

**Notice:** Use of this form is required by the Department for any application filed pursuant to ss. 29.733, Wis. Stats., and ss. NR 19.90-95, Wis. Adm. Code. The department will not consider your application unless you provide all information requested and submit the fee(s) indicated for the permit(s) selected. A social security number or federal employer identification number is **REQUIRED** when applying for a license listed in ss. 29.024(2g) or 29.024(2r), Wis. Stats. The number **SHALL NOT** be disclosed to any other person except the Department of Workforce Development or the Department of Revenue to determine liability for delinquent Wisconsin taxes or child or family support. Other personally identifiable information requested on this form will be used for program administration and may be provided to requesters as required by Wisconsin's Open Records law [ss. 19.31-19.39, Wis. Stats.].

Mail this form with its attachments and required fee to WDNR -Natural Waterbody Permits FH/4, PO Box 7921 Madison, WI 53707-7921.

**Applicant Information**

Applicant Name: First MI Last <u>Richard A Helming</u>			Co-Applicant Name: First MI Last		
Address <u>22540 Colford Ave</u>			Address		
City <u>Warrens</u>	State <u>WI</u>	ZIP Code <u>54666</u>	City	State	ZIP Code
Phone Number <u>608-378-416</u>			Phone Number	Social Security No./ Fed. Employer ID No.	

**Project Information**

Business Name (if any) <u>Chestnut Pond LLC</u>			Waterway Name <u>Brandy Creek</u>		
Address <u>24228 Cty OO</u>			<b>Water Source (identify as gallons per minute, gpm)</b>		
<input type="radio"/> City <input type="radio"/> Town <input type="radio"/> Village of <u>Tomah</u> County <u>Monroe</u>			Spring	Well	Stream
Fire Number (if applicable)			<input checked="" type="checkbox"/>		
1/4 1/4 <u>SW 1/4</u> 1/4 <u>SW 1/4</u> Section <u>28</u> Township <u>lincoln N</u> Range <u>2 W</u>			Is there a discharge to a water of the state? <input checked="" type="radio"/> Yes <input type="radio"/> No		Discharge (gpm)
If Yes, Indicate: <input checked="" type="checkbox"/> Waterway <input type="checkbox"/> Wetland					

**Project Description**

A "natural body of water" is defined in Wisconsin law as any spring, stream, pond, lake or wetland that was historically present in a natural state but may have been physically altered over time. A "freeze-out pond" is defined in Wisconsin law as a natural, self-contained body of water in which freezing or anoxic conditions prevent the body of water from naturally sustaining a fish population at least twice every 5 years.

Operating a fish farm in a Natural Body of Water requires a permit under NR 19, Wis. Adm. Code. I am applying for:

- NR 19 Permit Renewal** - for continued use of a natural waterbody that was previously permitted as a preexisting fish rearing facility or a freeze-out pond.
- Initial NR 19 Permit** - for new use of a natural waterbody for fish farming (note, the waterbody must be a freeze-out pond).
- Transfer of NR 19 Permit** - to convey an existing NR 19 permit from one party to another, as a result of change in ownership or leasehold interest of a fish farm.

Number and dimension of ponds, raceways or tanks. Describe here and attach a diagram (Attachment # 4)

1 pond earthen dam 2ft Steel bulkhead 125' Spillway earthen dam Stoplog control

**Business Purpose:** Activities engaged in. (select all that apply)

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Distributor           | <input type="checkbox"/> Processor, On-Site                   | <input type="checkbox"/> Public Fee Fishing                                    |
| <input type="checkbox"/> Hatchery              | <input type="checkbox"/> Grower                               | <input type="checkbox"/> Raising Fish For Stocking                             |
| <input type="checkbox"/> Raising Bait For Sale | <input checked="" type="checkbox"/> Private, Personal Fishing | <input type="checkbox"/> Raising Fish to Directly Market for Human Consumption |
| <input type="checkbox"/> Other - Specify:      |   |  |

1. What type of pesticides do you currently use or plan to use?

None

2. Is your fish farm equipped with barriers that prevent the passage of fish between it and other water of the state?    Yes    No

3. If you are applying for an NR 19 Permit Renewal, have you made any facility changes - expansion, additional ponds, different species reared, etc. - over the last ten years?

Yes    No   If yes, describe:

**Species Information**

Complete the following information regarding your operation: List the quantity of each size of the species of fish you possess or plan to raise on an annual basis in each pond, raceway, natural body of water, freeze-out pond, self-contained body of water or preexisting fish rearing facility.

Fish	Eggs	Fry	Fingerling	Yearling	Adult	Fish	Eggs	Fry	Fingerling	Yearling	Adult
Bass Largemouth					X	Bluegill					X
Bass Smallmouth						Crappie					X
Bullhead						Perch					X
Muskellunge						Pumpkinseed					
Northern Pike						Sunfish					X
Walleye					X	Tilapia					
Chubs						Brook Trout					
Minnows						Brown Trout					
Shiners						Lake Trout					
Suckers						Rainbow Trout					
Atlantic Salmon						Other (List):					
Chinook Salmon											
Coho Salmon											

