

#47265

HIGHLY ERODIBLE LAND CONSERVATION (HELC) AND  
WETLAND CONSERVATION (WC) CERTIFICATION

Read attached AD-1026 Appendix before completing form.

## PART A - BASIC INFORMATION

1. Name of Producer <u>Keith Harms</u>	2. Tax Identification Number (Last 4 digits) <u>N/A</u>	3. Crop Year <u>2020</u>
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4. Names of affiliated persons with farming interests. Enter "None," if applicable.

None.

Affiliated persons with farming interests must also file an AD-1026. See Item 7 in the Appendix for a definition of an affiliated person.

5. Check one of these boxes if the statement applies; otherwise continue to Part B.

- A. ☐ The producer in Part A does not have interest in land devoted to agriculture. Examples include bee keepers who place their hives on another person's land, producers of crops grown in greenhouses, and producers of aquaculture AND these producers do not own/lease any agricultural land themselves. Note: Do not check this box if the producer shares in a crop.
- B. ☐ The producer in Part A meets all three of the following:
- does not participate in any USDA program that is subject to HELC and WC compliance except Federal Crop Insurance.
  - only has interest in land devoted to agriculture which is exclusively used for perennial crops, except sugarcane, and
  - has not converted a wetland after February 7, 2014.

Perennial crops include, but are not limited to, tree fruit, tree nuts, grapes, olives, native pasture and perennial forage. A producer that produces alfalfa should contact the Natural Resources Conservation Service at the nearest USDA Service Center to determine whether such production qualifies as production of a perennial crop.

Note: If either box is checked, and the producer in Part A does not participate in Farm Service Agency (FSA) or Natural Resources Conservation Service (NRCS) programs, the full tax identification number of the producer must be provided, but establishment of detailed farm records with FSA is not required. Go to Part D and sign and date.

## PART B - HELC/WC COMPLIANCE QUESTIONS

Indicate YES or NO to each question.

If you are unsure of whether a HEL determination, wetland determination, or NRCS evaluation has been completed, contact your local USDA Service Center.

	YES	NO
6. During the crop year entered in Part A or the term of a requested USDA loan, did or will the producer in Part A plant or produce an agricultural commodity (including sugarcane) on land for which an HEL determination has not been made?		<input checked="" type="checkbox"/>
7. Has anyone performed (since December 23, 1985), or will anyone perform any activities to:		
A. Create new drainage systems, conduct land leveling, filling, dredging, land clearing, or excavation that has NOT been evaluated by NRCS? If "YES", indicate the year(s): _____	<input checked="" type="checkbox"/>	
B. Improve or modify an existing drainage system that has NOT been evaluated by NRCS? If "YES", indicate the year(s): _____		<input checked="" type="checkbox"/>
C. Maintain an existing drainage system that has NOT been evaluated by NRCS? If "YES", indicate the year(s): _____ Note: Maintenance is the repair, rehabilitation, or replacement of the capacity of existing drainage systems to allow for the continued use of wetlands currently in agricultural production and the continued management of other areas as they were used before December 23, 1985. This allows a person to reconstruct or maintain the capacity of the original system or install a replacement system that is more durable or will realize lower maintenance or costs.		<input checked="" type="checkbox"/>

Note: If "YES" is checked for Item 7A or 7B, then Part C must be completed to authorize NRCS to make an HELC/WC and/or certified wetland determination on the identified land. If "YES" is checked for Item 7C, NRCS does not have to conduct a certified wetland determination.

8. Check one or both boxes, if applicable; otherwise, continue to Part C or D.

- A. ☐ Check this box only if the producer in Part A has FCIC reinsured crop insurance and filing this form represents the first time the producer in Part A, including any affiliated person, has been subject to HELC and WC provisions.
- B. ☐ Check this box if either of the following applies to the producer and crop year entered in Part A:
- Is a tenant on a farm that is/will not be in compliance with HELC and WC provisions because the landlord refuses to allow compliance, but all other farms not associated with that landlord are in compliance. (AD-1026B, Tenant Exemption Request, must be completed).
  - Is a landlord of a farm that is/will not be in compliance with HELC and WC provisions because of a violation by the tenant on that farm, but all other farms not associated with that tenant are in compliance. (AD-1026C, Landlord or Landowner Exemption Request, must be completed).

## PART C - ADDITIONAL INFORMATION

9. If "YES" was checked in Item 6 or 7, provide the following information for the land to which the answer applies:

A. Farm and/or tract/field number: F. 3415 T- 5187  
If unknown, contact the Farm Service Agency at the nearest USDA Service Center.

B. Activity: Tillage

C. Current land use (specify crops): corn / beans / soy.

D. County: Butte

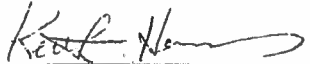

**PART D – CERTIFICATION OF COMPLIANCE**

I have received and read the AD-1026 Appendix and understand and agree to the terms and conditions therein on all land in which I (or the producer in Part A if different) and any affiliated person have or will have an interest. I understand that eligibility for certain USDA program benefits is contingent upon this certification of compliance with HELC and WC provisions and I am responsible for any non-compliance. I understand and agree that this certification of compliance is considered continuous and will remain in effect unless revoked or a violation is determined. I further understand and agree that:

- all applicable payments must be refunded if a determination of ineligibility is made for a violation of HELC or WC provisions.
- NRCS may verify whether a HELC violation or WC has occurred.
- a revised Form AD-1026 must be filed if there are any operation changes or activities that may affect compliance with the HELC and WC provisions. I understand that failure to revise Form AD-1026 for such changes may result in ineligibility for certain USDA program benefits or other consequences.
- affiliated persons are also subject to compliance with HELC and WC provisions and their failure to comply or file Form AD-1026 will result in loss of eligibility for applicable benefits to any individuals or entities with whom they are considered affiliated.

