

United States Department of Agriculture



Natural Resources Conservation Service  
709 Providence Road  
Wayne, NE 68787-1514  
Phone: 402-375-2733 (Ext. 3)

<http://www.ne.nrcs.usda.gov>

May 21, 2015

Dear Madam or Sir:

Enclosed is form NRCS-CPA-026E, "highly erodible land and wetland conservation determination" for Tract **#7859 in Cuming county**. This form may or may not have the highly erodible determination for this tract or information from a past wetland determination. Contact this office for the status of that information. This preliminary certified wetland determination may have been completed on a field-by field basis and a past determination may exist for other fields in the same tract. Refer to Section II of form NRCS-CPA-026E for field, wetland label, and certification date.

**We have made a preliminary technical determination for field(s) #1 and the following wetlands have been identified: FW, WX, PC, and NW.** See the attached Wetland Labels and Uses document for information regarding criteria for determination, authorized cropping, and authorized maintenance. Drainage tile cannot be installed with 425 feet of the wetland, FW, boundaries.

If you do not agree with this preliminary technical determination, please follow the procedures outlined in the enclosed Appeal Process Worksheet. Your request must include the following information:

- A copy of this notification and decision.
- The reason why the NRCS decision is incorrect. (Note: You must indicate why the NRCS decision is erroneous to you, individually, as a matter of law and regulation).
- You must provide a copy of any request for appeal or mediation to this office at:

Natural Resources Conservation Service  
Attn: Ms. Robin Sutherland  
715 11<sup>th</sup> St.  
Stanton, NE 68779-0167

If you agree with this preliminary technical determination, you may disregard the enclosed Appeal Process Worksheet.

If you choose to do nothing, this preliminary technical determination becomes final 30 days from the date you received this notification, no further notifications will be sent and the Farm Service Agency will be notified.

If manipulation or alteration of any wetlands occurs, this information will be used in determining your eligibility for USDA program benefits such as cost-share programs, disaster programs, production programs, farm loans, and other existing or potential USDA programs. If other individuals are associated with this farm, we encourage you to discuss this information with them.

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 U.S. Army Corps of Engineers (COE) 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,

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you should request a jurisdictional determination from the local office of the COE prior to starting the work. Please contact the COE directly regarding other jurisdiction:

U.S. Army Corps of Engineers  
8901 South 154th Street, Suite 1  
Omaha, Nebraska 68138-3621  
Phone: 402-896-0896

A certified wetland determination is not a county drainage permit. You are responsible for complying with other federal, state, local regulations and easements as they apply to wetlands on the property you own or operate. Contact Nebraska Department of Environmental Quality for complying with Title 117 of Nebraska's Surface Water Quality Standards for activities potentially impacting any "waters of the state":

Nebraska Department of Environmental Quality  
Water Quality Division - Planning Unit  
PO Box 98922  
Lincoln NE 68509-8922

**Before doing any activities in or near a wetland or wet area:**

If you plan to do any work in a wetland/wet area or to any land nearby a wetland/wet area that could alter the wetlands/wet area you should notify your local NRCS office well in advance of starting the alteration. In this way, your plans can be reviewed so you have full knowledge of its potential effect on your USDA program eligibility and benefits. Examples of wetland alterations that are restricted include maintaining, improving, or installing drainage systems, removing trees or shrubs, dredging, leveling, and placing fill material in wetlands, or any other activities that impair wetland functions and values.

The 2014 Farm Bill connected producer eligibility for Federal crop insurance premium subsidy to compliance with the highly erodible land (HEL) provisions. Previous USDA participants who are currently not in compliance with the HEL provisions have 2 reinsurance years to develop and comply with an NRCS-approved conservation plan to remain eligible for Federal crop insurance premium subsidy. Producers who are subject to HEL compliance for the first time due to the 2014 Farm Bill have 5 reinsurance years to develop and comply with an NRCS-approved conservation plan when producing an agricultural commodity on HEL. If you are unsure about your status as a previous USDA participant, please inquire at your local Farm Service Agency office.

The 2014 Farm Bill connected producer eligibility for Federal crop insurance premium subsidy to compliance with the wetland conservation provisions. Eligibility for most USDA programs is lost for any wetland conversions that have occurred after December 23, 1985. However, only wetland conversions that occur after February 7, 2014, result in ineligibility for Federal crop insurance premium subsidy.

If you have any questions concerning this preliminary technical determination, please contact the Pierce NRCS office at 402-372-2451 Ext. 3.

Sincerely,



Donald R. Preston  
Resource Conservationist

Enclosures:

Appeal Process Worksheet, NRCS-CPA-026E, Determination Map, Wetland labels and uses.

cc: Robin Sutherland, DC, NRCS, Stanton  
Donald Kampscheider, CED, FSA, West Point



**HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION**

Name Address:	Richard & Charles Ronnenkamp	Request Date: 1/29/2015	County: Cuming
Agency or Person Requesting Determination:	[REDACTED]	Tract No: 7859	FSA Farm No.: 2707

**Section I - Highly Erodible Land**

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

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
1	No	No	158.4	10/14/1987

The Highly Erodible Land determination was completed in the field.