*Numbers unknown*

*Numbers unknown*

**Attachments (Provide all of the following)**

1. Location sketch or map showing route to the project site, indicating nearest main road and crossroad, north arrow and scale.
2. Photocopy of deed, lease, land contract or other documentation showing that the land that is riparian to the body of water is owned, leased, or controlled by the permit applicant.
3. Photocopy of plat book showing property owners; photocopy of any easements for all properties surrounding the waterbody; and other documentation to show that none of the owners of the fish farm or riparian lands provide public access to the body of water by means of an easement or right-of-way or by means of a business open to the public. Note: the owners of the fish farm may allow fishing by the public for a fee.
4. Diagram showing number and dimensions of all ponds, raceways, tanks or other waterbodies to be used for fish farming.
5. For an Initial NR 19 Permit – Documentation to show the natural waterbody is a "freeze-out pond", meaning it is self-contained and has freezing or anoxic conditions that prevent a naturally-sustaining fish population at least twice every five years.
6. For a Transfer of NR 19 Permit – Photocopy of the previous owner's NR 19 permit, and documentation to show change of ownership.
7. Photocopy of any other permits or authorizations required by Ch. 30 or 31, Wis. Stats., the Army Corps of Engineers and any other federal, state or local laws and zoning ordinances for construction or operation of the fish farm. (Note: Permits issued under Ch. 30.19, 30.195 or 31.04 may mean your waterbody is exempt from a permit requirement.)
8. Photocopy of Department of Agriculture, Trade and Consumer Protection (DATCP) Fish Farm Registration from current or previous year.

Note: If conditions 2, 3, and 7 are met, then the DNR may find that your fish farm is exempt from a Natural Waterbody permit requirement. If so, the DNR will return your application and notify you of this finding.

**Type of Permit and Fees**

- Transfer of NR 19 Permit - \$100 fee
- Initial NR 19 Permit - \$ 500 fee
- NR 19 Permit Renewal- \$50 fee.


Make check or money order payable to the Department of Natural Resources (DNR)

Total Fees Enclosed: 100.00

**Application Certification**

Signature of Authorized Representative

Date Signed

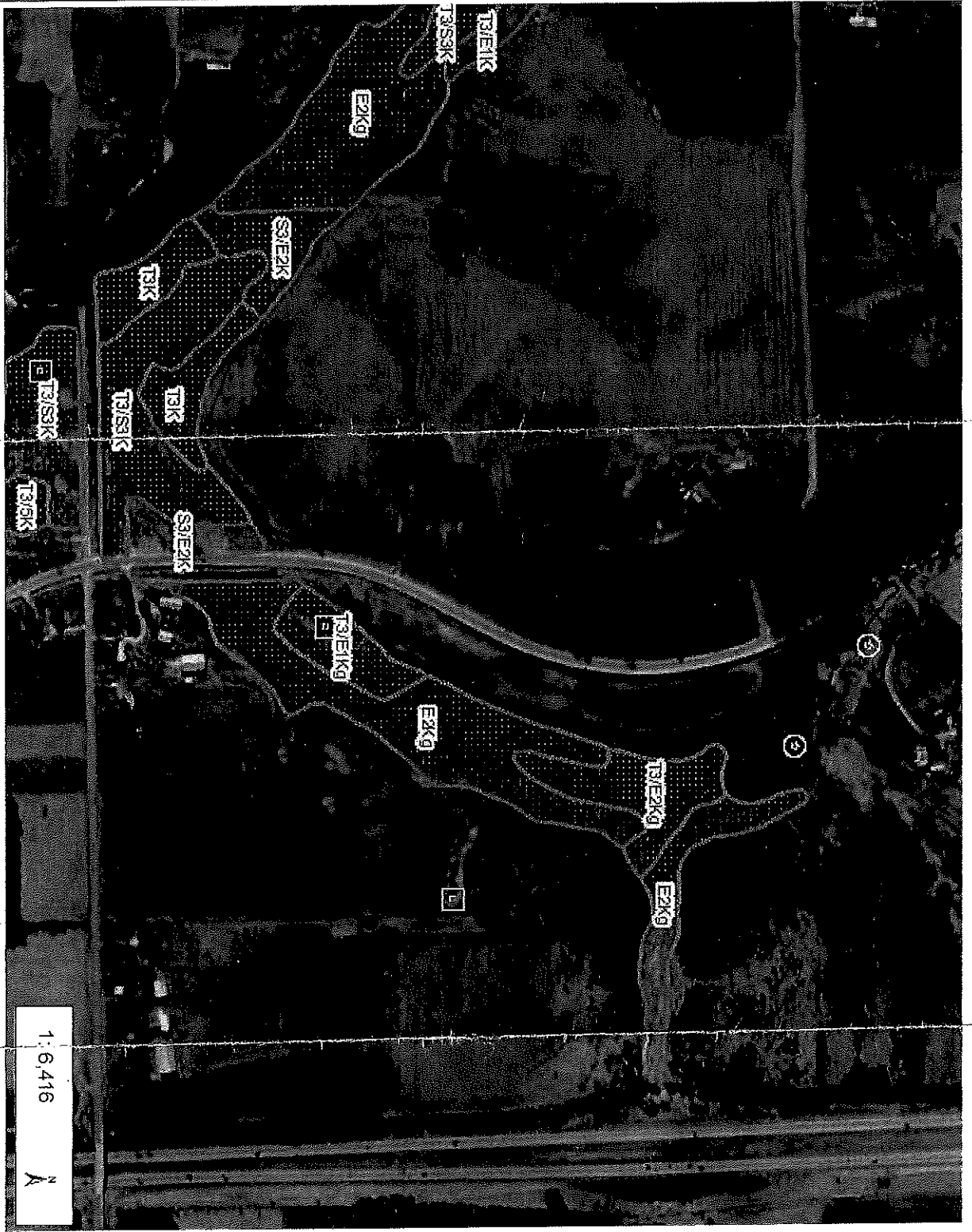
5-22-2024

**Leave Blank – DNR Use Only**

Received By	Date Received	DNR Docket Number	Application Date
<u>Richard Helming</u>			



# Helming ditch, 22540 Cortland Ave, Warrens

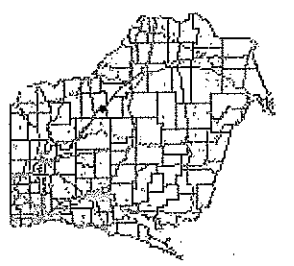


0.2 0 0.10 0.2 Miles

NAD\_1983\_HARN\_Wisconsin\_TM  
© Latitude Geographics Group Ltd.