**Producer's Certification:**

*I hereby certify that the information on this form is true and correct to the best of my knowledge.*

10A. Producer's Signature (By) 	10B. Title/Relationship (If Signing in Representative Capacity)	10C. Date (MM-DD-YY) 12-23-17
FOR FSA USE ONLY (for referral to NRCS) Sign and date if NRCS determination is needed.	11A. Signature of FSA Representative 	11B. Date (MM-DD-YY) 12/23/19

**IMPORTANT:** If you are unsure about the applicability of HELC and WC provisions to your land, contact your local USDA Service Center for details concerning the location of any highly erodible land or wetland and any restrictions applying to your land according to NRCS determinations before planting an agricultural commodity or performing any drainage or manipulation. Failure to certify and properly revise your compliance certification when applicable may: (1) affect your eligibility for USDA program benefits, including whether you qualify for reinstatement of benefits through the Good Faith process; and (2) result in other consequences.

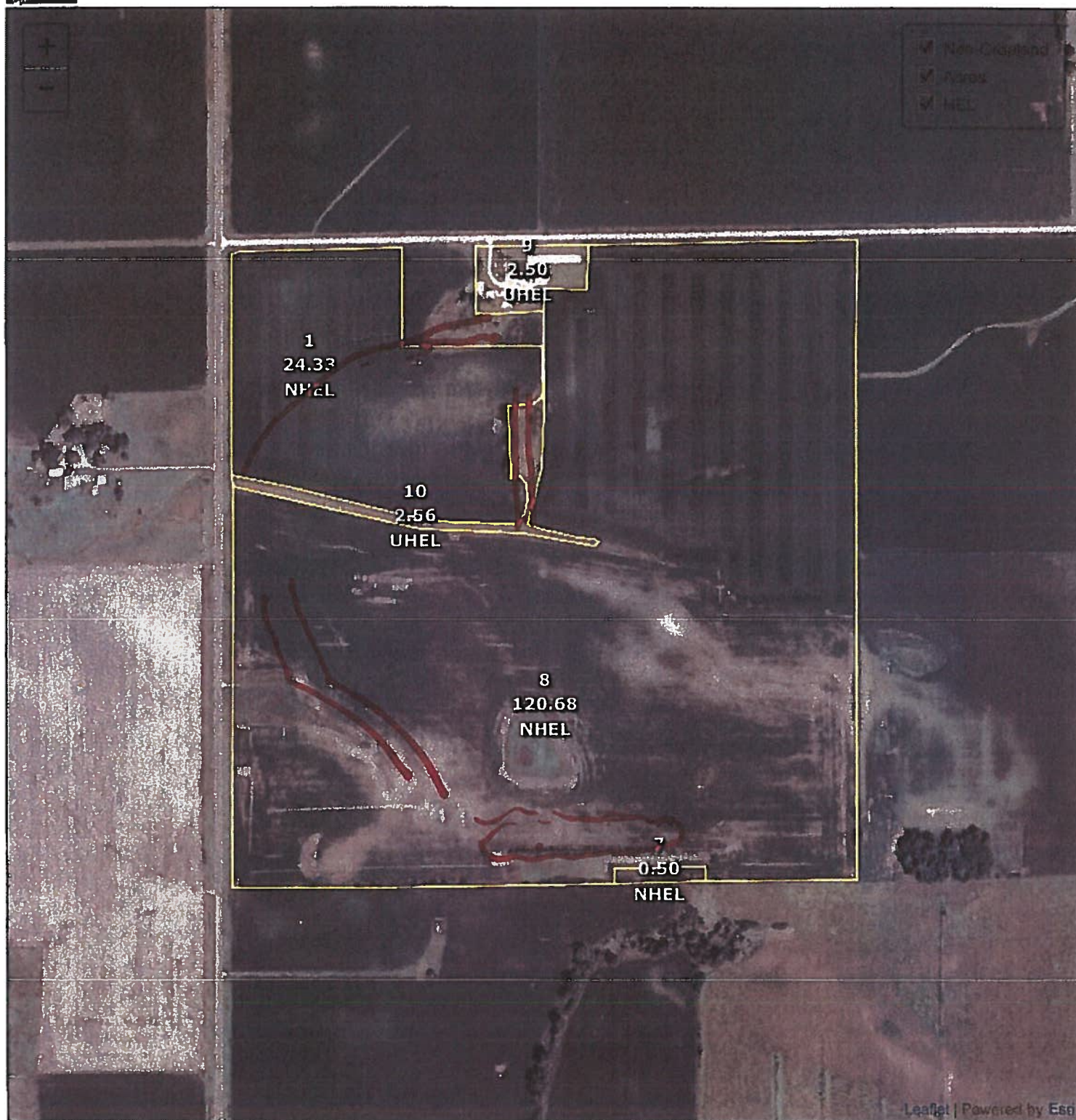
**NOTE:** The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a - as amended). The authority for requesting the information identified on this form is 7 CFR Part 12, the Food Security Act of 1985 (Pub. L. 99-198), and the Agricultural Act of 2014 (Pub. L. 113-79). The information will be used to certify compliance with HELC and WC provisions and to determine producer eligibility to participate in and receive benefits under programs administered by USDA agencies. The information collected on this form may be disclosed to other Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated) and USDA/FSA-14, Applicant/Borrower. Providing the requested information is voluntary. However, failure to furnish the requested information will result in a determination of producer ineligibility to participate in and receive benefits under programs administered by USDA agencies.

