

United States Department of Agriculture



Natural Resources Conservation Service
1810 30th St NW
Faribault, MN 55021
Phone: (507) 334-1887
Fax: (507) 332-9892

May 3, 2012

Vance Norgaard
3435 Lonsdale Blvd
Northfield, MN 55057

RE: Preliminary Wetland Technical Determination, Tracts 5894, 5895, 6340, 6341

Dear Vance,

You signed an AD-1026 Highly Erodible Land Conservation and Wetland Conservation Certification, indicating a need for evaluation of proposed wetland activity. As a result of that request, NRCS is issuing a certified wetland determination.

The Food Security Act of 1985 and as amended in subsequent Farm Bill legislation established the wetland conservation provisions. These regulations, found at 7 CFR, Part 12, provide the terms of USDA program ineligibility; describe several exemptions from ineligibility; and outline the Natural Resources Conservation Service involvement in implementing the provisions.

With this letter NRCS is issuing a **preliminary technical determination**, in accordance with the wetland conservation provisions. This preliminary technical determination was conducted by the local NRCS field office on May 3, 2012.

The attached CPA-026 and map depict the wetland labels for the area(s) where the requested wetland determination took place. These wetland labels have been determined for the following reasons:

Presence of Hydrophytic Vegetation:

Under normal circumstances this site(s) does support a prevalence of plants that grow in water or in a substrate that is at least periodically deficient in oxygen during the growing season as a result of excessive water content.

Presence of Hydric Soils:

The soil(s) on the site are listed on the Rice County hydric soils list. In an un-drained condition, this soil is saturated, flooded, or ponded long enough during a growing season to develop an anaerobic condition that supports the growth and regeneration of hydrophytic vegetation.

Presence of Wetland Hydrology:

The areas are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions (7 CFR 12.2). Review of aerial imagery indicates that the area(s) exhibit wet signatures during many normal precipitation years.

Helping People Help the Land

An Equal Opportunity Provider and Employer



- **You may request a waiver of your rights to this preliminary review and reconsideration or mediation in accordance with 7 CFR 614.7(d) if you want an immediately-final wetland technical determination** by writing to the State Conservationist at:

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 both a final technical determination in accordance with 7 CFR 614.8(a)(1) and a certified wetland determination in accordance with 7 CFR 12.30(c). 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.

The final appeal rights are as follows:

- You may request an informal appeal, in conformance with the regulation at 7 CFR 614.8(b)(1) from either the Rice County FSA Committee or the NRCS State Conservationist, **but not both,** by providing a written request no later than 30 days from the date noted above, to the applicable address:

- To request an informal appeal from the County FSA Committee^{1/}, your written request for appeal (including a copy of this notice and the reasons that you feel the determination is incorrect) to the following address: 1810 30th St NW, Faribault, MN 55021.

^{1/} Informal appeals to the County FSA Committee are completed in accordance with 7 CFR 614.10 and 7 CFR 780.11 which requires the County FSA Committee, on a finding of merit in the appeal request, to request a review of the determination under appeal by the NRCS State Conservationist. It further is a requirement that when rendering a decision on the appeal, the review issued by the State Conservationist must form the basis of, and be incorporated into any decision issued on appeal by the County or State FSA Committee.

- To request an informal appeal from the NRCS State Conservationist, your written request for appeal (including a copy of this notice and the reasons that you feel the determination is incorrect) to the following address:

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



HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

Name	VANCE NORGAARD	Request Date:	9/14/2011	County:	Rice
Address	3435 LONSDALE BLVD NORTHFIELD MN 55057				
Agency or Person Requesting Determination:	Landowner	Tract No:	5894	Farm No:	3974

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				

Section II - Wetlands

Are there hydric soils on this farm?	Yes
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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
1	PC/NW		3.1	5/3/2012	6/2/2012
2	PC/NW		13.8	5/3/2012	6/2/2012
9	W		21	5/3/2012	6/2/2012

The wetland determination was completed in the FIELD It was delivered by: Mail On: 5/3/2012

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
Thomas Coffman	5/3/2012

Customer: VANCE NORGAARD

TRACT: 5894

May 03, 2012

Certified Wetland Determination

Agency: NRCS

Field Office: Faribault

District: Rice SWCD

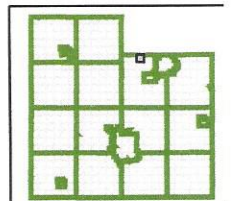


Bridgewater T112 R020 S33
Rice County

1 inch equals 440 feet 1:5,280

0 220 440 880
Feet

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



Maps are for graphical purposes only. They do not represent a legal survey. While every effort has been made to ensure that These data are accurate and reliable within the limits of the current state of the art, NRCS cannot assume liability for any damages caused by any errors or omissions in the data, nor as a result of the failure of the data to function on a particular system. NRCS makes no warranty, expressed or implied, nor does the fact of distribution constitute such a warranty.



HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

Name	VANCE NORGAARD	Request Date:	9/14/2011	County:	Rice
Address	3435 LONSDALE BLVD NORTHFIELD MN 55057				
Agency or Person Requesting Determination:	Landowner	Tract No:	5895	Farm No:	3974

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?	