1:6,416  
N

DISCLAIMER: The information shown on these maps has been obtained from various sources, and are of varying age, reliability and resolution. These maps are not intended to be used for navigation, nor are these maps an authoritative source of information about legal land ownership or public access. No warranty, expressed or implied, is made regarding accuracy, applicability for a particular use, completeness, or legality of the information depicted on this map. For more information, see the DNR Legal Notices web page: <http://dnr.wi.gov/or/glegal/>



### Legend

- Wetland Class Points**
  - Dammed pond
  - Excavated pond
  - Filled excavated pond
  - Filled/draind wetland
  - Wetland too small to delineate
- Filled Points**
- Wetland Class Areas**
  - Wetland
  - Upland
  - Filled Areas
  - 2010 Air Photos (WROC)

### Notes

Ditch Spoils must be placed in the upland (not in the orange shaded wetland areas).





August 21, 2015

Rich Helming  
22540 Cortland Avenue  
Warrens, WI 54666

Dear Mr. Helming:

Thanks for contacting the Wisconsin Department of Natural Resources to discuss cleaning out your grassed waterway adjacent to agricultural lands in Lincoln township, Monroe County. The Department has determined that the grassed waterway is a non-navigable waterway which feeds into a navigable stream near the highway culvert crossing. Additionally, wetlands are located to the east of the grassed waterway. The wetlands are shown in orange shading on the enclosed map and are protected by state and federal laws.

We have determined that the DNR has no jurisdiction over your project in the non-navigable ditch at this time and our approval of your project plans is not necessary if you follow specific conditions as outlined below.

A Clean Water Act Section 404 permit is not required provided that all of the following conditions would be met:

1. No earth moving activities will occur in the wetland, including grading or mechanized land clearing. These activities result in discharges of dredged or fill material, which requires authorization by the Corps under the Clean Water Act (Corps permit) prior to commencing the work.
2. None of the dredged material will be side cast or temporarily stockpiled within any wetland areas. Sidecasting or stockpiling materials in jurisdictional wetlands requires a Corps permit prior to commencing the work.
3. There will be no construction of temporary access roads in wetlands or the use of mats to support equipment in wetlands. These activities would constitute a discharge of dredged or fill material and require a Corps permit prior to commencing the work.
4. There would be no construction of structures within the wetland that could have the effect of fill, which may require a Corps permit prior to commencing the work.

If you have any questions about this letter, please call me at (608) 785-9010.

Sincerely,

Carrie Olson  
Water Management Specialist





United States Department of Agriculture

## Certified Mail--Return Receipt Requested

August 28, 2020

Jill and Richard Helming  
22540 Cortland Ave  
Warrens WI 54666

Dear Participant:

The Natural Resources Conservation Service (NRCS) is issuing a Certified Wetland Determination on property you own or operate at **Farm 781, Tract 2323, Field 13 and 2, in Sec. 30 T19N, R1W, Monroe County, WI.** This preliminary technical determination is in response to your request for an evaluation due to an operation change or activity that may affect compliance with Wetland Conservation (WC) provisions that was documented on the form AD-1026, HELC WC Certification. This form was initiated with the Farm Service Agency (FSA).

This letter notifies you of the preliminary technical determination and describes USDA WC compliance requirements. Your preliminary technical determination will automatically become a final technical determination in 30 days unless you wish to take one of the actions described within this notification.

**If you agree with this determination, there is no further action required from you.**

This certified wetland determination has been conducted for the purpose of implementing the wetland conservation provisions of the Food Security Act of 1985, as amended. **This determination may not be valid for identifying the extent of the U.S. Army Corps of Engineers (USACE) Clean Water Act jurisdiction or for any state, county, or local ordinances applicable to 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 USACE prior to starting the activity. You may also need to contact state, county, or local offices which regulate storm water management and wetlands.

### Preliminary Technical Determination Findings

NRCS conducted a preliminary technical determination for WC compliance. Based on the determination, the fields shown in Section II of the attached *NRCS-CPA-026e Highly Erodible Land and Wetland Conservation Determination* may contain wetlands with an applied label. These fields are also identified on the attached maps. Areas indicated on the attached form and maps could be subject to WC provisions of the Food Security Act of 1985, as amended, and provisions in USDA regulations found in the Code of Federal Regulations 7 CFR § 12.5(b) as described below.

### Wetland Conservation Compliance

The regulations for the WC compliance provisions of the 1985 Food Security Act, as amended, are found at Title 7 Code of Federal Regulations (7CFR Part 12). Wetland criteria is met if the area is identified as having soils that developed in wetland conditions, plants that grow in wetlands under natural conditions, and soil wetness. You may continue farming operations on Farmed Wetlands (FW) and Farmed Wetland Pasture (FWP), including maintenance of existing drainage systems. Wetlands (W) may be farmed under natural conditions without the removal of woody vegetation.

