



United States Department of Agriculture

March 6, 2023

Summit Farmland IV LLP
10640 Highway D20
Alden, Iowa 50006

Subject: Certified Wetland Determination – Tract 1922 – Redwood County

Summit Farmland:

The Natural Resources Conservation Service (NRCS) received your request for evaluation of the proposed activity indicated on a Highly Erodible Land Conservation (HELIC) and Wetland Conservation (WC) Certification form (Form AD1026) for Tract 1922, Section 26, Three Lakes Township, Redwood County, Minnesota. As a result, NRCS is issuing this Preliminary Technical Determination (PTD) in accordance with the wetland provisions of the Food Security Act of 1985, as amended.

This wetland determination has been conducted in accordance with the Wetland Conservation Provisions (116 U.S.C. 3801 et seq.) and associated regulations in 7 CFR Part 12 and contained in the National Food Security Act Manual (NFSAM) policies, and technical procedures contained within the Food Security Act Wetland Identification Procedures, issued as agency Circular No. 6, Part 527, Appendix to the NFSAM.

The PTD was conducted by NRCS Wetland Compliance staff on March 6, 2023, and concluded **Field 2** qualifies for an exemption to the wetland conservation provisions and is labeled as **Prior Converted Cropland/Non-Wetland (PC/NW)**. Please refer to the enclosed NRCS-CPA-026 and map for additional information.

This PTD will become a final technical determination in accordance with regulatory requirements (Title 7 Code of Federal Regulations (CFR.) Part 614.8(a) (1)). NRCS has determined that the determination presented here is not appealable. You may seek a review of the appealability by filing a written request with the National Appeals Division (NAD) director no later than 30 calendar days after the date you receive this notice explaining why you believe this determination is appealable. If you seek an appealability review with the NAD Director, you must also provide a copy of your request to NRCS.

National Appeals Division (NAD)
PO Box 68806
Indianapolis, Indiana 46268-0806

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 Corps of Engineers' (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. Other federal, state or local permits or restrictions may apply to activities impacting wetlands. Contact the US Fish and Wildlife Service for information concerning

Natural Resources
Conservation Service

Minnesota
Marshall Area Office

800 E. Main St.
Suite 400
Marshall, MN 56258

Ph: 507-537-0541
www.mn.nrcs.usda.gov

conservation easements. Contact the Local Governmental Unit (LGU) for State Wetland Conservation Act permits and Minnesota Department of Natural Resources for protected water permits prior to initiating wetland activities by completing the "Minnesota Joint Project Notification Form" available from the LGU.

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 questions concerning this notification, please contact Isaac Buterbaugh, Wetland Specialist, 507-591-4260.

Sincerely,



Isaac Buterbaugh, Wetland Specialist
USDA-NRCS

Enclosures: Certified Wetland Determination Map, NRCS-CPA-026 Form, Label Definitions, Maintaining Eligibility Fact Sheet

cc: County Executive Director FSA, Redwood Falls, Mn
District Conservationist, NRCS, Redwood Falls, Mn

Customer: Summit Farmland IV LLP
 Tract: 1922
 Legal: T111R35S26

Certified Wetland Determination



3/6/2023

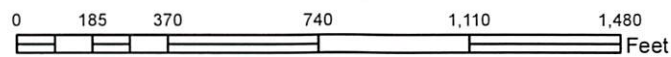


	Townships
	Sections
	Not Evaluated
	PC/NW

Redwood County

Image Year: 2005

1:5,422 1 inch = 452 feet



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CERTIFIED WETLAND DETERMINATION

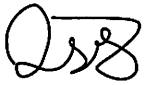
1. Name:	Summit Farmland IV LLP	2. Location County:	Redwood
3. Address:	10640 Highway D20 Alden, IA 50006	4. Admin County:	Redwood
5. Request Form:	AD-1026	6. Farm Number:	11652
7. Request Date:	3/6/2023	8. Tract Number:	1922

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(s)	Label	Occurrence Year (CW+YEAR)	Acreage
2	PC/NW		74.20

9. Remarks:

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
Isaac Buterbaugh 	Monday, March 6, 2023

CERTIFIED WETLAND DETERMINATION

Non- Discrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202)720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at <https://www.usda.gov/oascr/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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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.

MAINTAINING ELIGIBILITY FOR USDA PROGRAM BENEFITS

You recently submitted an AD1026 to Farm Service Agency (FSA) indicating your intent to add, modify or improve existing drainage, or conduct other activities which may affect wetland areas. In order to remain eligible for USDA program benefits, program participants must not, after December 23, 1985, drain, dredge, fill, level, or otherwise manipulate (including the removal of woody vegetation or any activity that results in impairing or reducing the flow and circulation of water) wetlands with the intent or to have the effect of making production of an agricultural commodity possible where such production was not previously possible.

To assist you in avoiding the conversion of wetlands and loss of eligibility for USDA program benefits, NRCS is providing the enclosed copy of your Certified Wetland Determination. As a courtesy, NRCS in Minnesota has also provided a tool through which you may acquire a project-specific lateral effect distance, also known as a "setback distance", for the installation of perforated tile and/or construction of ditches to assist you in maintaining eligibility. Non-perforated tile that does not impact the hydrology of wetland areas does not require the use of a lateral effect distance.

You may acquire the lateral effect distance(s) for your project by going to the Prairie Pothole Region Lateral Effect Database to download the tool:

<https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/minnesota/lateral-effect-distances-for-the-prairie>

You may determine the soil type on the area in question by using the Web Soil Survey at www.websoilsurvey.nrcs.usda.gov.

If you require assistance producing a soils map or utilizing the Lateral Effect Distance website, please contact your local NRCS Field Office.

To ensure continued eligibility, **apply the lateral effect distance and avoid conducting land clearing, land leveling, or fill activities on lands identified on the enclosed Certified Wetland Determination (CWD) with one of the labels, below. You should also apply the lateral effect distance to, and avoid conducting land clearing, leveling or fill activities on or near, potential wetland areas on adjacent lands.**

- Wetland (W)
- Farmed Wetland Pasture (FWP)
- Mitigation Wetland (MWM)
- Minimal Effect Exemption (MW)
- Farmed Wetland (FW)
- Manipulated Wetland (WX)
- Converted Wetland (CW)

There are **no restrictions** to impacts on lands identified on your Certified Wetland Determination as:

- Prior Converted Cropland (PC)
- Artificial Wetland (AW)
- Mitigation Exemption (MIW)
- Non-wetland (NW)
- Commenced Conversion Wetland (CC)
- Corps Permit Exemption (CPD)

For areas identified as Commenced Conversion (CC), Third Party Exemption (TP), and Converted Wetland Technical Error (CWTE), please contact your local NRCS office for site-specific guidance. Local field staff will provide the contact information for the Wetland Conservationist who serves your region, and will transmit your file to them for review.

This information is provided solely 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 Corps of Engineers' (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. Other federal, state, or local permits or restrictions may apply to activities impacting wetlands. Contact the US Fish and Wildlife Service for information concerning conservation easements. Contact the Local Government Unit (LGU) for State Wetland Conservation Act permits and Minnesota Department of Natural Resources for protected water permits prior to initiating wetland activities by completing the "Minnesota Joint Project Notification Form" available from the LGU.