This information collection is exempted from the Paperwork Reduction Act as specified in the Agricultural Act of 2014 (Pub. L. 113-79, Title II, Subtitle G, Funding and Administration). The provisions of appropriate criminal and civil fraud, privacy, and other statutes may be applicable to the information provided. **RETURN THIS COMPLETED FORM AD-1026 TO YOUR COUNTY FARM SERVICE AGENCY (FSA) OFFICE.**

The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the basis of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited basis will apply to all programs and/or employment activities.) Persons with disabilities, who wish to file a program complaint, write to the address below or if you require alternative means of communication for program information (e.g., Braille, large print, audiotape, etc.) please contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). Individuals who are deaf, hard of hearing, or have speech disabilities and wish to file either an EEO or program complaint, please contact USDA through the Federal Relay Service at (800) 877-8339 or (800) 845-6136 (in Spanish).

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter by mail to U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at [program.intake@usda.gov](mailto:program.intake@usda.gov). USDA is an equal opportunity provider and employer.





**Common Land Unit**  
 Cropland Non-cropland CRP

**Farm 3415**  
**Tract 5187**

**Wetland Determination Identifiers**

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

**2019 Crop Year**

12-17  
 30



Tract 2 of 2

United States Department of Agriculture (USDA) Farm Service Agency (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 National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA 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 USDA Natural Resources Conservation Service (NRCS).

<https://intranet-apps.fsa.usda.gov/cars/setupReports.do?dispatchTo=report&report=fsa578Map&farmNu...> 12/23/2019



United States Department of Agriculture  
Natural Resources Conservation Service  
Phone: 641-812-0002

**CERTIFIED MAIL--RETURN RECEIPT REQUESTED**

April 3, 2020

HARMS, KEITH  
1609 W 19TH ST  
CEDAR FALLS IA 50613-3405

Dear Keith:

This letter is to notify you that a Preliminary Wetland Determination has been completed for your Farm #3415, Tract #5187, Butler County, Iowa.

The **Preliminary Technical Determination** is: Field #10 of Tract #5187 contains **Wetlands (W)** for USDA purposes. See the enclosed NRCS-CPA-026 "*Highly Erodible Land and Wetland Conservation Determination*" form and aerial photo for definitions and location(s) of wetlands on this tract. If you did not request a wetland determination for your entire farm, wetlands may exist in other locations. This determination was completed in accordance with the National Food Security Act Manual Wetland Identification procedures; Title 7 Part 12 of the Code of Federal Regulations (CFR) and Title 7 Part 12.5(b) and Part 12.2 of the CFR.

The areas designated as wetlands are wetlands because:

- Has a predominance of hydric soils
- Is 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, and
- Under normal circumstances does support a prevalence of such vegetation.

If you do not consider the results of this determination to be adverse to you, no further action is required by you. If you feel that this determination is adverse, you may appeal this preliminary determination by requesting in writing one of the options listed below within 30 calendar days of receipt of this letter. This Preliminary Technical Determination will become the Final Technical Determination 30 calendar days after receipt of this letter unless you request one of the following options in writing:

- 1) Reconsideration and field visit. During the field visit we will review the basis for our determination, answer any questions you have regarding this preliminary determination, and offer an opportunity for you to provide additional information regarding this determination. This request must be in writing and addressed to the Resource Conservationist who made the determination as shown below:

Natural Resources Conservation Service  
210 Walnut Street, Room 693  
Des Moines, IA 50309-2180  
Voice (515) 284-4769 – FAX (855) 261-3544  
An Equal Opportunity Provider, Employer and Lender

Laura Wilden  
1510 3<sup>rd</sup> St SE  
Waverly, IA 50677

- 2) Request mediation by contacting the Iowa Mediation Service at the address below. Mediation may be used in an attempt to settle your concerns with the preliminary wetland determination.

Iowa Mediation Service  
1441 29<sup>th</sup> Street, Suite 120  
West Des Moines, IA 50266  
(515) 331-8081

If you choose to use mediation, the Natural Resources Conservation Service (NRCS) will pay up to one-half of the costs that are appropriate and reasonable which are associated with securing the services of a trained mediator when the services are provided on other than a voluntary basis. The NRCS will have final discretion over what is considered appropriate and reasonable.

- 3) You may waive your rights to mediation and a field review of the preliminary technical determination. This request must be in writing and addressed to Kurt Simon, State Conservationist, 210 Walnut Street, Room 693, Des Moines, IA 50309. In this case you will immediately be issued a final technical determination and appeal rights to National Appeals Division (NAD) and/or to the FSA County Committee.

After completion of the field visit if one is requested, or following the completion of mediation, a final technical determination will be issued. If you choose to take no action, the Preliminary Technical Determination will become the **Final Technical Determination** 30 calendar days after receiving this notice. Once this determination becomes **Final**, you may appeal to the FSA County Committee, or to the National Appeals Division (NAD), at the addresses listed below within **60** calendar days from the date of receipt of this notice.

Butler FSA County Committee  
310 Allan St  
Allison, IA 50602  
or

National Appeals Division  
Post Office Box 68806  
Indianapolis, IN 46268-0806

Your appeal must be in writing and should state clearly what you are appealing and why you believe the Final Technical Determination is not correct. If you do not appeal within 30 calendar days to the FSA County Committee or the National Appeals Division (NAD), no further consideration on the matter will be given.



United States Department of Agriculture

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.

This certified wetland determination/delineation has been conducted for the purpose of implementing the Food Security Act of 1985 as amended. This determination/delineation may not be valid for identifying the extent of the United States 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 of the United States including lakes, rivers, intermittent or perennial streams, you should request a jurisdictional determination from the Rock Island District COE office prior to starting your work.

In order to maintain your eligibility for USDA program benefits, contact your local NRCS office regarding allowable use and/or activities in or near areas identified as Wetland (W), Farmed Wetland (FW), Farmed Wetland Pasture or Hayland (FWP) or Manipulated Wetland (WX) area(s) before performing any land altering activities (tiling, land clearing, ditching, drainage maintenance, filling, leveling, removal of woody vegetation, or dredging).