However, if you conduct any activity that alters or modifies the wetland characteristics of an FW, FWP, or W, such as adding new drainage, placing fill material into the wetland, or removing woody vegetation in the wetland, these acts may be considered a wetland conversion.

According to the Food Security Act of 1985, as amended, any person who converts a wetland after November 28, 1990 for the purpose of making production of an agricultural commodity possible, will be determined ineligible for all or a portion of USDA benefits (7 CFR Part 12).



Further, the 2014 Farm Bill connected producer eligibility for federal crop insurance premium subsidy to compliance with the wetland conservation provisions. Any wetland conversion that occurs after February 7, 2014, results in ineligibility for the federal crop insurance premium subsidy.

Prior Converted Cropland (PC), Non-Wetlands (NW), and Artificial Wetlands (AW) have no restrictions for modifying or reducing the wetness characteristics according to the Food Security Act of 1985, as amended, or the 2014 Farm Bill, as long as those modifications or reductions do not impact adjacent wetlands (i.e., FW, FWP, or W).

### What Happens Next

You have two choices regarding your preliminary technical determinations: 1) Accept this determination or 2) Appeal this determination using one of the methods listed below.

1. If you accept this determination, **no further action is required**. The preliminary technical determination will automatically become a final technical determination 30 calendar days after you receive this letter.
2. You can request reconsideration or mediation, or expedite the finality of the preliminary technical determination.

a) **Request Reconsideration**

A Reconsideration is conducted by an NRCS staff/wetland expert(s), and includes a field visit, office visit, or other designated meeting site. During reconsideration, the basis for the preliminary technical determination is reviewed with you, questions you may have are answered, additional information is gathered from you, and additional field investigations, if necessary, are conducted.

To request reconsideration, send a written request by mail, email, or hand delivery to the NRCS office located at:

Paula French  
Natural Resources Conservation Service  
26136 Executive Lane, Suite 105A  
Richland Center, WI 53581  
email: paula.french@usda.gov

Or

b) **Request Mediation**

Mediation can help explain the preliminary technical determination, review other information that may be pertinent to your farming operation, and/or provide a forum for a potential solution to any of your concerns. Mediation must be completed within 30 days from the date of the first mediation session. If an agreement is not reached, the mediation process ends. If an agreement is reached, a final technical determination will be issued based on the mediation agreement, within 15 days from the date the mediation agreement is signed by all parties. If the issue is successfully resolved with mediation, it cannot be appealed.

To request mediation, contact the Agricultural Mediation Service in writing no later than 30 days from the date you receive this notification at:

Wisconsin Department of Agriculture, Trade & Consumer Protection  
Farm Mediation and Arbitration Program  
PO Box 8911  
Madison, WI 53708-8911  
Phone: (800) 942-2474 or (608) 224-5052





# APPLICATION/PERMIT TO WORK ON HIGHWAY RIGHT-OF-WAY

Wisconsin Department of Transportation (WisDOT)

DT1812 1/2016 s. 86.07(2), 86.16 and other applicable Wis. Stats.

1. Applicant's Name, Address, City, State and ZIP Code Richard Helming		2. Work Start Date 6/1/21	4. Location Description (1/4 section, section, town, range; provide plat and location maps)	
		3. Work Finish Date* 8/1/2021		
5. Is the work area near a survey monument? (If yes, call 866-568-2852 or email <a href="mailto:geodetic@dot.wi.gov">geodetic@dot.wi.gov</a> ) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		6. Work Location (List all that apply) Town: _____ Village: _____ City: _____ County: <b>Monroe</b>		7. Highway (List all that apply) WIS _____ US 12 _____ Interstate _____
8. <u>Trans 401</u> project designation? (Provide a formal erosion control plan for all Major projects. See provision #13.) <input type="checkbox"/> Major <input type="checkbox"/> Minor		9. Are any environmental approvals, certifications or permits required from other regulatory agencies? (If yes, provide a copy of each item. If no, provide proof of other agency coordination as needed. For additional information, go to <a href="#">environmental coordination</a> .) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
10. Work Type (Check all that apply) <input type="checkbox"/> Access management <input type="checkbox"/> Crash investigation/cleanup <input type="checkbox"/> Drainage: Culverts/tiles <input checked="" type="checkbox"/> Drainage: Grading/riprap <input type="checkbox"/> Drainage: Storm Sewer <input type="checkbox"/> Environmental assessment <input type="checkbox"/> Harvesting nature products <input type="checkbox"/> Hazmat: Cleanup/remediation <input type="checkbox"/> Hazmat: Monitoring wells <input type="checkbox"/> Invasive species assessment <input type="checkbox"/> Landscaping <input type="checkbox"/> Soil borings <input type="checkbox"/> Surveying		12. Work Zone Description (Check all that apply) <input checked="" type="checkbox"/> Not applicable <input type="checkbox"/> Full road closure: detour** <input type="checkbox"/> Full road closure: temporary <input type="checkbox"/> Lane closure: without flagging <input type="checkbox"/> Lane closure: with flagging <input type="checkbox"/> Lane encroachment (2 feet or less) <input type="checkbox"/> Intersection/roundabout <input type="checkbox"/> Shoulder/parking lane closure  Freeway/expressway location <input type="checkbox"/> Off shoulder: < 30' off white line <input type="checkbox"/> Off shoulder: ≥ 30' off white line <input type="checkbox"/> Near right-of-way line or fence  Non-Freeway/expressway location <input type="checkbox"/> Off shoulder: < 15' off white line <input checked="" type="checkbox"/> Off shoulder: ≥ 15' off white line <input type="checkbox"/> Back of curb: < 2' behind <input type="checkbox"/> Back of curb: ≥ 2' behind		13. Provide detailed description of how work will be accomplished. Use page 2 or additional pages if needed. Provide work plans, drawings and specifications as needed. For chemical treatment, answer questions on page 2.  reshape ditch to allow for better drainage across field
11. Vegetation Management (Check all that apply) <input checked="" type="checkbox"/> Mow <input type="checkbox"/> Remove <input type="checkbox"/> Prune <input type="checkbox"/> Cut and/or trim <input type="checkbox"/> Plant <input type="checkbox"/> Chemically treat <sup>13</sup>				

