

CERTIFIED WETLAND DETERMINATION

Clear Form

1. Name:	Owner: Dane County	2. Location County:	Dane
3. Address:	Operator: Ronald Treinen 4156 Gray Rd DeForest, WI 53532	4. Admin. County:	Dane
5. Request Form:	NRCS-CPA-38	6. Farm Number:	22431
7. Request Date:	10/31/2022	8. Tract Number:	18739


This certified wetland determination identifies areas subject to the wetland conservation provisions of the 1985 Food Security Act, as amended. See the attached Definitions of Wetland Labels and Uses for additional information and currently authorized activities under the Act.

Field	Label	Occurrence Year (CW+YEAR)	Acreage
15	W		3.7
1-4, 15, 22	NW		33.2
2	PC		12.2

9. Remarks:

This is a whole tract certified determination on FSN 22431, T18739. Wetland determination completed for request.

I certify that the above determinations are sufficient for the purpose of making a determination of eligibility for program benefits and were conducted in accordance with policies and procedures contained in the National Food Security Act Manual.

10. Signature Designated Conservationist	Date:
 Digitally signed by CHANC VOGEL Date: 2023.01.23 09:41:39 -06'00'	01/23/2023

**CERTIFIED WETLAND DETERMINATION
SUPPLEMENT WORKSHEET**

Field	Label	Occurrence Year (CW+YEAR)	Acreage

11. Remarks:

Areas identified as Potential Jurisdictional Waters (PJW) are not subject to the Food Security Act but are potentially subject to the Clean Water Act. You should contact the U.S. Army Corps of Engineers local district office prior to performing work in areas which may be subject to the Clean Water Act. Areas identified as PJW are for informational purposes only and are not appealable to USDA. Additional areas, not identified by NRCS as PJW, might also be subject to the Clean Water Act.

Definitions of Wetland Labels and Uses

Label/Name	Criteria for Determination	Authorized Uses	Authorized Maintenance
AW (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.
CPD (Corps of Engineers (USACE) Permit with Mitigation)	A converted wetland authorized by a permit issued under Section 404 of the Clean Water Act by USACE.	Per USACE permit conditions.	Per USACE permit conditions
CW (Converted Wetland)	A wetland converted between December 23, 1985, and November 28, 1990.	Planting of agricultural commodities or additional manipulation will cause ineligibility.	Maintenance allowed to scope and effect of original manipulation.
CW (Wetland converted by county, drainage district, or similar entity)	Wetlands converted after December 23, 1985, by a county, drainage district, or similar entity and beyond a person's direct control, 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.
CW+Year (Converted Wetland)	A wetland converted after November 28, 1990. "Year" indicates the year the wetland was converted, and ineligibility begins.	USDA program participant and their affiliated persons are ineligible for benefits (regardless of whether ag commodity planting occurred) until the wetland is restored or mitigated. Planting of agricultural commodities is also prohibited.	Not applicable
CWTE (Converted Wetland Technical Error)	An area converted after December 23, 1985, where the conversion or production of an agricultural commodity was a consequence of an incorrect NRCS determination.	May be used for production of agricultural commodities or forage provided no manipulation is done beyond what existed on the date of the CWTE determination.	May be maintained to the extent that existed on date of the CWTE determination.
FWP (Farmed Wetland Pasture and Hayland)	Manipulated and used for pasture or hay before December 23, 1985 and in most years, is inundated for at least 7 consecutive days or saturated for 14 days during the growing season.	Area may be farmed and maintained as existed before December 23, 1985, as long as area is not abandoned (cessation for five consecutive years of management or maintenance operations related to the use of a farmed wetland).	May be maintained to the extent that existed before December 23, 1985.