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

Section II - Wetlands

Are there hydric soils on this farm?	Yes
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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
18 a	W		4.5	5/3/2012	6/2/2012
19	NW		0.5	5/3/2012	6/2/2012
20	W		10.1	5/3/2012	6/2/2012
21	PC/NW		69.9	5/3/2012	6/2/2012
4	PC/NW		5.2	5/3/2012	6/2/2012

The wetland determination was completed in the FIELD It was delivered by: Mail On: 5/3/2012

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
Thomas Coffman	5/3/2012

Customer: VANCE NORGAARD
TRACT: 5895
May 03, 2012

Certified Wetland Determination

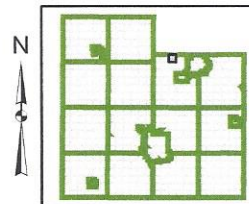
Agency: NRCS
Field Office: Faribault
District: Rice SWCD



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

Bridgewater T112 R020 S33
Rice County

1 inch equals 440 feet 1:5,280
0 220 440 880 Feet



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HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

Name Address	<i>Vance Norgaard</i> <i>Faribault Nfld</i> MN 55021	Request Date:	<i>9/14/11</i>	County: Rice
Agency or Person Requesting Determination:	Landowner	Tract No:	<i>6340</i>	Farm No: <i>3974</i>

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?	

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

Section II - Wetlands

Are there hydric soils on this farm? Yes
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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
4	PC/NW		7.5	5/3/2012	6/2/2012
5 a	NW		1.2	5/3/2012	6/2/2012
5 b	W		5.5	5/3/2012	6/2/2012

The wetland determination was completed in the Office It was delivered by: Mail On: 5/3/2012

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
<i>Thomas Coffman</i> Thomas Coffman	5/3/2012

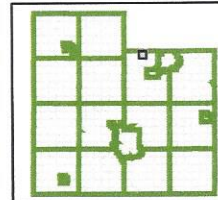
Customer: VANCE NORGAARD
TRACT: 6340
May 03, 2012

Certified Wetland Determination

Agency: NRCS
Field Office: Faribault
District: Rice SWCD



Bridgewater T112 R020 S33
Rice County



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

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HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

Name	VANCE NORGAARD	Request Date:	9/14/2011	County:	Rice
Address	3435 LONSDALE BLVD NORTHFIELD MN 55057				
Agency or Person Requesting Determination:	Landowner	Tract No:	6341	Farm No:	3974

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.

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

Section II - Wetlands

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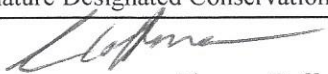
Fields in this section have had wetland determinations completed. See the Definition of Wetland Label Codes for additional information regarding allowable activities under the wetland conservation provisions of the Food Security Act and/or when wetland determinations are necessary to determine USDA program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

<u>Field(s)</u>	<u>Wetland Label</u>	<u>Occurrence Year</u>	<u>Acres</u>	<u>Determination Date</u>	<u>Certification Date</u>
2	W		0.2	5/3/2012	6/2/2012
3	W		9.2	5/3/2012	6/2/2012
6 a	PC/NW		48.7	5/3/2012	6/2/2012
6 b	W		0.3	5/3/2012	6/2/2012

The wetland determination was completed in the FIELD It was delivered by: Mail On: 5/3/2012

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
 Thomas Coffman	5/3/2012

Customer: VANCE NORGAARD
TRACT: 6341
May 03, 2012

Certified Wetland Determination

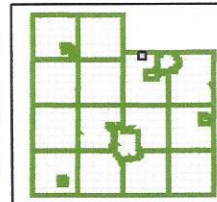
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District: Rice SWCD



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***DEFINITIONS OF WETLAND LABEL CODES**

AW	Artificial Wetland. An area that is artificial or irrigation induced wetland.
CME	An area that received a Categorical Minimal Effect determination.
CPD	Corps Permit Decision. Corps of Engineers permit decisions regarding section 404 of the Clean Water Act will be relied upon to satisfy the wetland conservation provisions of the Food Security Act of 1985, as amended.
CW	Converted Wetlands. An area converted between December 23, 1985 and November 28, 1990 in any year that an agricultural commodity is planted on these converted wetlands, you will ineligible for USDA benefits.
**CW+year	An area converted after November 28, 1990. You will be ineligible for USDA program benefits until this wetland is restored.
CWTE	Converted Wetland Technical Error. An area converted based on an incorrect NRCS determination or misinformation from a NRCS or FSA employee.
FW	Farmed Wetland. An area that is farmed wetland was manipulated and planted before December 23, 1985, but still meets wetland criteria. These may be farmed and maintained in the same manner as long as they are not abandoned.
FWP	Farmed Wetlands Pasture. An area that is pasture or hayland, manipulated before December 23, 1985 but still meets wetland criteria. These may be farmed and maintained in the same manner as long as they are not abandoned.
MIW	A Converted Wetland for which the lost wetland acreage. Value, and function has been adequately mitigated.
MW	Minimal effect Wetland. An area determined to be minimal effect. These wetlands are to be farmed according to the minimal-effect agreement signed at the time the minimal-effect determination was made,
MWM	An area used as mitigation for replacement of lost wetland acreage, value, and function.
NW	Non-Wetland. An area that does meet the wetland definition..
NW/NAD	An area determined to be a non-wetland resulting from a decision from the National Appeals Division.
PC	Prior Converted cropland, which was drained filled, or manipulated before December 23, 1985; was cropped prior to December 23, 1985; was not abandoned; and does not meet FW criteria.
PC/NW	May meet either PC and/or NW definitions.
TP	Third Party Exemption.
W	Wetlands. An area meeting wetland criteria, including wetland farmed under natural conditions.
WX	A wetland area that has been manipulated after December 23, 1985, but was not for the purpose of making production possible and production was not made possible. These include wetlands manipulated by drainage maintenance agreements.