It is understood and agreed that approval is subject to the applicant's full compliance with the pertinent Statutes, as well as any codes, rules, regulations, and other jurisdictional agencies' permit requirements. Applicant shall comply with all permit provisions, superimposed notes, and detail drawings that WisDOT may add. Any alteration of this form by the applicant is prohibited and may be cause to revoke this permit. When approved, the permit does not transfer any land; nor give, grant or convey any land right, right in land, nor easement in WisDOT right-of-way. It is not assignable or transferrable. All costs associated with this permit are the permittee's responsibility unless otherwise noted.

x Richard Helming \_\_\_\_\_  
 (Applicant or Authorized Representative Signature) (Date)  
 (If Computer-filled, Brush Script Font)  
 Richard Helming \_\_\_\_\_  
 (Printed Name) (Title)  
 715-937-3691 \_\_\_\_\_  
 (Area Code/Phone No.) (Email Address)

\_\_\_\_\_  
 (Main Contractor Company Name, if applicable)  
 \_\_\_\_\_  
 (Contractor Representative/Title) (Area Code/Phone No. - Office)  
 \_\_\_\_\_  
 (Area Code/Phone No. - Cell) (Email Address)

\* Includes permanent restoration. If the permitted work has not started by the "Work Finish Date", this permit is null and void. If the permitted work has started, but has not been completed by the "Work Finish Date", the work shall not be completed unless authorized through an approved written time extension or a subsequent permit. ANY PERMIT ISSUED IS REVOCABLE.

### For Official Wisconsin DOT Use Only - Do Not Write Below

<input type="checkbox"/> PERMITTEE SHALL NOTIFY THE WISDOT REPRESENTATIVE LISTED BELOW 3 DAYS BEFORE STARTING ANY WORK: Region contact, title, office address, area code/phone no., and email address  Wisconsin DOT Southwest Region - La Crosse Office 3550 Mormon Coulee Road La Crosse, WI 54601	<input type="checkbox"/> See Supplemental Permit Provisions (Page 4) <input type="checkbox"/> Special Permit Provisions Also Included <input type="checkbox"/> Lane Closure System notification required <input type="checkbox"/> Insurance or performance bond required <input type="checkbox"/> Other regulatory agency permits not required <input type="checkbox"/> **State highway traffic detour permit required <input type="checkbox"/> Permit issued in conjunction with: _____ <input type="checkbox"/> Permit voids and supersedes permit(s): # _____, Issued _____ <input type="checkbox"/>	Date Application Received
		Date Application Complete
<u>Jarrod Turk</u> (WisDOT Authorized Representative Signature - If Computer-filled, Brush Script Font)		Permit Issuance Date 6/1/21
		Permit Expiration Date 8/1/21
		Permit Extension Date
		Permit Number 21-550032



## Highly Erodible Land Conservation Requirements

(National Food Security Act Manual 512.0(E) - <https://directives.sc.egov.usda.gov/viewerFS.aspx?hid=29366>)

IF the field...	THEN a substantial reduction...
Was used to produce crops prior to December 23, 1985, and the conservation system or plan has been approved, applied, and maintained prior to July 3, 1996,	<p>Has already been met, providing the plan or system is continued to be applied and maintained, and—</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The same person continues to use the original conservation system, or revises the system to provide an equal or greater level of erosion protection.</li> </ul> <p style="text-align: center;">or</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The new owner and/or operator accepts the approved conservation system or plan and continues to apply and maintain the conservation system or an equivalent conservation system.</li> </ul>
Was used to produce crops prior to December 23, 1985, and has a conservation system or plan that has been approved after July 3, 1996,	Is a 75 percent reduction of the potential erodibility, not to exceed two (2) times the soil loss tolerance level for the predominant highly erodible soil map unit in the highly erodible field.
Has no history of crop production prior to July 3, 1996,	Does not apply. Furthermore, in no case will the soil erosion level for sodbusted land exceed the soil loss tolerance. (See NFSAM, paragraph <u>512.0(F).</u> )

# Wetland Conservation Definitions and Restrictions

(National Food Security Act Manual 514.60 - <https://directives.sc.egov.usda.gov/viewerFS.aspx?hid=29376>)