Definitions of Wetland Labels and Uses

Label/Name	Criteria for Determination	Authorized Uses	Authorized Maintenance
FW (Farmed Wetland)	A wetland that was manipulated and planted before December 23, 1985, but still meets inundation or saturation criteria, noted below. 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.	Area may be farmed and maintained as existed before December 23, 1985, as long as area is not abandoned (cessation for five consecutive years of management or maintenance operations related to the use of a farmed wetland).	May be maintained to the extent that existed before December 23, 1985.
MIW (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.	As stipulated in the mitigation plan/agreement.	As stipulated in the mitigation plan/agreement.
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 on the wetlands in the area.	As stipulated in the minimal effect agreement, if applicable.	Only those activities stipulated in the minimal effect agreement, if applicable.
MWM (Mitigation Site)	The site of wetland restoration, enhancement, or creation serving as mitigation for a converted wetland receiving a mitigation exemption.	As stipulated in the mitigation plan/agreement.	As stipulated in the mitigation plan/agreement.
NW (Nonwetland)	An area that does not contain a wetland.	No restrictions.	No restrictions unless manipulation would convert adjacent wetlands.
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 inundation or saturation criteria.	No restrictions.	No restrictions unless manipulation would convert adjacent wetlands.
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.	May be used for production of agricultural commodities or forage.	Further drainage improvement will cause ineligibility.
W (Wetland)	An area that meets the criteria for hydric soils, hydrophytic vegetation, and wetland hydrology. Site typically has not been manipulated by altering hydrology and/or removing woody vegetation, including stumps. These areas include FW and FWP that have been abandoned.	May be farmed under natural conditions without drainage or removal of woody vegetation.	Not applicable, as typically wetlands (W) are not manipulated. See NRCS for information if a W is used as a drainage outlet for another wetland.
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 agricultural commodity crop production was not made possible.	Would cause ineligibility if production was later made possible.	No restrictions as long as production not made possible including on an adjacent wetland.

CERTIFIED WETLAND DETERMINATION

Non-Discrimination Statement

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To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint](#) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

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Farm
Production
and
Conservation

Natural
Resources
Conservation
Service

Dane County
5201 Fen Oak Drive
Madison, WI 53718
608-224-3750/Fax 608-224-3745

Certified Mail--Return Receipt Requested

January 24, 2023

Ronald Treinen
4156 Gray Rd
DeForest, WI 53532

Dear Ronald:

The Natural Resources Conservation Service (NRCS) is issuing a Certified Wetland Determination on property you own or operate. This preliminary technical determination is in response to your request for an evaluation due to an operation change or activity that may affect compliance with Wetland Conservation (WC) provisions that was documented on the form CPA-38, HELC WC Certification. This form was initiated with the Farm Service Agency (FSA).

This letter notifies you of the preliminary technical determination and describes USDA WC compliance requirements. Your preliminary technical determination will automatically become a final technical determination in 30 days unless you wish to take one of the actions described within this notification.

If you agree with this determination, there is no further action required from you.

This certified wetland determination has been conducted for the purpose of implementing the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. **This determination may not be valid for identifying the extent of 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 contact the U.S. Army Corps of Engineers district office prior to starting work. You may also need to contact state, county, or local offices which regulate storm water management and wetlands.

Preliminary Technical Determination Findings

NRCS conducted a preliminary technical determination for WC compliance on your tract 18739, fields 1-4, 15, 22, in Dane County, WI. Based on the determination, the fields shown on the attached *NRCS-CPA-026-WC Certified Wetland Determination* form may contain wetlands with an applied label. These fields are also identified on the attached maps. Areas indicated on the attached form and maps could be subject to WC provisions of the Food Security Act of 1985, as amended, and provisions in USDA regulations found in the Code of Federal Regulations 7 CFR § 12.5(b) as described below.