You have 30 calendar days from the date of receipt of this letter to make any request as outlined above.

Sincerely,

*Laura Wilden*

Laura Wilden  
Designated Conservationist

cc: GERDES, MARK C, 15679 CLAY AVE, AREDALE IA 50605-8424  
GERDES, DEBRA K, 15679 CLAY AVE, AREDALE IA 50605-8424  
Butler County FSA  
Acting District Conservationist, NRCS, Allison, IA

Enclosure





## HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

Name Address:	Keith Harms	Request Date:	12/23/2019	County:	BUTLER
Agency or Person Requesting Determination:	FSA	Tract No:	5187	FSA Farm No.:	3415

### Section I - Highly Erodible Land

Is a soil survey now available for making a highly erodible land determination?	Yes
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>

The Highly Erodible Land determination was completed in the office.

### Section II - Wetlands

Are there hydric soils on this farm?	Y
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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 (CW)**</u>	<u>Acres</u>	<u>Determination Date</u>	<u>Certification Date</u>
1	PC/NW		24.3	4/3/2020	4/3/2020
8	PC/NW		120.7	4/3/2020	4/3/2020
10	NW		2.3	4/3/2020	4/3/2020
10	W		.2	4/3/2020	4/3/2020

The wetland determination was completed in the field. It was mailed to the person on 4/3/2020.

Remarks: Threatened or Endangered species or their habitat may occur within the area of this determination. **Section 7 Consultation (Federal Agency) or Section 10 Consultation (Private Individuals) with the US Fish and Wildlife Service (USFWS) and/or consultation with the Iowa Department of Natural Resources (IDNR) may be required.** Proof of completed consultation with the USFWS and/or the IDNR must be submitted to NRCS prior to NRCS providing Technical (TA) or Financial (FA) assistance on projects, or portions thereof, that may affect threatened or endangered species or their habitats. **All Flowing streams are the jurisdiction of the Army Corp of Engineers**

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>Laura Wilden</i>	April 3, 2020

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, Director, Office of Civil Rights, Room 326W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.

## **\*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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# Certified Wetland Determination Map

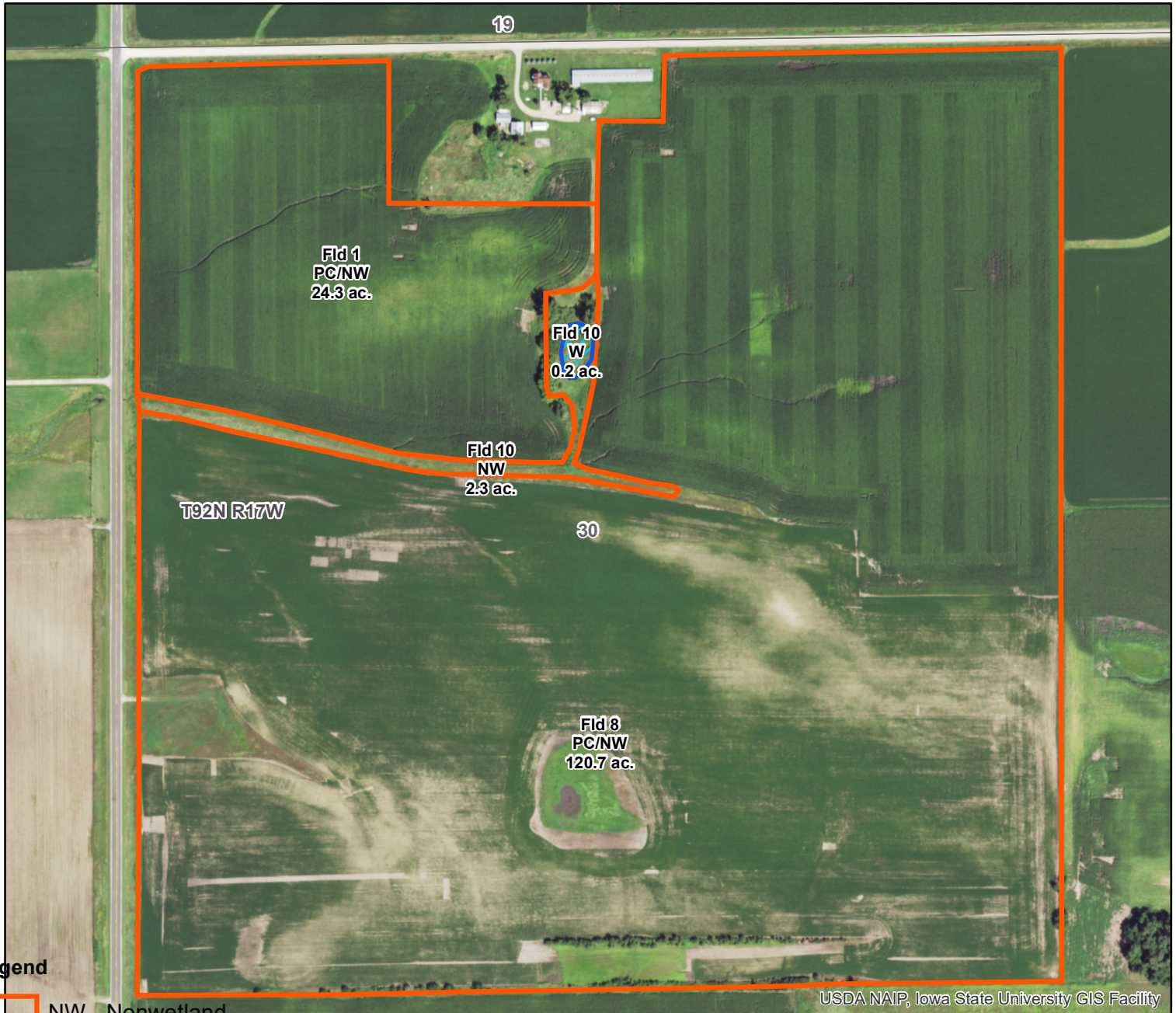
Keith Harms

Farm: 3415 Tract: 5187



Administrative Co: Butler Co, IA  
Location County: Butler Co, IA  
Twp-Range-Sec: T-92N R-17W Sec 30