Name and Label	Criteria For Determination	Authorized Uses	Authorized Maintenance
<b>(FWP)</b> Farmed Wetland Pasture and Hayland	Manipulated and used for pasture or hay as of December 23, 1985. Is inundated for at least 7 consecutive days or saturated for 14 days during the growing season. Not abandoned.	May be used for production of agricultural commodities or forage.	May be maintained to the extent that existed before December 23, 1985, if "as built" records exist. May be maintained to the extent that existed on December 23, 1985, if no "as built" records exist.
<b>(MIW)</b> Mitigation Exemption	Converted wetland is exempt because mitigation has occurred according to an NRCS-approved plan.	As stipulated in the mitigation agreement.	As stipulated in the mitigation agreement.
<b>(MW)</b> Minimal Effect Exemption	Converted wetland is exempt because conversion is determined to have a minimal effect, individually and cumulatively, on the wetland functions in the watershed.	As stipulated in the minimal effect agreement, if applicable.	Only those activities stipulated in the minimal effect agreement, if applicable.
<b>(MWM)</b> Mitigation Site	Site of wetland restoration, enhancement, or creation serving as mitigation for MIW site.	As stipulated in Mitigation Plan/Agreement.	As stipulated in Mitigation Plan/Agreement
<b>(NI)</b> Not Inventoried	Used when a wetland determination is not conducted.	Can determine only after a certified wetland determination is completed for the area labeled NI.	Can determine only after a certified wetland determination is completed for the area labeled NI.
<b>(NW)</b> Nonwetland	Does not meet wetland criteria. Also includes wetlands converted before December 23, 1985, but a commodity crop was not produced and the area does not meet wetland criteria. The area has not been abandoned.	No restrictions.	No restrictions unless manipulation would convert adjacent wetlands.
<b>(PC)</b> Prior Converted Cropland	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.	No restrictions.	No restrictions unless manipulation would convert adjacent wetlands.
<b>(TP)</b> Third Party Exemption	A wetland converted after December 23, 1985, by a third party who is not associated with the participant, and without the participant's collusion, fraud, scheme or device. A third party does not include predecessors in interest on the tract or drainage districts or other local government entities.	May be used for production of agricultural commodities or forage.	Further drainage improvement will cause ineligibility.
<b>(W)</b> Wetland	Meets wetland criteria. Not converted after December 23, 1985. Also, includes areas previously identified as FW or FWP, which have been abandoned.	May be farmed under natural conditions without removal of woody vegetation.	At level needed to maintain original system on FW, FWP, and PC. Must not convert additional wetlands or exceed original scope and effect of drainage system.
<b>(WX)</b> Wetlands that have been manipulated	Wetlands that have been manipulated but not for the purpose of or making possible production of an agricultural commodity.	Would cause ineligibility if production was later made possible.	No restrictions as long as production not made possible including on an adjacent wetland.



# APPLICATION/PERMIT TO WORK ON HIGHWAY RIGHT-OF-WAY

Wisconsin Department of Transportation (WisDOT)

DT1812 1/2016 s. 86.07(2), 86.16 and other applicable Wis. Stats.

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10. Work Type (Check all that apply) <input type="checkbox"/> Access management <input type="checkbox"/> Crash investigation/cleanup <input type="checkbox"/> Drainage: Culverts/tiles <input checked="" type="checkbox"/> Drainage: Grading/riprap <input type="checkbox"/> Drainage: Storm Sewer <input type="checkbox"/> Environmental assessment <input type="checkbox"/> Harvesting nature products <input type="checkbox"/> Hazmat: Cleanup/remediation <input type="checkbox"/> Hazmat: Monitoring wells <input type="checkbox"/> Invasive species assessment <input type="checkbox"/> Landscaping <input type="checkbox"/> Soil borings <input type="checkbox"/> Surveying		12. Work Zone Description (Check all that apply) <input checked="" type="checkbox"/> Not applicable <input type="checkbox"/> Full road closure: detour** <input type="checkbox"/> Full road closure: temporary <input type="checkbox"/> Lane closure: without flagging <input type="checkbox"/> Lane closure: with flagging <input type="checkbox"/> Lane encroachment (2 feet or less) <input type="checkbox"/> Intersection/roundabout <input type="checkbox"/> Shoulder/parking lane closure Freeway/expressway location <input type="checkbox"/> Off shoulder: < 30' off white line <input type="checkbox"/> Off shoulder: ≥ 30' off white line <input type="checkbox"/> Near right-of-way line or fence Non-Freeway/expressway location <input type="checkbox"/> Off shoulder: < 15' off white line <input checked="" type="checkbox"/> Off shoulder: ≥ 15' off white line <input type="checkbox"/> Back of curb: < 2' behind <input type="checkbox"/> Back of curb: ≥ 2' behind		13. Provide detailed description of how work will be accomplished. Use page 2 or additional pages if needed. Provide work plans, drawings and specifications as needed. For chemical treatment, answer questions on page 2. reshape ditch to allow for better drainage across field	
11. Vegetation Management (Check all that apply) <input checked="" type="checkbox"/> Mow <input type="checkbox"/> Remove <input type="checkbox"/> Prune <input type="checkbox"/> Cut and/or trim <input type="checkbox"/> Plant <input type="checkbox"/> Chemically treat <sup>13</sup>					

It is understood and agreed that approval is subject to the applicant's full compliance with the pertinent Statutes, as well as any codes, rules, regulations, and other jurisdictional agencies' permit requirements. Applicant shall comply with all permit provisions, superimposed notes, and detail drawings that WisDOT may add. Any alteration of this form by the applicant is prohibited and may be cause to revoke this permit. When approved, the permit does not transfer any land; nor give, grant or convey any land right, right in land, nor easement in WisDOT right-of-way. It is not assignable or transferrable. All costs associated with this permit are the permittee's responsibility unless otherwise noted.

