



United States Department of Agriculture

December 21, 2018

Wamble Mountain Farms, LLC
c/o Oak River Farms
PO Box 158
Monterey LA 71354-0158

CERTIFIED MAIL

Dear Wamble Mountain Farms, LLC

On August 7, 2018, the Natural Resources Conservation Service (NRCS) conducted a wetland determination field investigation on Tract 11931 in McHenry County, Illinois. Based on that investigation a preliminary technical determination was made on August 9, 2018 that:

- Fields shown in Section II of the NRCS-CPA-026e "HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION" form and map that were included with that determination, contain wetlands and converted wetlands with the labels as indicated.
- These areas meet the criteria of hydric soils, wetland plants and soil or surface wetness.

On August 16, 2018, Gordon Weidner requested a reconsideration of the preliminary technical determination and provided tile maps for a portion of the area to the Natural Resource Conservation Service (NRCS) in Woodstock. On November 19, 2018 Gordon notified the NRCS office that a tiling contractor was available to expose the pre-existing tile. On November 30, 2018 technical specialists conducted a field visit to meet with the tiling contractor and to gather information concerning pre-existing tile. After reviewing all the available information related to the wetland determination, and the request for reconsideration, it is determined that there are wetlands on the tract that meet wetland criteria set forth in the USDA regulation, 7 CFR Part 12.

As required by regulation and NRCS policy, and as the result of additional information collected in the reconsideration of the determination, the final technical determination of the preliminary technical determination dated August 9, 2018 *has been modified*. Since there was pre-existing tile (1981 and earlier) and the tile installed in 2012 did not improve the drainage of the site beyond the pre-1985 conditions, it has been determined that there are no Converted Wetlands (CW+2012) and no violation of the wetland conservation provisions of the Food Security Act. The final technical determination is attached as form NRCS-CPA-026e "HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION". Fields shown in Section II of the attached NRCS-CPA-026e and map, contain wetlands with the labels as indicated.

This 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 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, you should request a jurisdictional determination from the local office of the COE prior to starting the work.

The Food Security Act of 1985, as amended, requires any person who plants an agricultural commodity on a wetland converted after December 23, 1985, or converts a wetland after November 28, 1990 for the purpose of making production of an agricultural commodity possible, to be determined ineligible for many

Natural Resources Conservation Service
2118 W. Park Court, Champaign, Illinois 61821
Voice (217) 353-6600 – FAX/mail (855) 668-0602

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US Department of Agriculture (USDA) program benefits conditioned upon compliance with provisions set forth in USDA regulation 7 CFR Part 12 §12.4.

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.

You can formally appeal the final technical determination, if desired, to either the Farm Service Agency County Committee (COC) or the USDA National Appeals Division (NAD). If you would like to appeal your final technical determination, you must do so within 30 days of the preliminary technical determination becoming final. Therefore, should you wish to appeal the 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:

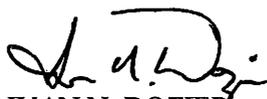
McHenry/Lake/Boone County Farm Service Agency County Committee
1648 S Eastwood Dr.
Woodstock, IL 60098
(815) 338-0099 x2
Fax: (855) 832-8684

OR

USDA National Appeals Division
P.O. Box 68806
Indianapolis, Indiana 46268-0806
(800) 541-0457, (317) 875-9648
TTY: (800) 791-3222, Fax: (317) 875-9674

If you are the owner of this tract of land and it is farmed by a tenant, I urge you to discuss this letter with your tenant. Likewise, if you are the tenant of this tract of land, I urge you to discuss this letter with your landlord.

Sincerely,



IVAN N. DOZIER
State Conservationist

Attachment: NRCS-CPA-026e HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION with map

cc: Natural Resources Conservation Service, 1648 Eastwood Dr., Woodstock, IL 60098
McHenry-Lake County Farm Service Agency, 1648 Eastwood Dr., Woodstock, IL 60098
Gordon Weidner, 1512 IL Route 23, Harvard, IL 60033-9423



HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

Form with fields: Name, Address, Request Date, County, Agency or Person, Farm Service Agency, Tract No, FSA Farm No.

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.

Table with columns: Field(s), HEL(Y/N), Sodbust (Y/N), Acres, Determination Date

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.

Table with columns: Field(s), Wetland Label*, Occurrence Year (CW), Acres, Determination Date, Certification Date

The wetland determination was completed in the field. It was mailed to the person on 12/21/18

Remarks: This determination may not be valid for "Other Waters of the U.S." This tract likely contains "Other Waters of the U.S."

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 and Date fields

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.

*DEFINITIONS OF WETLAND LABELS

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|---------|---|
| AW | <u>Artificial Wetland</u> : 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. |
| CC | <u>Commenced Conversion</u> : 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 the conversion was completed by January 1, 1995. |
| CPD | <u>COE Permit with Mitigation</u> : A converted wetland authorized by a permit issued under Section 404 of the Clean Water Act. Production of agricultural commodities is allowed subject to conditions of the permit. |
| CMW | <u>Categorical Minimal Effect</u> : 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. |
| CW | <u>Converted Wetland</u> : A wetland converted between December 23, 1985, and November 28, 1990. Production of an agricultural commodity or additional manipulation of these areas will yield USDA benefit ineligibility. Also, these areas are wetlands converted after December 23, 1985, by a county, drainage district, or similar entity. For these instances, production of an agricultural commodity or forage for mechanical harvest or additional manipulation will cause ineligibility for USDA program benefits. |
| CW+year | <u>Converted Wetland + (year the conversion occurred)</u> : A wetland converted after November 28, 1990, where the USDA program participant is ineligible for benefits until the wetland is restored or mitigated unless an exemption applies. |
| CWNA | <u>Converted Wetland Non-Agricultural Use</u> : A wetland converted after November 28, 1990, to a use other than agricultural commodity production. Label not used for certified wetland determinations completed after 2/2008. |
| CWTE | <u>Converted Wetland Technical Error</u> : 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. |
| FW | <u>Farmed Wetland</u> : 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). |
| FWP | <u>Farmed Wetland Pasture or Hayland</u> : 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. 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). |
| MIW | <u>Mitigation Exemption</u> : 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. |
| MW | <u>Minimal Effect Exemption</u> : 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. |
| MWM | <u>Mitigation Site</u> : The site of wetland restoration, enhancement, or creation serving as mitigation for the mitigation exemption (MIW) site. |
| NI | <u>Not Inventoried</u> : An area where no wetland determination has been conducted. Label not used for certified wetland determinations completed after 2/2008. |
| NW | <u>Non-Wetland</u> : 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). |
| PC | <u>Prior-Converted Cropland</u> : 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. |
| PC/NW | <u>Prior Converted Cropland/Non-Wetland</u> : An area that contains both PC and NW. |
| TP | <u>Third-Party Exemption</u> : 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. |
| W | <u>Wetland</u> : An area meeting wetland criteria that was not converted after December 23, 1985. These areas include farmed wetlands and farmed wetland pasture that have been abandoned. |
| WX | <u>Manipulated Wetlands</u> : 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. |

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

December 10, 2018

Tract: 11931 Woodstock Field Office

Location: T45N R4E Sec 1

Boone County, IL



Aerial photo 2017

Wetland Determinations

Wetland Label

-  FW-Farmed Wetlands
-  PC/NW-Prior Converted Cropland/Non-Wetlands

 Tract and Field Boundaries