Agency: USDA-NRCS  
Map Creation Date: 4/3/2020  
Certified By: laura.wilden



## Legend

- NW - Nonwetland
- PC/NW - Prior Converted/Nonwetland
- W - Wetland

## Natural Color

## RGB

- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3

**This certified wetland determination/delineation has been conducted for the purpose of implementing the FOOD SECURITY ACT 1985 as ammended.**

**This determination/delineation may or may not be valid for identifying the extent of the UNITED STATES ARMY CORPS of ENGINEERS (COE) Clean Water Act jurisdictionforthis site. The determinaton may or may not be valid for work under the NATIONAL ENVIRONMENTAL POLICY ACT (NEPA).**



#47263

HIGHLY ERODIBLE LAND CONSERVATION (HELC) AND  
WETLAND CONSERVATION (WC) CERTIFICATION

DEC 23 2019

Read attached AD-1026 Appendix before completing form.

JULIE CO. FSA  
ALLIANCE IOWA

## PART A - BASIC INFORMATION

1. Name of Producer <u>Keith Harms</u>	2. Tax Identification Number (Last 4 digits) <u>N/A</u>	3. Crop Year <u>2020</u>
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4. Names of affiliated persons with farming interests. Enter "None," if applicable.

None.

Affiliated persons with farming interests must also file an AD-1026. See Item 7 in the Appendix for a definition of an affiliated person.

5. Check one of these boxes if the statement applies; otherwise continue to Part B.

- A. ☐ The producer in Part A does not have interest in land devoted to agriculture. Examples include bee keepers who place their hives on another person's land, producers of crops grown in greenhouses, and producers of aquaculture AND these producers do not own/lease any agricultural land themselves. Note: Do not check this box if the producer shares in a crop.
- B. ☐ The producer in Part A meets all three of the following:
- does not participate in any USDA program that is subject to HELC and WC compliance except Federal Crop Insurance.
  - only has interest in land devoted to agriculture which is exclusively used for perennial crops, except sugarcane, and
  - has not converted a wetland after February 7, 2014.

Perennial crops include, but are not limited to, tree fruit, tree nuts, grapes, olives, native pasture and perennial forage. A producer that produces alfalfa should contact the Natural Resources Conservation Service at the nearest USDA Service Center to determine whether such production qualifies as production of a perennial crop.

Note: If either box is checked, and the producer in Part A does not participate in Farm Service Agency (FSA) or Natural Resources Conservation Service (NRCS) programs, the full tax identification number of the producer must be provided, but establishment of detailed farm records with FSA is not required. Go to Part D and sign and date.

## PART B - HELC/WC COMPLIANCE QUESTIONS

Indicate YES or NO to each question.

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YES NO

6. During the crop year entered in Part A or the term of a requested USDA loan, did or will the producer in Part A plant or produce an agricultural commodity (including sugarcane) on land for which an HEL determination has not been made?

✓

7. Has anyone performed (since December 23, 1985), or will anyone perform any activities to:

A. Create new drainage systems, conduct land leveling, filling, dredging, land clearing, or excavation that has NOT been evaluated by NRCS? If "YES", indicate the year(s): \_\_\_\_\_

✓

B. Improve or modify an existing drainage system that has NOT been evaluated by NRCS? If "YES", indicate the year(s): \_\_\_\_\_

✓

C. Maintain an existing drainage system that has NOT been evaluated by NRCS? If "YES", indicate the year(s): \_\_\_\_\_

Note: Maintenance is the repair, rehabilitation, or replacement of the capacity of existing drainage systems to allow for the continued use of wetlands currently in agricultural production and the continued management of other areas as they were used before December 23, 1985. This allows a person to reconstruct or maintain the capacity of the original system or install a replacement system that is more durable or will realize lower maintenance or costs.

✓

Note: If "YES" is checked for Item 7A or 7B, then Part C must be completed to authorize NRCS to make an HELC/WC and/or certified wetland determination on the identified land. If "YES" is checked for Item 7C, NRCS does not have to conduct a certified wetland determination.

8. Check one or both boxes, if applicable; otherwise, continue to Part C or D.

- A. ☐ Check this box only if the producer in Part A has FCIC reinsured crop insurance and filing this form represents the first time the producer in Part A, including any affiliated person, has been subject to HELC and WC provisions.
- B. ☐ Check this box if either of the following applies to the producer and crop year entered in Part A:
- Is a tenant on a farm that is/will not be in compliance with HELC and WC provisions because the landlord refuses to allow compliance, but all other farms not associated with that landlord are in compliance. (AD-1026B, Tenant Exemption Request, must be completed).
  - Is a landlord of a farm that is/will not be in compliance with HELC and WC provisions because of a violation by the tenant on that farm, but all other farms not associated with that tenant are in compliance. (AD-1026C, Landlord or Landowner Exemption Request, must be completed).

## PART C - ADDITIONAL INFORMATION

9. If "YES" was checked in Item 6 or 7, provide the following information for the land to which the answer applies:

A. Farm and/or tract/field number:

F. 3415

If unknown, contact the Farm Service Agency at the nearest USDA Service Center.

B. Activity:

Tillage

C. Current land use (specify crops):

corn / Beans / Nut.