_____ (Main Contractor Company Name, If applicable)		x <i>Richard Helming</i> (Applicant or Authorized Representative Signature) (Date)	
_____ (Contractor Representative/Title)		Richard Helming (Printed Name)	
_____ (Area Code/Phone No. - Office)		715-937-3691 (Area Code/Phone No.)	
_____ (Area Code/Phone No. - Cell)		_____ (Email Address)	

\* Includes permanent restoration. If the permitted work has not started by the "Work Finish Date", this permit is null and void. If the permitted work has started, but has not been completed by the "Work Finish Date", the work shall not be completed unless authorized through an approved written time extension or a subsequent permit. **ANY PERMIT ISSUED IS REVOCABLE.**

**For Official Wisconsin DOT Use Only – Do Not Write Below**

<input type="checkbox"/> PERMITTEE SHALL NOTIFY THE WISDOT REPRESENTATIVE LISTED BELOW 3 DAYS BEFORE STARTING ANY WORK: Region contact, title, office address, area code/phone no., and email address  Wisconsin DOT Southwest Region - La Crosse Office 3550 Mormon Coulee Road La Crosse, WI 54601	<input type="checkbox"/> See Supplemental Permit Provisions (Page 4) <input type="checkbox"/> Special Permit Provisions Also Included <input type="checkbox"/> Lane Closure System notification required <input type="checkbox"/> Insurance or performance bond required <input type="checkbox"/> Other regulatory agency permits not required <input type="checkbox"/> **State highway traffic detour permit required <input type="checkbox"/> Permit issued in conjunction with: _____ <input type="checkbox"/> Permit voids and supersedes permit(s): # _____, Issued _____ <input type="checkbox"/>	Date Application Received
		Date Application Complete
<i>Garrod Turk</i> (WisDOT Authorized Representative Signature – If Computer-filled, Brush Script Font)		Permit Issuance Date 6/1/21
		Permit Expiration Date 8/1/21
		Permit Extension Date
		Permit Number 21-550032

Use this section to provide information on chemical treatment (question #11):

- (a) Chemical(s) to be used and EPA Registration Number(s)?  
(Example: Garlon 4 Ultra, EPA REG. NO. 62719-527)
- (b) Type of application(s)? (Example: Stump treatment, broadcast, etc.)
- (c) Applicator name(s) and Wisconsin certification number(s)?  
(Example: Bill Smith, 146886-CA. Personnel must be licensed as commercial applicators in category 6.0, Right-of-Way, to legally apply herbicides on roadsides.)
- (d) How will property owners bordering the affected highway ROW be notified prior to spraying?  
(Examples: In-person, doorknob cards, letters, phone calls, etc.)
- (e) Will spraying occur near wetlands? (If yes, see question #9)
- (f) Provide name(s) and cell number(s) for the supervisor or lead worker of each crew:

Use this section to provide information that does not fit on front page or #11(a)-(f) on left:

## INDEMNIFICATION

The Applicant shall save and hold the State, its officers, employees, agents, and all private and governmental contractors and subcontractors with the State under Chapter 84 Wisconsin Statutes, harmless from actions of any nature whatsoever (including any by Applicant itself) which arise out of, or are connected with, or are claimed to arise out of or be connected with any of the work done by the Applicant, or the construction or maintenance of facilities by the Applicant, pursuant to this permit or any other permit issued by the State for location of property, lines or facilities on highway right-of-way, (1) while the Applicant is performing its work, or (2) while any of the Applicant's property, equipment, or personnel, are in or about such place or the vicinity thereof, or (3) while any property constructed, placed or operated by or on behalf of Applicant remains on the State's property or right-of-way pursuant to this permit or any other permit issued by the State for location of property, lines or facilities on highway right-of-way; including without limiting the generality of the foregoing, all liability, damages, loss, expense, claims, demands and actions on account of personal injury, death or property loss to the State, its officers, employees, agents, contractors, subcontractors or frequenters; to the Applicant, its employees, agents, contractors, subcontractors, or frequenters; or to any other persons, whether based upon, or claimed to be based upon, statutory (including, without limiting the generality of the foregoing, worker's compensation), contractual, tort, or whether or not caused or claimed to have been caused by active or inactive negligence or other breach of duty by the State, its officers, employees, agents, contractors, subcontractors or frequenters; Applicant, its employees, agents, contractors, subcontractors or frequenters; or any other person. Without limiting the generality of the foregoing, the liability, damage, loss, expense, claims, demands and actions indemnified against shall include all liability, damage, loss, expense, claims, demands and actions for damage to any property, lines or facilities placed by or on behalf of the Applicant pursuant to this permit or any other permit issued by the State for location of property, lines or facilities on highway right-of-way in the past or present, or that are located on any highway or State property or right-of-way with or without a permit issued by the State, for any loss of data, information, or material; for trademark, copyright or patent infringement; for unfair competition or infringement of personal or property rights of any kind whatever. The Applicant shall at its own expense investigate all such claims and demands, attend to their settlement or other disposition, defend all actions based thereon and pay all charges of attorneys and all other costs and expenses of any kind arising from any such liability, damage, loss, claims, demands and actions.

Any transfer, whether voluntary or involuntary, of ownership or control of any property constructed, placed or operated by or on behalf of the Applicant that remains on the State's property or right-of-way pursuant to this permit shall not release Applicant from any of the indemnification requirements of this permit, unless the State is notified of such transfer in writing. Any acceptance by any other person or entity, whether voluntary or involuntary, of ownership or control of any property constructed, placed or operated by or on behalf of the Applicant that remains on the State's property or right-of-way pursuant to this permit, shall include acceptance of all of the indemnification requirements of this permit by the other person or entity receiving ownership or control.