Wetland Conservation Compliance

The regulations for the WC compliance provisions of the 1985 Food Security Act, as amended, are found at Title 7 Code of Federal Regulations (7CFR Part 12). Wetland criteria is met if the area is identified as having soils that developed in wetland conditions, plants that grow in wetlands under natural conditions, and soil wetness. You may continue farming operations on Farmed Wetlands (FW) and Farmed Wetland Pasture (FWP), including maintenance of existing drainage systems. Wetlands (W) may be farmed under natural conditions without the removal of woody vegetation.

However, if you conduct any activity that alters or modifies the wetland characteristics of an FW, FWP, or W, such as adding new drainage, placing fill material into the wetland, or removing woody vegetation in the wetland, these acts may be considered a wetland conversion.

According to the Food Security Act of 1985, as amended, any person who converts a wetland after November 28, 1990, for the purpose of making production of an agricultural commodity possible, will be determined ineligible for all or a portion of USDA benefits (7 CFR Part 12).

Further, the 2014 Farm Bill connected producer eligibility for federal crop insurance premium subsidy to compliance with the wetland conservation provisions. Any wetland conversion that occurs after February 7, 2014, results in ineligibility for the federal crop insurance premium subsidy.

Prior Converted Cropland (PC), Non-Wetlands (NW), and Artificial Wetlands (AW) have no restrictions for modifying or reducing the wetness characteristics according to the Food Security Act of 1985, as amended, or the 2014 Farm Bill, as long as those modifications or reductions do not impact adjacent wetlands (i.e., FW, FWP, or W).

What Happens Next

You have two choices regarding your preliminary technical determinations: 1) Accept this determination or 2) Appeal this determination using one of the methods listed below.

1. If you accept this determination, **no further action is required**. The preliminary technical determination will automatically become a final technical determination 30 calendar days after you receive this letter.
2. You can request reconsideration or mediation or expedite the finality of the preliminary technical determination.

a) **Request Reconsideration**

A Reconsideration is conducted by an NRCS staff/wetland expert(s), and includes a field visit, office visit, or other designated meeting site. During reconsideration, the basis for the preliminary technical determination is reviewed with you, questions you may have are answered, additional information is gathered from you, and additional field investigations, if necessary, are conducted. To request reconsideration, send a written request by mail, email, or hand delivery to the NRCS office located at: 5201 Fen Oak Drive, Madison, WI 53718.

Or

b) **Request Mediation**

Mediation can help explain the preliminary technical determination, review other information that may be pertinent to your farming operation, and/or provide a forum for a potential solution to any of your concerns. Mediation must be completed within 30 days from the date of the first mediation session. If an agreement is not reached, the mediation process ends. If an agreement is reached, a final technical determination will be issued based on the mediation agreement, within 15 days from the date the mediation agreement is signed by all parties. If the issue is successfully resolved with mediation, it cannot be appealed.

To request mediation, contact the Agricultural Mediation Service in writing no later than 30 days from the date you receive this notification at:

Wisconsin Department of Agriculture, Trade & Consumer Protection
Farm Mediation and Arbitration Program
PO Box 8911
Madison, WI 53708-8911
Phone: (800) 942-2474 or (608) 224-5138

Or

c) **Expedite the Finality of the Preliminary Technical Determination**

Only final technical determinations can be formally appealed to the Farm Service Agency County Committee (COC) or the USDA National Appeals Division (NAD). You can expedite your ability to pursue a formal appeal by waiving your right to reconsideration or mediation of the preliminary technical determination, as described above. Such a request will render the preliminary technical determination a final technical determination and can be appealable to the COC or NAD.

To expedite the finality of your preliminary technical determination, send a written request by mail, email, or hand delivery to Angela Biggs, NRCS State Conservationist, at 8030 Excelsior Drive, Suite 200, Madison, WI 53717-2913: angela.biggs@usda.gov.