D. County:

Butte

I have received and read the AD-1026 Appendix and understand and agree to the terms and conditions therein on all land in which I (or the producer in Part A if different) and any affiliated person have or will have an interest. I understand that eligibility for certain USDA program benefits is contingent upon this certification of compliance with HELC and WC provisions and I am responsible for any non-compliance. I understand and agree that this certification of compliance is considered continuous and will remain in effect unless revoked or a violation is determined. I further understand and agree that:

- ### Producer's Certification:

12-23-19

12/23/19

**NOTE:** The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a - as amended). The authority for requesting the information identified on this form is 7 CFR Part 12, the Food Security Act of 1985 (Pub. L. 99-198), and the Agricultural Act of 2014 (Pub. L. 113-79). The information will be used to certify compliance with HELC and WC provisions and to determine producer eligibility to participate in and receive benefits under programs administered by USDA agencies. The information collected on this form may be disclosed to other Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated) and USDA/FSA-14, Applicant/Borrower. Providing the requested information is voluntary. However, failure to furnish the requested information will result in a determination of producer ineligibility to participate in and receive benefits under programs administered by USDA agencies.

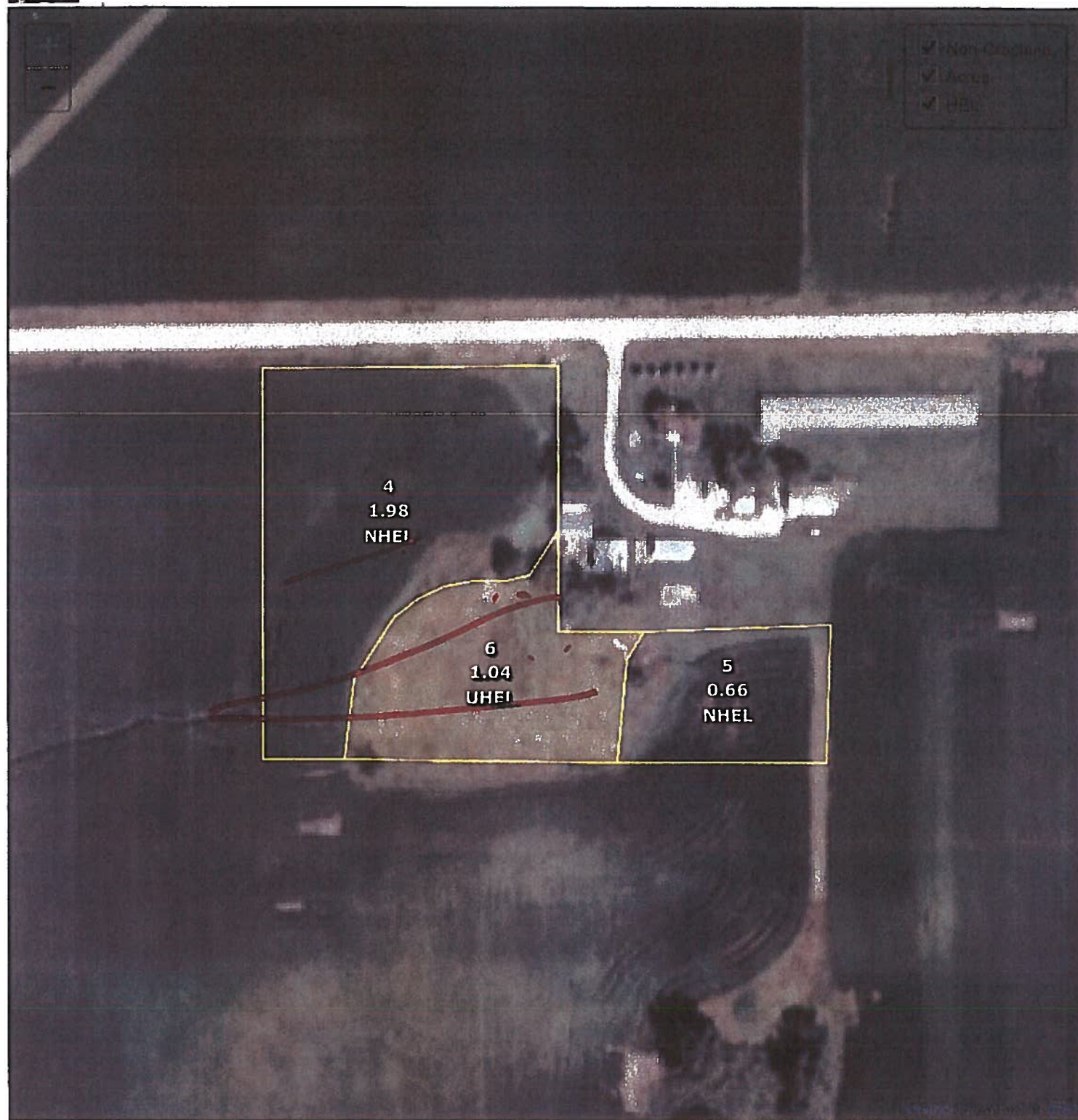
The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the basis of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited basis will apply to all programs and/or employment activities.) Persons with disabilities, who wish to file a program complaint, write to the address below or if you require alternative means of communication for program information (e.g., Braille, large print, audiotape, etc.) please contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). Individuals who are deaf, hard of hearing, or have speech disabilities and wish to file either an EEO or program complaint, please contact USDA through the Federal Relay Service at (800) 877-8339 or (800) 845-6136 (in Spanish).

*If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter by mail to U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at [program.intake@usda.gov](mailto:program.intake@usda.gov). USDA is an equal opportunity provider and employer.*





Butler County, Iowa



Common Land Unit  
 Cropland Non-cropland CRP

Wetland Determination Identifiers

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

2019 Crop Year

Farm 3415  
 Tract 5186

*West point 30*



Tract 1 of 2

United States Department of Agriculture (USDA) Farm Service Agency (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 National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA 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 USDA Natural Resources Conservation Service (NRCS).





