the County Committee at the following address and explain why you believe this determination is erroneous.

FSA County Committee  
311 Brighton Ave, Suite C  
Buffalo, MN 55313

- Alternatively, you may appeal this determination to the **National Appeals Division (NAD)** by filing a written request no later than 30 calendar days after you receive this notice in accordance with the NAD appeal procedures found at 7 C.F.R. Part 11. If you appeal to NAD, you have the right to a hearing that you or your representative may attend. Once a hearing with NAD begins, you waive any rights to reconsideration, an appeal to FSA, and mediation. To appeal, you must write to NAD at the following address, explain why you believe this determination is erroneous, and provide a copy to FSA. You must personally sign your written appeal to NAD and include a copy of this letter.

NAD Eastern Regional Office  
P.O. Box 68806  
Indianapolis, Indiana 46268

If you are the owner of this tract and have a tenant, I urge you to discuss this letter and accompanying NRCS-CPA-026 with your tenant. Likewise, if you are the tenant of this tract, I urge you to discuss this letter with your landlord.

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If you have questions concerning this notification, please contact Julie Reberg, District Conservationist, at the Buffalo Field Office, Ext. 113. Please keep NRCS informed of your decision to exercise these options.

Sincerely,

Clayton Schmitz  
Designated Conservationist  
USDA-NRCS

cc: Wright County Executive Director, Farm Services Agency (FSA)  
**Wright County District Conservationist, Natural Resources Conservation Service (NRCS)**



United States Department  
of Agriculture

Natural Resources  
Conservation Service

NRCS-CPA-026E  
9/2012

**HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION**

Name Address	MN 55321	Request Date: 9/27/2014	County: Wright
Agency or Person Requesting Determination:	Landowner	Tract No: 5305	FSA Farm No: 4947

**Section I - Highly Erodible Land**

Is a soil survey now available for making a highly erodible land determination?	
Are there highly erodible soil map units on this farm?	

Fields in this section have undergone a determination of whether they are highly erodible land (HEL) or not; fields for which an HEL Determination has not been completed are not listed. In order to be eligible for USDA benefits, a person must be using an approved conservation system on all HEL.

Field(s)	HEL(Y/N)	Sodbust (Y/N)	Acres	Determination Date
Refer to the Previous HEL determination available on file from your FSA office				

The Highly Erodible Land determination was completed in the

**Section II - Wetlands**

Fields in this section have had wetland determinations completed. See the Definition of Wetland Label Codes for additional information regarding allowable activities under the wetland conservation provisions of the Food Security Act and/or when wetland determinations are necessary to determine USDA program eligibility.

Field(s)	Wetland Label	Occurrence Year	Acres	Determination Date	Certification Date
	PC/NW		27	1/12/2015	2/11/2015

The wetland determination was completed in the Office It was Mail On: 1/12/2015

Remarks:	
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I certify that the above determinations are correct and were conducted in accordance with policies and procedures contained in the National Food Security Act Manual.

Signature Designated Conservationist	Date
 Julie Reberg	1/12/2015

The U.S. Department of Agriculture (USDA) prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Assistant Secretary for Civil Rights, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Stop 9410, Washington, DC 20250-9410, or call tollfree at (866) 632-9992 (English) or (800) 877-8339 (TDD) or (866) 377-8642 (English Federal-relay) or (800) 845-6136 (Spanish Federal-relay). USDA is an equal opportunity provider and employer.

*Handwritten:*  
10-16-15  
MS





United States Department of Agriculture

January 12, 2015

RE: Certified Wetland Determination in response to AD-1026 request

Dear Mr.

The Natural Resources Conservation Service (NRCS) recently received an AD-1026 from the Farm Service Agency (FSA) for **Tract 5305 (Stockholm - Section 27) in Wright County**. As a result of that request, NRCS is issuing a Certified Wetland Determination in accordance with the wetland provisions of the Food Security Act of 1985, as amended. This Preliminary Technical Determination was conducted by local NRCS field office or area office staff and concludes the following:

**This area, as identified on the enclosed NRCS-CPA-026 form and map, has been determined Prior-Converted Cropland and/or Non-Wetland (PC/NW).** The land identified meets the definition for PC/NW (7 CFR 12.5-b) and as such, is exempt from the USDA wetland compliance provisions.

This Preliminary Technical Determination will become a Final Technical Determination in accordance with regulatory requirements *Title 7 Code of Federal Regulations (C.F.R.) Part 614.8(a)(1)*. **NRCS has determined that the determination(s)**

**presented here are not appealable.** You may seek a review of this determination by filing a written request with the National Appeals Division (NAD) no later than 30 calendar days after the date you receive this notice in accordance with the

NRCS appeal procedures found at 7 C.F.R. Part 614 and the NAD appeal procedures found at 7 C.F.R. Part 11. If you believe this issue is appealable, you must write to the NAD director at the address given and explain why you believe this determination is appealable. Please provide NRCS a copy of this request.

National Appeals Division (NAD)  
3101 Park Center Drive, Suite 1100  
Alexandria, VA 22302

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If you have questions concerning this notification, please contact Julie Reberg, District Conservationist at 763-682-1933 Ext. 113. Please keep NRCS informed of your decision to exercise these options.

Sincerely,

Julie Reberg  
District Conservationist  
USDA-NRCS

cc: Wright County Executive Director, Farm Services Agency (FSA)  
Wright County District Conservationist, Natural Resources Conservation Service (NRCS)

Natural Resources Conservation Service  
311 Brighton Avenue, Suite C, Buffalo, Minnesota 55313  
Phone: 763-682-1933 Fax: 763-682-2903  
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