If you choose, you can formally appeal the final technical determination without going through the expedited process. You can appeal to either the COC or NAD. If you would like to appeal your final technical determination, you must do so within 30 calendar days of the preliminary technical determination becoming a final technical determination. Your written request must be sent between calendar day 30 and calendar day 60 from the date you received this letter to one of the following:

Dane County Farm Service Agency County Committee
5201 Fen Oak Drive, Madison, WI 53718
608-224-3750

Or

USDA National Appeals Division
Eastern Regional Office
PO Box 68806
Indianapolis, IN 46268
Phone: (800) 541-0457
Fax: (317) 875-9674
<https://www.nad.usda.gov/>

If you have any questions about this determination or would like to discuss your options in greater detail, please contact me at the phone number or email below.

Sincerely,



Chanc Vogel
Wetland Team Leader
Enclosure: Map and NRCS-CPA-026-WC
Cc:
Dane County, Owner
Twyla Kite, Acting DC, NRCS, CED, FSA, Dane County, FO



United States
Department of
Agriculture

All WC Determinations Map

Farm: 22431

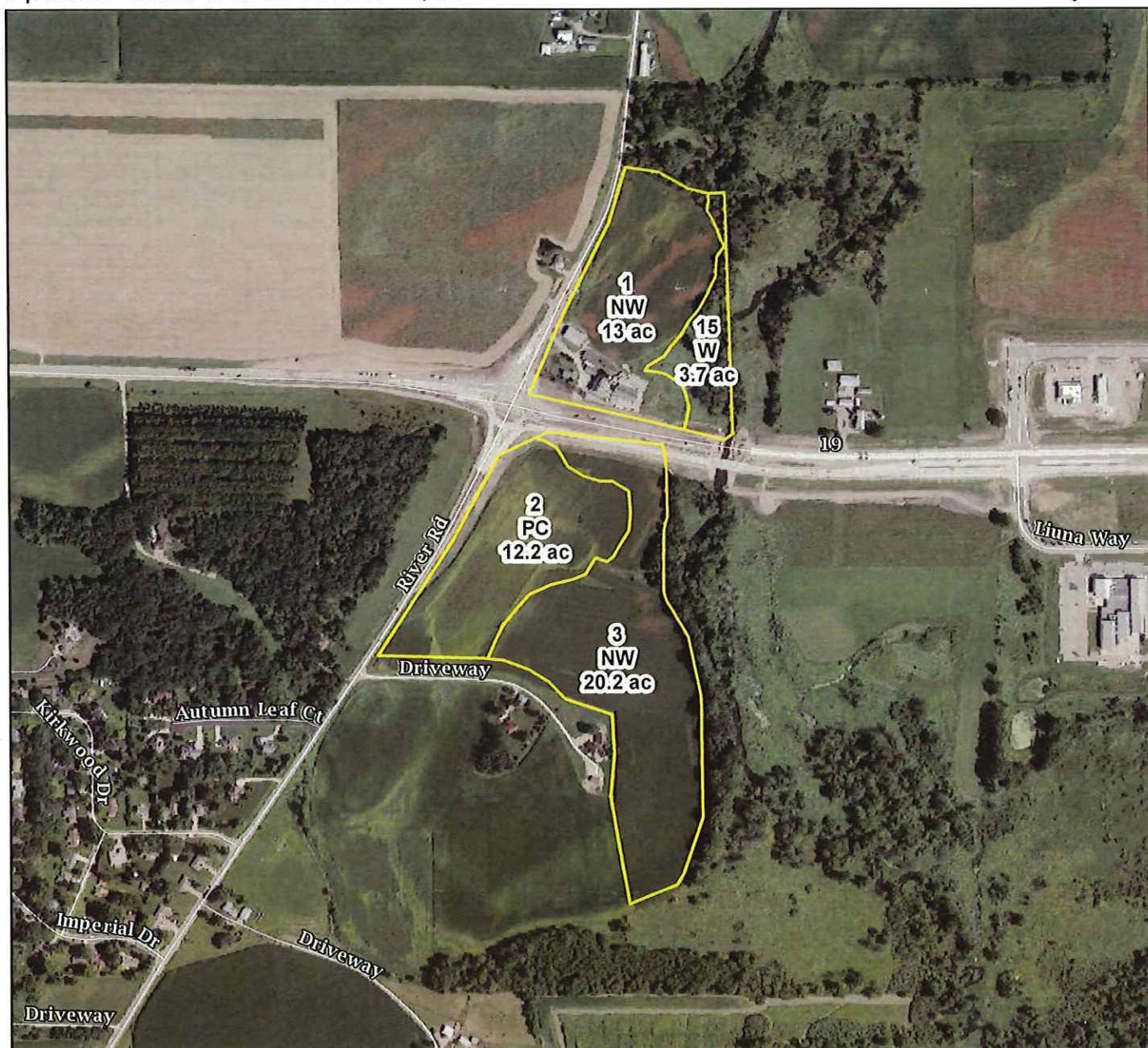
Tract: 18739

Owner: Dane County

Geographic County: Dane

Operator: Ronald Treinen T8 R9E S1, 12

FSA Admin County: Dane



Base Map Image: NAIP_2020

Map Prepared By: Phil Meyer

Map Production Date: 1/20/2023

 Technical Determination Extents

 Not Evaluated

This map shows all completed WC determinations for the site. It is the responsibility of all program participants to not convert obvious wetlands regardless of map interpretation. Newly completed and previously certified areas are shown on this map. Other areas are marked as, "Not Evaluated."

Note: Acres shown on this map may not match official FSA CLU acres due to differences in rounding or the scale at which the work was completed. Previously certified areas retain their labels and certified status.