United States Department of Agriculture

Natural Resources Conservation Service

Phone: 641-812-0002

**CERTIFIED MAIL--RETURN RECEIPT REQUESTED**

April 3, 2020

HARMS, KEITH  
1609 W 19TH ST  
CEDAR FALLS IA 50613-3405

Dear Keith:

This letter is to notify you that a Preliminary Wetland Determination has been completed for your Farm #3415, Tract #5186, Butler County, Iowa.

The **Preliminary Technical Determination** is: Field #6 of Tract #5186 contains **Wetlands (W)** for USDA purposes. See the enclosed NRCS-CPA-026 "*Highly Erodible Land and Wetland Conservation Determination*" form and aerial photo for definitions and location(s) of wetlands on this tract. If you did not request a wetland determination for your entire farm, wetlands may exist in other locations. This determination was completed in accordance with the National Food Security Act Manual Wetland Identification procedures; Title 7 Part 12 of the Code of Federal Regulations (CFR) and Title 7 Part 12.5(b) and Part 12.2 of the CFR.

The areas designated as wetlands are wetlands because:

- Has a predominance of hydric soils
- Is 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, and
- Under normal circumstances does support a prevalence of such vegetation.

If you do not consider the results of this determination to be adverse to you, no further action is required by you. If you feel that this determination is adverse, you may appeal this preliminary determination by requesting in writing one of the options listed below within 30 calendar days of receipt of this letter. This Preliminary Technical Determination will become the Final Technical Determination 30 calendar days after receipt of this letter unless you request one of the following options in writing:

- 1) Reconsideration and field visit. During the field visit we will review the basis for our determination, answer any questions you have regarding this preliminary determination, and offer an opportunity for you to provide additional information regarding this determination. This request must be in writing and addressed to the Resource Conservationist who made the determination as shown below:

Natural Resources Conservation Service  
210 Walnut Street, Room 693  
Des Moines, IA 50309-2180  
Voice (515) 284-4769 – FAX (855) 261-3544  
An Equal Opportunity Provider, Employer and Lender

Laura Wilden  
1510 3<sup>rd</sup> St SE  
Waverly, IA 50677

- 2) Request mediation by contacting the Iowa Mediation Service at the address below. Mediation may be used in an attempt to settle your concerns with the preliminary wetland determination.

Iowa Mediation Service  
1441 29<sup>th</sup> Street, Suite 120  
West Des Moines, IA 50266  
(515) 331-8081

If you choose to use mediation, the Natural Resources Conservation Service (NRCS) will pay up to one-half of the costs that are appropriate and reasonable which are associated with securing the services of a trained mediator when the services are provided on other than a voluntary basis. The NRCS will have final discretion over what is considered appropriate and reasonable.

- 3) You may waive your rights to mediation and a field review of the preliminary technical determination. This request must be in writing and addressed to Kurt Simon, State Conservationist, 210 Walnut Street, Room 693, Des Moines, IA 50309. In this case you will immediately be issued a final technical determination and appeal rights to National Appeals Division (NAD) and/or to the FSA County Committee.

After completion of the field visit if one is requested, or following the completion of mediation, a final technical determination will be issued. If you choose to take no action, the Preliminary Technical Determination will become the **Final Technical Determination** 30 calendar days after receiving this notice. Once this determination becomes **Final**, you may appeal to the FSA County Committee, or to the National Appeals Division (NAD), at the addresses listed below within **60** calendar days from the date of receipt of this notice.

Butler FSA County Committee  
310 Allan St  
Allison, IA 50602  
or

National Appeals Division  
Post Office Box 68806  
Indianapolis, IN 46268-0806

Your appeal must be in writing and should state clearly what you are appealing and why you believe the Final Technical Determination is not correct. If you do not appeal within 30 calendar days to the FSA County Committee or the National Appeals Division (NAD), no further consideration on the matter will be given.



United States Department of Agriculture

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.

This certified wetland determination/delineation has been conducted for the purpose of implementing the Food Security Act of 1985 as amended. This determination/delineation may not be valid for identifying the extent of the United States 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 of the United States including lakes, rivers, intermittent or perennial streams, you should request a jurisdictional determination from the Rock Island District COE office prior to starting your work.

In order to maintain your eligibility for USDA program benefits, contact your local NRCS office regarding allowable use and/or activities in or near areas identified as Wetland (W), Farmed Wetland (FW), Farmed Wetland Pasture or Hayland (FWP) or Manipulated Wetland (WX) area(s) before performing any land altering activities (tiling, land clearing, ditching, drainage maintenance, filling, leveling, removal of woody vegetation, or dredging).

You have 30 calendar days from the date of receipt of this letter to make any request as outlined above.

Sincerely,

*Laura Wilden*

Laura Wilden  
Designated Conservationist

cc: GERDES, MARK C, 15679 CLAY AVE, AREDALE IA 50605-8424  
GERDES, DEBRA K, 15679 CLAY AVE, AREDALE IA 50605-8424  
Butler County FSA  
Acting District Conservationist, NRCS, Allison, IA

Enclosure



**HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION**

Name Address:	Keith Harms	Request Date:	12/23/2019	County:	BUTLER
Agency or Person Requesting Determination:	FSA	Tract No:	5186	FSA Farm No.:	3415

**Section I - Highly Erodible Land**

Is a soil survey now available for making a highly erodible land determination?	Yes
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>

The Highly Erodible Land determination was completed in the office.

