

Note: 3.2 acres of the Burke Trust Farm are classified as "Farmed Wetlands". Following is information regarding this issue and some of the options that an owner can consider for the future. For questions, contact the NRCS office at the number highlighted below.



John Moss <loranda@loranda.com>

USDA wetlands and options

1 message

Jarman, Mitchell - NRCS, Ottawa, IL <mitchell.jarman@usda.gov>
To: "loranda@loranda.com" <loranda@loranda.com>
Cc: "Shears, Katundra - NRCS, Ottawa, IL" <katundra.shears@usda.gov>

Thu, Jun 2, 2022 at 4:48 PM

Hi John,

I'll try to cover what we talked about in our phone call, but feel free to call if you have any more questions:

If a producer wishes to improve the drainage of farmground, ensure that there is a certified wetland determination on that ground to make sure that wetland compliance is followed. If there is not a certified determination on the farm, contact the local FSA office to fill out form AD-1026.

In a Farmed Wetland a producer may not do any activity that will improve the drainage of the area including installing new tile or improving the current drainage system. Replacing tile with the same width and at the same depth within the farmed wetland is allowed. If new tile is being installed on the farm outside of the farmed wetlands, contact the local NRCS field office to ensure that an adequate setback is in place to remain in compliance.

If a producer does not wish to farm the wetland areas, the ground may be eligible for a Conservation Reserve Program (CRP) Wetland Restoration. The farmed wetlands and other areas of the farm may be enrolled in the CRP program and receive yearly rental payments on these areas. This a 10 year program and enrolled acres will be planted to a wetland mix of native grasses and forbs.

I've also included a sheet that has the definition of each possible wetland determination and a link below that will go to Illinois state office contacts for HEL and Wetland determinations, though the Field offices should be able to answer most questions regarding compliance.

[Conservation Compliance | NRCS Illinois \(usda.gov\)](#)