United States
Department of
Agriculture

Certified Determination Map

Farm: 22431

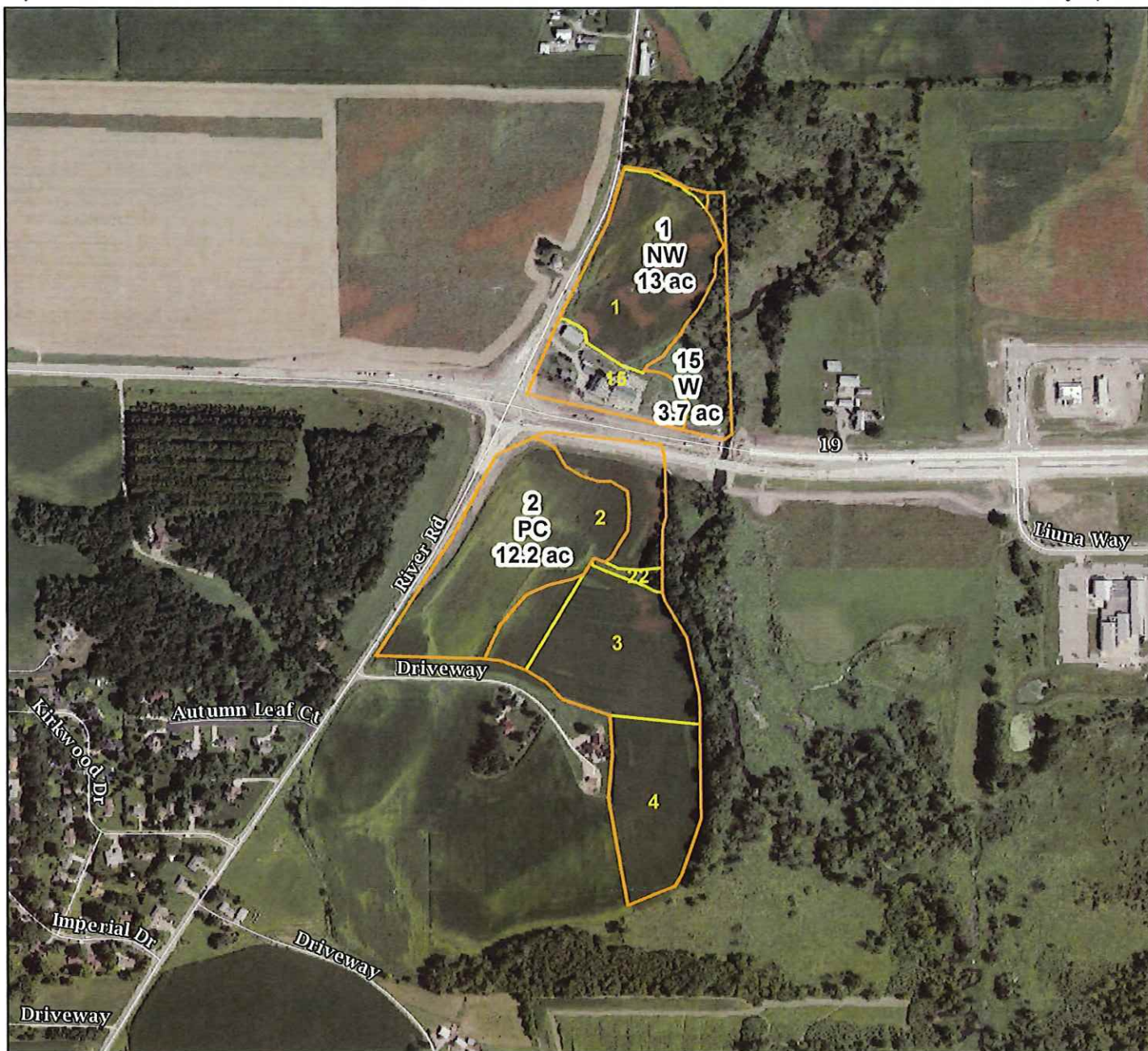
Tract: 18739

Owner: Dane County

Geographic County: Dane

Operator: Ronald Treinen T8 R9E S1, 12

FSA Admin County: (Dane)



Base Map Image: NAIP_2020

Map Prepared By: Phil Meyer

Map Production Date: 1/20/2023

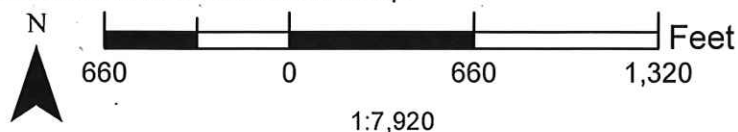
Technical Determination

Tract and Fields

PJW

This map is the official Determination Map for the current request. It is the responsibility of all program participants to not convert obvious wetlands regardless of map interpretation. Only newly completed request areas are shown on this map with a Food Security Act label.

Note: Acres shown on this map may not match official FSA CLU acres due to differences in rounding or the scale at which the work was completed. Previously certified areas retain their labels and status but are not shown on this map.