**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 (CW)	Acres	Determination Date	Certification Date
1	FW		2.0	5/21/2015	5/21/2015
1	WX		1.0	5/21/2015	5/21/2015
1	PC		85.6	5/21/2015	5/21/2015
1	NW		69.8	5/21/2015	5/21/2015

The wetland determination was completed in the field. It was mailed to the person on 5/21/2015

Remarks: Area requested to install drainage tile is approved. The area requested to tile may be closer than 425 feet of the FW boundary because the requested area elevation is below the FW area. Drainage tile cannot be installed within 425 feet of farmed wetland, FW, boundary.

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
	5/21/2015

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (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 USDA, Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Stop 9410, Washington, DC 20250-9410, or call toll-free 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.

# Certified Wetland Determination Map


Date: 5/21/2015

Customer(s): RICHARD RONNENKAMP,  
CHARLES RONNENKAMP  
Legal Description: NE4 of 23-24-7  
Farm #2707  
Tract #7859  
Operator [REDACTED]

Field Office: WAYNE SERVICE CENTER  
Agency: NRCS  
Assisted By: DONALD R. PRESTON  
State and County: NE, Wayne County, Nebraska



## Legend

 T7859

**Partial\_a**

## Wetland Label

 FW

 NW

 PC

 WX



# Definitions of Wetland Labels and Uses (revised 9-2012)

Portions taken from National Food Security Act Manual, 5<sup>th</sup> edition Part 514.60 and NRCS-CPA-026e 9/2012

Name & Label	Criteria for Determination	Authorized Uses	Authorized Maintenance	NFSAM Citation
<b>(AW)</b> Artificial Wetland	An area that was formerly a non-wetland area under natural conditions but now exhibits wetland characteristics because of the influence of human activities. These areas are exempt from the Food Security Act of 1985, as amended. This label includes irrigation induced wetlands.	No restrictions.	No restrictions.	Part 514.12
<b>(CPD)</b> COE Permit with Mitigation	A converted wetland authorized by a permit issued under Section 404 of the Clean Water Act.	Per COE permit conditions. Production of agricultural commodities is only allowed subject to conditions of the permit.	Per COE permit conditions.	Part 515.20
<b>(CW)</b> Converted Wetland	A wetland converted between December 23, 1985, and November 28, 1990. Also, these areas are For these instances,	Production of agricultural commodities or additional manipulation will cause ineligibility.	Maintenance allowed to scope and effect of original manipulation.	Part 514.40
<b>(CW)</b> Wetland Converted by county, drainage district, or similar entity.	Wetlands converted after December 23, 1985, by a county, drainage district, or similar entity but not considered third party (TP).	Production of an agricultural commodity or forage for mechanical harvest or additional manipulation will cause ineligibility for USDA program benefits.	Maintenance allowed to original scope and effect of system before conversion.	Part 514.40
<b>(CW+year)</b> Converted wetland	A wetland converted after November 28, 1990.	USDA program participant is ineligible for benefits (regardless of whether production of agricultural commodity occurred) until the wetland is restored or mitigated unless an exemption.	Not applicable	Part 514.40
<b>(CWTE)</b> Converted Wetland Technical Error	A wetland converted or commenced after December 23, 1985, based on an incorrect NRCS determination. This label does not apply to obvious wetlands as defined in the National Food Security Act Manual.	May be used for production of agricultural commodities or forage provided no manipulation is done beyond what existed as of the date of the CWTE determination.	May be maintained to the extent that existed on date of the CWTE determination.	Part 514.41
<b>(FW)</b> Farmed Wetland	A wetland that was manipulated and planted before December 23, 1985, but still meets inundation or saturation criteria. These areas may be farmed and maintained as documented before December 23, 1985, as long as they are not abandoned (i.e., management or maintenance for commodity production ceased for 5 consecutive years). If the area is not a pothole, playa, or pocosin, it is inundated for at least 15 consecutive days during the growing season or 10 percent of the growing season, whichever is less, in most years. If the area is a pothole, playa, or pocosin, it is inundated for at least 7 consecutive days or saturated for at least 14 consecutive days during the growing season in most years.	May be used for production of agricultural commodities or forage.	May be maintained to the extent that existed before December 23, 1985, if "as built" records exist. May be maintained to the extent that existed on December 23, 1985, if no "as built" records exist.	Part 514.31
<b>(FWP)</b> Farmed Wetland Pasture and Hayland	A wetland that is used for pasture or haying, was manipulated and planted before December 23, 1985, but still meets the inundation or saturation criteria. Is inundated for at least 7 consecutive days or saturated for 14 days during the growing season.	These areas may be farmed and maintained as documented before December 23, 1985, as long as they are not abandoned (i.e., management or maintenance for commodity production ceased for 5 consecutive years).	May be maintained to the extent that existed before December 23, 1985, if "as built" records exist. May be maintained to the extent that existed on December 23, 1985, if no "as built" records exist.	Part 514.32
<b>(MIW)</b> Mitigation Exemption	A converted wetland, farmed wetland or farmed wetland pasture of which the acreage, functions and values lost have been compensated for through an NRCS-approved mitigation plan (wetland to be manipulated).	As stipulated in the mitigation agreement.	As stipulated in the mitigation agreement.	Part 515.10