Mitch Jarman

815-433-0551 ext. 3

USDA-NRCS

1691 N 31st Rd

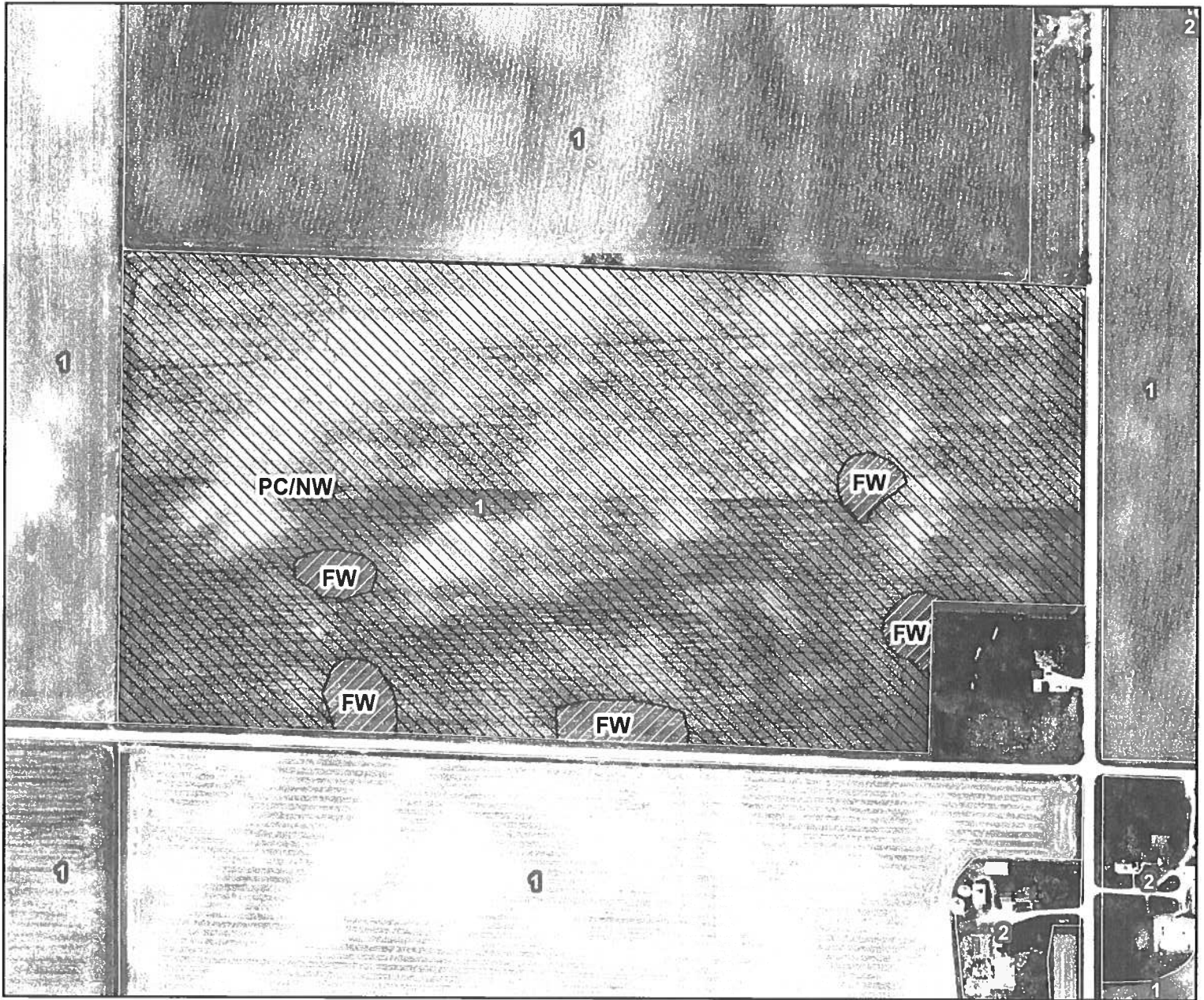
Certified Wetland Determination

Date: January 19, 2016

Tract Number: 511

Location: T36N R4E Sec 8

LaSalle County, IL



Wetland Determinations

Wetland Label

 FW-Farmed Wetlands - 3.2 acres

 PC/NW-Prior Converted Cropland/Non-Wetlands - 71.8 acres

0 200 400 800 Feet

1:4,800 1 inch = 400 feet



Mark W. Bramstedt, Soil Scientist
Wetland Compliance Coordinator
3605 North IL Route 47, Suite C
Morris, IL 60450





United States Department
of Agriculture

Natural Resources
Conservation Service

NRCS-CPA-026e
8/2013

HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

Name Address:	[REDACTED]	Request Date: 7/9/2015	County: LaSalle
Agency or Person Requesting Determination:	FSA	Tract No: 511	FSA Farm 22 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.

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.

Field(s)	Wetland Label*	Occurrence Year (CW)	Acres	Determination Date	Certification Date
1	FW		0.5,0.5,0.5,0.8,0.9	1/19/2016	4/8/16
1	PC/NW		71.8	1/19/2016	4/8/16

The wetland determination was completed in the office. It was mailed to the person on 1/20/2016 4/8/16

Remarks:

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
	04/08/2016

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United States Department of Agriculture

April 8, 2016

CERTIFIED MAIL

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 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.

On January 19, 2016, the Natural Resources Conservation Service (NRCS) conducted a wetland determination on Tract Number 511 in LaSalle County, Illinois. Based on that field investigation a preliminary technical determination was made on January 19, 2016 that:

- Field number 1 shown in Section II of the attached NRCS-CPA-026E "Highly Erodible Land and Wetland Conservation Determination" form, contain wetlands and/or wetland violations with the labels/certifications as indicated.
- These areas met the criteria of hydric soils, wetland plants and soil or surface wetness.

On February 8, 2016 you requested reconsideration of the preliminary technical determination. On February 23, 2016 a meeting was held with you to discuss the determination and allow you to present additional information. A field visit was also made by a Natural Resource Conservation Service (NRCS) technical specialist on February 23, 2016 to conduct a field investigation on the tract and gather additional information. After reviewing all of the available information related to the wetland determination, and your request for reconsideration, I have found 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, I am making the final technical determination that the preliminary technical determination dated January 19, 2016 is correct and is now the final technical determination.

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.

Natural Resources Conservation Service
2118 W. Park Court, Champaign, Illinois 61821
Voice (217) 353-6600 ~ FAX2mail (855) 888-0802

Helping People Help The Land.

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The following are your appeal rights under the USDA Administrative Appeals Process, as provided by the NRCS Appeals Procedures, 7 CFR 614, May 16, 2006, 71 FR28239.

1. **Appeal to the LaSalle County Farm Service Agency (FSA) County Committee**

11691 North 31st Road
Ottawa, IL 61350
(815) 433-0551 x2
Fax: (855) 705-9692

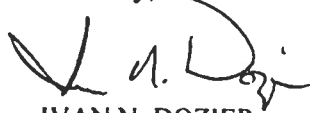
2. **Appeal to the National Appeals Division**

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

Requests for appeal of the Final Technical Determination must be made in writing no later than 30 days from the date you receive this letter.

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:

Mark Baran District Conservationist, Ottawa Field Office, 1691 North 31st Road, Ottawa, IL 61350

FSA County Executive Director, 1691 North 31st Road, Ottawa, IL 61350

Charlotte T Burke Trust, owner c/o Chad Rushing, 800 Market St. LBBY, St. Louis, MO 63101-2607



***DEFINITIONS OF WETLAND LABELS**

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.

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Farm Service Agency

Conservation Reserve Program – Continuous Enrollment Period

FACT SHEET
May 2022

Overview

The U.S. Department of Agriculture (USDA) is accepting offers for specific conservation practices under the Conservation Reserve Program Continuous Signup.

The USDA Farm Service Agency's (FSA) CRP is a voluntary program that contracts with agricultural producers so that environmentally sensitive agricultural land is devoted to conservation benefits. CRP participants establish long-term, resource-conserving vegetative species, such as approved grasses or trees (known as "covers"), to control soil erosion, improve the water quality and enhance wildlife habitat. In return, FSA provides participants with annual rental payments and cost-share assistance. Continuous signup enrollment contracts are 10 to 15 years in duration.