**Section II - Wetlands**

Are there hydric soils on this farm?	Y
--------------------------------------	---

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 (CW)**</u>	<u>Acres</u>	<u>Determination Date</u>	<u>Certification Date</u>
4	NW		2.0	4/3/2020	4/3/2020
5	NW		.7	4/3/2020	4/3/2020
6	W		1.0	4/3/2020	4/3/2020

The wetland determination was completed in the field. It was mailed to the person on 4/3/2020.

Remarks: Threatened or Endangered species or their habitat may occur within the area of this determination. **Section 7 Consultation (Federal Agency) or Section 10 Consultation (Private Individuals) with the US Fish and Wildlife Service (USFWS) and/or consultation with the Iowa Department of Natural Resources (IDNR) may be required.** Proof of completed consultation with the USFWS and/or the IDNR must be submitted to NRCS prior to NRCS providing Technical (TA) or Financial (FA) assistance on projects, or portions thereof, that may affect threatened or endangered species or their habitats. **All Flowing streams are the jurisdiction of the Army Corp of Engineers**

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>Laura Wilder</i>	April 3, 2020

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To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.



## **\*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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# Certified Wetland Determination Map

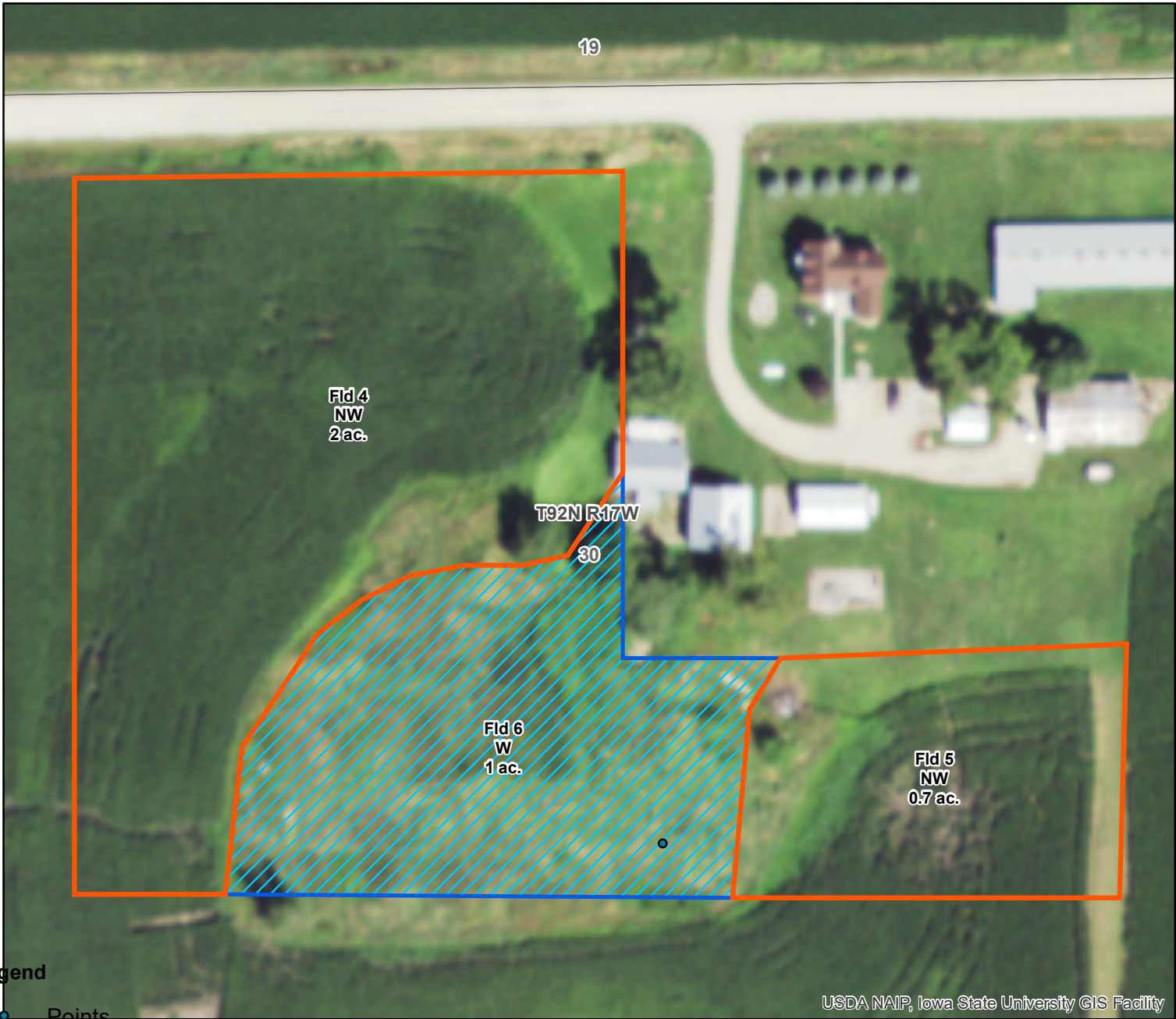
Keith Harms

Farm: 3415 Tract: 5186



Administrative Co: Butler Co, IA  
Location County: Butler Co, IA  
Twp-Range-Sec: T-92N R-17W Sec 30

Agency: USDA-NRCS  
Map Creation Date: 4/3/2020  
Certified By: laura.wilden



## Legend

Points

NW - Nonwetland

W - Wetland

## Natural Color

## RGB

Red: Band\_1

Green: Band\_2

Blue: Band\_3

**This certified wetland determination/delineation has been conducted for the purpose of implementing the FOOD SECURITY ACT 1985 as ammended.**

**This determination/delineation may or may not be valid for identifying the extent of the UNITED STATES ARMY CORPS of ENGINEERS (COE) Clean Water Act jurisdictionforthis site. The determinaton may or may not be valid for work under the NATIONAL ENVIRONMENTAL POLICY ACT (NEPA).**