Name & Label	Criteria for Determination	Authorized Uses	Authorized Maintenance	NFSAM Citation
(MW) Minimal Effect Exemption	A converted wetland that is exempt from the wetland conservation provisions of the Food Security Act of 1985, as amended, based on an NRCS determination that the conversion has or will have a minimal effect, individually and cumulatively, on the functions and values of the wetland and the wetlands in the watershed.	As stipulated in the minimal effect agreement, if applicable.	Only those activities stipulated in the minimal effect agreement, if applicable.	Part 515.0
(MWM) Mitigation Site	The site of wetland restoration, enhancement, or creation serving as mitigation for the mitigation exemption (MIV) site.	As stipulated in Mitigation Plan/Agreement.	As stipulated in Mitigation Plan/Agreement	Part 515.10
(NW) Nonwetland	An area that does not contain a wetland. Also includes wetlands converted before December 23, 1985, but a commodity crop was not produced and the area does not meet wetland criteria (not been abandoned).	No restrictions.	No restrictions unless manipulation would convert adjacent wetlands.	Part 514.20
(PC) Prior Converted Cropland	A wetland converted to cropland before December 23, 1985, and as of December 23, 1985, was capable of being cropped and did not meet farmed wetland hydrology criteria. These areas are not subject to the wetland conservation provisions of the Food Security Act of 1985, as amended, unless further drainage manipulation affects adjacent wetlands.	No restrictions.	No restrictions unless manipulation would convert Adjacent wetlands.	Part 514.30
(TP) Third Party Exemption	A wetland converted after December 23, 1985, by a third party who is not associated with the participant, and the conversion is not a result of a scheme or device. A third party does not include predecessors in interest on the tract, drainage districts, or other local government entities.	May be used for production of agricultural commodities or forage.	Further drainage improvement will cause ineligibility.	Part 514.42
(W) Wetland	An area meeting wetland criteria that was not converted after December 23, 1985. These areas include FW and FWP that have been abandoned.	May be farmed under natural conditions without removal of woody vegetation.	At level needed to maintain original system on FW, FWP, and PC. Must not convert additional wetlands or exceed original scope and effect of drainage system.	Part 514.10
(WX) Wetlands that have been manipulated	A wetland manipulated after December 23, 1985, but the manipulation was not for the purpose of making production possible and production was not made possible. These areas include wetlands manipulated by drainage maintenance agreements.	Would cause ineligibility if production was later made possible.	No restrictions as long as production not made possible including on an adjacent wetland.	Part 514.11

**Current Labels:** The above are the ONLY labels that are authorized for use when making a certified wetland determination in accordance with the National Food Security Act Manual, 4<sup>th</sup> edition.

### ADDITIONAL INFORMATION

**PAST LABELS:** Previous editions of the National Food Security Act Manual contained labels that will not be used for certified determinations completed after the effective date of this manual (January 2008). These labels may be shown for previous determinations and maintained in the Customer Service Toolkit.

**(CC) Commenced Conversion:** A wetland, farmed wetland, farmed wetland pasture, or converted wetland on which the conversion began but was not completed before December 23, 1985, was approved by FSA to continue, and conversion was completed by January 1, 1995.

**(CMW) Categorical Minimal Effect:** A wetland that meets specific categories of conversion activities that have been determined by NRCS to have minimal effect, individually and cumulatively, on the functions and values of the wetland and the wetlands in the watershed.

**(CWNA) Converted Wetland for Nonagricultural Purposes:** A wetland converted after November 28, 1990, to a use other than agricultural commodity production.

**Easement site + label:** Area that has been created, restored, or enhanced under an agreement to allow conversion and cropping of another wetland. Authorized Uses: As specified in agreement. Authorized Maintenance: As specified in agreement.

**(NI) Not Inventoried:** An area where no wetland determination has been conducted.

**(OW) other waters of the United States:** Areas that the COE have taken jurisdiction of under the Clean Water Act. Only use with COE decision/guidance. Authorized Uses: As per COE permit. Authorized Maintenance: As per COE permit.

**(PC/NW) Prior Converted Cropland/Non-Wetland:** An area that contains both PC and NW.

**Obvious Wetlands (NFSAM 514.41B.):** CWTE does not apply to obvious wetlands. An obvious wetland is an area that is continuously inundated or saturated for long periods of time during the growing season to such an extent that access by foot to make a determination of predominance of hydric soils or prevalence of hydrophytic vegetation is not feasible. [7 CFR 12.6 (c)(8)] Additionally, wetland sites that are cropped or have had forage harvested by mechanical means less than 5 out of 10 years because of ponding, flooding, or saturation are obvious wetlands.