Notwithstanding the foregoing, a private contractor or subcontractor with the State under Chapter 84 Wisconsin Statutes, that fails to comply with sections 66.0831 and 182.0175 Wisconsin Statutes (2013-2014), remains subject to the payment to the Applicant of the actual cost of repair of intentional or negligent damage by the contractor or subcontractor to any property, lines or facilities placed by or on behalf of the Applicant pursuant to this permit or any other permit issued by the State for location of property, lines or facilities on highway right-of-way, and remains subject to payment to the Applicant for losses due to personal injury or death resulting from negligence by the contractor or subcontractor.

Notwithstanding the foregoing, if the State, or its officers, employees and agents, fail to comply with sections 66.0831 and 182.0175 Wisconsin Statutes (2013-2014), the State or its officers, employees and agents, remain subject to the payment to the Applicant of the actual cost of repair of willful and intentional damage by the State, or its officers, employees and agents, to any property, lines or facilities placed by or on behalf of the Applicant pursuant to this permit or any other permit issued by the State for location of property, lines or facilities on highway right-of-way, and remain subject to payment to the Applicant for losses due to personal injury or death resulting from negligence by the State, its officers, employees and agents.

No indemnification of private contractors or subcontractors with the State under Chapter 84 Wisconsin Statutes, shall apply in the event of willful and intentional damage by such private contractors or subcontractors to the property, lines and facilities of the Applicant located on the highway right-of-way pursuant to this permit or any other permit issued by the State for the location of property, lines or facilities on highway right-of-way.



**HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION**

Name Address:	Jill & Richard Helming 22540 Cortland Ave Warrens, WI 54666	Request Date:	06/04/20	County:	Monroe
Agency or Person Requesting Determination:	FSA	Tract No:	2323	FSA Farm No.:	781

**Section I - Highly Erodible Land**

Highly Erodible Land Determinations are recorded on a separate CPA-026E form

**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>
13	NW		5.3	08/28/2020	09/27/2020
13a	PC		0.5	08/28/2020	09/27/2020
2	NW		6.3	08/28/2020	09/27/2020

The wetland determination was completed in the office and field. It was mailed to the person on 08/28/2020.

Remarks: A site visit was conducted on 07/15/2020 by Paula French, SW Area Wetland Compliance Team Leader. A Fact Sheet "Conservation Compliance – What You Need to Know" is included for general reference. Refer to the attached "Wetland Conservation Definitions and Restrictions" and "Highly Erodible Land Conservation Requirements" for descriptions and allowances/restrictions for the above labels.

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>Paula K French</i>	8/28/2020

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.  
NRCS-CPA-026E

# Wetland Conservation Definitions and Restrictions

(National Food Security Act Manual 514.60 - <https://directives.sc.egov.usda.gov/viewerFS.aspx?hid=29376>)

Name and Label	Criteria For Determination	Authorized Uses	Authorized Maintenance
<b>(AW)</b> Artificial Wetland	Created wetlands on areas that were previously non-wetland.	No restrictions.	No restrictions.
<b>(CC)</b> Commenced Conversion	Conversion began before December 23, 1985, and was approved by FSA; conversion activity was completed by January 1, 1995.	No restrictions provided activities were completed per conditions.	As stipulated in the agreement.
<b>(CPD)</b> COE Permit w/ Mitigation	Converted wetland is exempt because the activity is authorized by a COE permit and satisfies the mitigation requirements of the Act.	Per COE permit conditions.	Per COE permit conditions.
<b>(CW)</b> Converted Wetland	Converted after December 23, 1985 and prior to before November 28, 1990.	Production of agricultural commodities or additional manipulation will cause ineligibility.	Maintenance allowed to scope and effect of original manipulation
<b>(CW)</b> Wetland Converted by county, drainage district, or similar entity.	Converted after December 23, 1985, by drainage district or other entity and beyond a person's direct control, but not considered third party (TP).	Production of agricultural commodities or forage for mechanical harvest or additional manipulation will cause ineligibility.	Maintenance allowed to original scope and effect of system before conversion.
<b>(CW + year)</b> Converted wetland	Converted after November 28, 1990.	Conversion causes ineligibility, regardless of whether production of agricultural commodity occurred.	Not applicable.
<b>(CWNA)</b>	Converted wetland for non-agricultural purposes.	Production of agricultural commodities will cause ineligibility.	No restrictions.
<b>(CWTE)</b> Converted Wetland Technical Error	An area converted after December 23, 1985, where the conversion or production of an agricultural commodity was a consequence of an incorrect NRCS determination.	May be used for production of agricultural commodities or forage provided no manipulation is done beyond what existed as of the date of the CWTE determination.	May be maintained to the extent that existed on date of the CWTE determination.
<b>(FW)</b> Farmed Wetland	Manipulated and used for the production of an agricultural commodity as of December 23, 1985. If the area is not a pothole, playa, or pocosin, it is inundated for at least 15 consecutive days during the growing season or 10 percent of the growing season, whichever is less, in most years. If the area is a pothole, playa, or pocosin, it is inundated for at least 7 consecutive days or saturated for at least 14 consecutive days during the growing season in most years. Not abandoned.	May be used for production of agricultural commodities or forage.	May be maintained to the extent that existed before December 23, 1985, if "as built" records exist. May be maintained to the extent that existed on December 23, 1985, if no "as built" records exist.