United States
Department of
Agriculture

Dane County, Wisconsin

Entire Tract: IR / NI GR / FG unless
Name/Shares: otherwise labeled

Farm 22431

Tract 18739

2023 Program Year

CLU	Acres	HEL	Crop
1	8.94	UHEL	
2	17.61	UHEL	
3	8.08	UHEL	
4	6.34	UHEL	
15	7.72	UHEL	NC
22	0.4	UHEL	NC

Page Cropland Total: 40.97 acres



Map Created September 30, 2022

Common Land Unit cropland_indicator_3CM

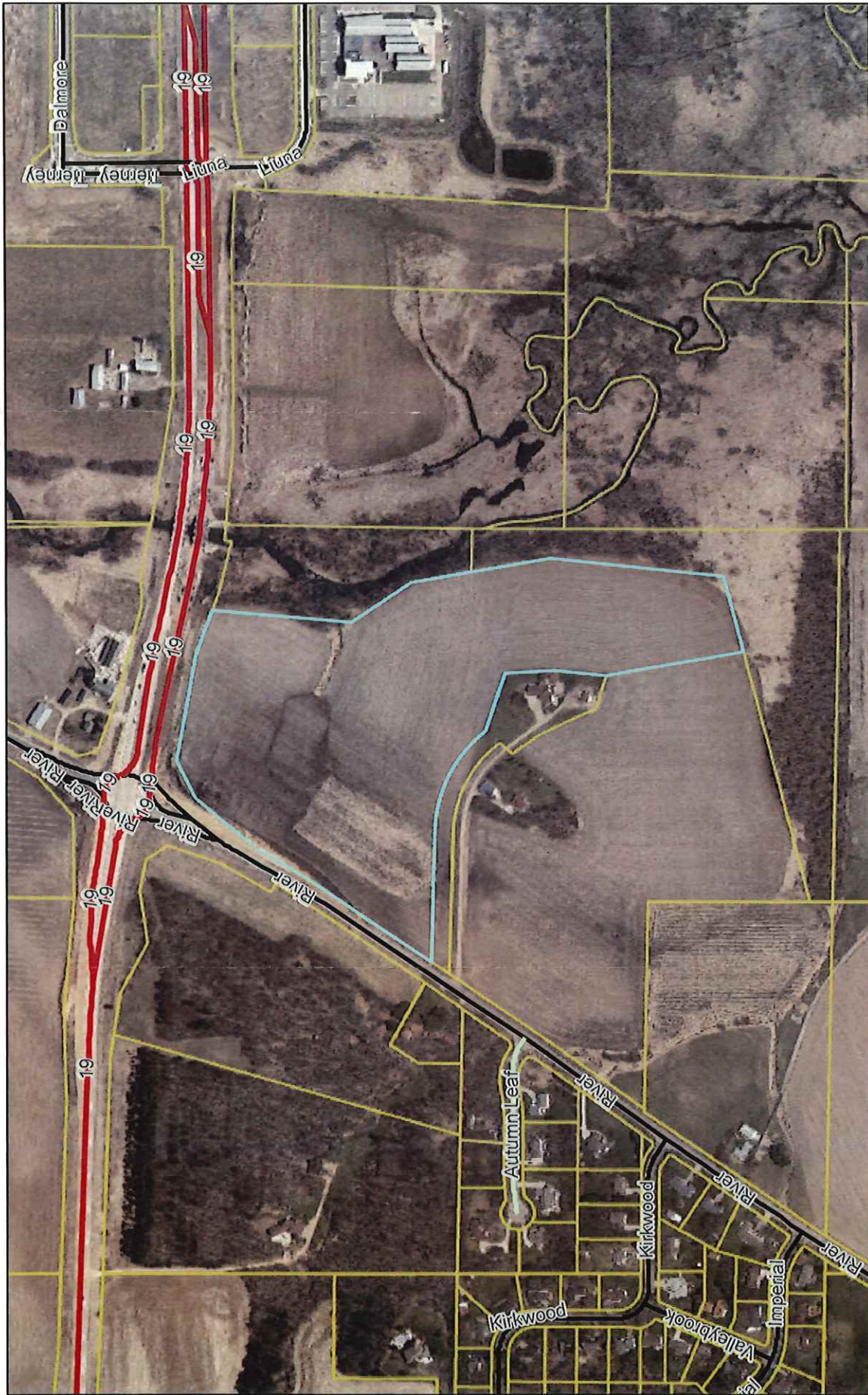
- Non-Cropland
- Cropland
- Tract Boundary
- NAIP Imagery 2020

Wetland Determination Identifiers

- Restricted Use
- Limited Restrictions
- Exempt from Conservation
- Compliance Provisions

USDA FSA maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or the NAIP imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact NRCS.

ArcGIS WebMap



October 31, 2022

Road Centerlines

Local Road

Parcels

State Highway

Named Private Road

1:6,000

0.2 mi

0.3 km

0.05

0.07

0.15

0.2

0.3

Parcels