The Food Security Act of 1985, as amended, authorized CRP. The program is also governed by regulations published in 7 CFR, part 1410. The program is implemented by FSA on behalf of USDA's Commodity Credit Corporation. To offer land for continuous enrollment, producers should contact their local FSA office.

Benefits

CRP protects millions of acres of American topsoil from erosion and is designed to safeguard the nation's natural resources. By reducing water runoff and sedimentation, CRP protects groundwater and helps improve the condition of lakes, rivers, ponds and streams. The vegetative covers also make CRP a major contributor to increased wildlife populations in many parts of the country.

Administration

FSA administers CRP while technical support functions are provided by:

- USDA's Natural Resources Conservation Service (NRCS);
- State forestry agencies;
- Local soil and water conservation districts; and
- Other non-federal providers of technical assistance



Continuous Enrollment

Under continuous CRP signup, environmentally sensitive land devoted to certain conservation practices can be enrolled in CRP at any time. Offers are automatically accepted provided the land and producer meet certain eligibility requirements and the enrollment levels do not exceed the statutory cap. Unlike CRP enrollments under general CRP signups or CRP Grasslands, offers for continuous enrollment are not subject to competitive bidding during specific periods.

If the offered acres are currently enrolled in CRP under a CRP contract that expires September 30, then the effective start date of the new CRP contract must be the following October 1.

If the offered acres are not currently enrolled in CRP, then the producer may choose to defer the effective start date of the new CRP contract for up to six months after the offer is approved.

Who is Eligible?

A producer must have owned or operated the land for at least 12 months prior to submitting the offer, unless:

- The new owner acquired the land due to the previous owner's death;
- The ownership change occurred due to foreclosure where the owner exercised a timely right of redemption in accordance with state law; or
- The circumstances of the acquisition present adequate assurance to FSA that the new owner did not acquire the land for the purpose of placing it in CRP.



CRP – CONTINUOUS ENROLLMENT PERIOD - MAY 2022

Eligible Land

Land must be cropland that is planted or considered planted to an agricultural commodity four of the six crop years from 2012 to 2017 and is physically and legally capable of being planted (no planting restrictions due to an easement or other legally binding instrument) in a normal manner to an agricultural commodity. Certain marginal pastureland that may be devoted to riparian buffers, wildlife habitat buffers, or wetland buffers is also eligible.

Eligible Practices

Land must be eligible and suitable for any of the following conservation practices:

- Grass Waterway
- Shallow Water Area for Wildlife
- Contour Grass Strip
- Filter Strip
- Riparian Buffer
- Denitrifying Bioreactor on Filter Strip and Riparian Buffer
- Saturated Filter Strip and Riparian Buffer
- Habitat Buffers for Upland Birds
- Wetland & Buffer SAFE Practices
- Wetland Restoration on Floodplain and Non- floodplain
- Prairie Strips
- Windbreaks, Shelterbelts and Living Snow Fences
- Marginal Pastureland Wetland Buffer and Wildlife Habitat Buffers
- Long Leaf Pine Establishment
- Duck Nesting Habitat
- Pollinator Habitat
- Bottomland Timber Establishment on Wetlands
- Farmable Wetlands Program (FWP) Constructed Wetland
- FWP Aquaculture Wetland Restoration
- FWP Flooded Prairie Wetland
- Farmable Wetlands and Farmable Wetland Buffer
- Wellhead Protection Area Practices
- State Acres for Wildlife Enhancement (SAFE)
- Highly Erodible Land Initiative (HELI)

Payments

Under CRP continuous signup, FSA provides eligible participants with annual rental payments and cost-share assistance.

A Signup Incentive Payment of 32.5 percent of the first full year annual rental payment is paid at contract approval on all newly enrolled Continuous CRP contract acreage. A Practice Incentive Payment of up to 50 percent is paid for installing the practice.

Annual Rental Payments

- In return for establishing long-term, resource-conserving covers, FSA provides annual rental payments at 90 percent of the existing rate to eligible CRP continuous participants based on per acre cropland and marginal pasture land rental rates, plus a 10 percent “inflationary” adjustment, determined by FSA.
- The per-acre annual rental rate may not exceed the calculated rate or \$300/acre. Producers may elect to receive a rental rate amount less than the maximum payment rate.
- **Climate-Smart Practice Incentive:** FSA provides an incentive of 3, 5, or 10 percent for CRP practices that will increase carbon sequestration, reduce GHG emissions, and otherwise are climate smart practices. The incentive amount is based on the estimated benefits of each practice.
- **Water Quality Incentive:** FSA provides a 20 percent rental rate incentive for CRP water quality practices that will improve water quality by reducing sediment loading, nutrient loading and harmful algae blooms.

Cost-Share Assistance

Cost-share of up to 50 percent of the re- reimbursable cost of installing the practice is provided by FSA. Cost-share assistance is not available for any management activity.

More Information

For more information about FSA and its programs, visit www.fsa.usda.gov or contact your local FSA office. To find your local FSA office, visit:

[farmers.gov/ service-locator](http://farmers.gov/service-locator)