



Natural Resources Conservation Service
823 S Round Barn Rd
Richmond IN 47374

August 14, 2006

James M Jones
5760 Saddleridge Rd
Cincinnati, OH 45247-5800

Farm # ⁵²⁶⁴~~3608~~ Tract # 373

Dear Mr. Jones:

This is to notify you that as of the date of this letter, I am making a preliminary technical determination that:

- Fields shown in Section II of the attached NRCS-CPA-026E, "Highly Erodible Land and Wetland Conservation Determination," form contains wetland determinations with the labels/certifications as indicated.

I have enclosed a Preliminary Technical Determination on Form NRCS-CPA-026E and an aerial photo that includes your certified wetlands determination. Any areas shown as "NI" on the map have not been completed. This determination supersedes all previous USDA determinations and is valid as long as the land use remains in agriculture.

This certified wetland determination/delineation has been conducted for the purpose of implementing the wetland conservation provisions of the Food Security Act of 1985. This determination/delineation may not be valid for identifying the extent of the Army Corps of Engineers (COE) Clean Water Act jurisdiction for this site. If you intend to conduct any activity that constitutes a discharge of dredged or fill material into wetlands or other waters, you should request a jurisdictional determination from the local office of the COE prior to starting the work.

Other agencies may also have jurisdiction that require permits and NRCS recommends that you contact the Indiana Department of Environmental Management and the Indiana Department of Natural Resources, Division of Water before beginning any work.

This technical determination may affect USDA program benefits. In order to maintain your USDA program eligibility with the Food Security Act and comply with the Clean Water Act, contact us prior to performing the following activities:

- Land clearing
- Drainage (tile or open ditching)
- Drainage maintenance
- Filling, leveling, or dredging
- Land use changes

This preliminary technical determination will become final in 30 days unless you request one or more of the following three options:

1. Reconsideration in which a field visit will be made by someone from the NRCS office to review the basis for the preliminary technical determination with you, and to gather additional information from you concerning the preliminary technical determination.

2. The right to file an appeal with the FSA County Committee when the 30 day final decision deadline is reached.
3. The right to use mediation in an attempt to settle your concerns with the preliminary technical determination.

Mediation is a process in which a trained, impartial person (a neutral mediator) helps look at mutual problems, identify and consider options, and determine if we can agree on a solution. Unlike an appeal, mediation is private, confidential and informal. The mediator will help us work together to evaluate the information in your case and to identify alternatives that will assist us in resolving the dispute. The mediator has no decision making authority. A mediator cannot decide what is "right" or "make" anyone do anything. If the mediation is successful, the mediator will help us to reach an agreement and document the solution in writing. Each party will sign the agreement, and you may continue to pursue the appeal. If you choose mediation, you must complete the attached **Application for Voluntary Mediation Form** and return it along with a copy of the Preliminary Technical Determination Form and a copy of the Preliminary Technical Determination Letter to:

Rural Services of Indiana, Inc.
60918 US 31
South Bend, IN 46614

If you choose to use mediation, NRCS will pay up to one-half of the appropriate and reasonable costs which are associated with securing the services of a trained mediator. The NRCS will have final discretion over what is considered appropriate and reasonable.

In addition, you have the right to review the records concerning this determination in our office.

This preliminary determination becomes **final** on September 13, 2006, if none of the three options are used. If a field visit is made, a final determination will be issued within 30 days following the field visit. If only the mediation process is used, a final determination will be issued within 30 days following the completion of mediation.

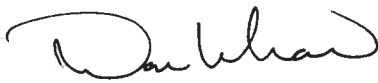
The final determination may be appealed to the Farm Service Agency County Committee (COC) at the address below. If you take no action during the preliminary 30 day period, your COC appeal rights begin on September 13, 2006, and end on October 13, 2006. Otherwise, your COC appeal rights begin when you receive your final determination and last for 30 days.

Wayne County FSA County Committee
823 S Round Barn Rd
Richmond IN 47374-4717

If you are the owner of this tract and have a tenant, I urge you to discuss this letter and accompanying NRCS-CPA-026E with your tenant. Likewise, if you are tenant of this tract of land, I urge you to discuss this letter with your landlord.

I would be happy to answer any questions or discuss any concerns you might have. Please call me at (765) 966-0191, extension 3.

Sincerely,



Don Weaver
District Conservationist
Enclosures



HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

Name Address:	James Jones	Request Date:	6-14- 2006	County:	Wayne
Agency or Person Requesting Determination:	FSA	Tract No:	T-373	FSA Farm No.:	3608 5264

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?	Yes

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>
3	Y	N	103.7	8/12/88
1	N	N	58.8	8/12/88
2	N	N	35.3	8/12/88
4	N	N	141.8	8/12/88
-	-	-		

The Highly Erodible Land determination was completed in the-

Section II - Wetlands

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

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		58.8	8-4-2006	
2	PC/NW		35.3	8-4-2006	
3	PC/NW		103.7	8-4-2006	
4	PC/NW		141.8	8-4-2006	
-	-				

The wetland determination was completed in the field . It was -mailed to the person on 8/14/2006.

Remarks: It is OK to put fill dirt in the low area. The areas marked NI have not been inventoried for wetland purposes.

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
	8-14-06

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 LABEL CODES**

AW	Artificial Wetland. An area that is artificial or irrigation induced wetland. These wetlands are not subject to the wetland conservation provision.
AW/FW	An area that contains both AW and FW.
AW/W	An area that contains both AW and W.
CC	Commenced Conversion exemption.
CPD	Corps Permit Decision. Corps of Engineers permit decisions regarding section 404 of the Clean Water Act will be relied upon to satisfy the wetland conservation provisions of the Food Security Act of 1985, as amended.
CMW	An area that receives a Categorical Minimal Effect determination.
CW	Converted Wetlands. An area converted between December 23, 1985 and November 28, 1990. IN any year that an agricultural commodity is planted on these converted wetlands, you will ineligible for USDA benefits.
**CW+year	An area converted after November 28, 1990. You will be ineligible for USDA program benefits until this wetland is restored.
CWNA	Converted Wetland Non-Agricultural use. A wetland area converted to other than agricultural commodity production.
CWTE	Converted Wetland Technical Error. An area converted or commenced based on an incorrect NRCS determination or misinformation from a NRCS or FSA employee.
FW	Farmed Wetland. An area that is farmed wetland; was manipulated and planted before December 23, 1985, but still meets wetland criteria. These may be farmed and maintained in the same manner as long as they are not abandoned.
FWP	Farmed Wetlands Pasture. An area that is pasture or hayland, manipulated before December 23, 1985 but still meets wetland criteria. These may be farmed and maintained in the same manner as long as they are not abandoned.
MIW	Mitigation Wetlands. Wetlands on which a person is actively mitigating a frequently cropped area or a wetland converted between December 23, 1985 and November 28, 1990. A converted wetland, farmed wetland, or farmed wetland pasture on which functions and values were lost are compensated for through wetland restoration, enhancement or creation.
MW	Minimal effect Wetland. An area determined to be minimal effect. These wetlands are to be farmed according to the minimal-effect agreement signed at the time the minimal-effect determination was made,
MWM	An area determined to be minimal effect with mitigation.
NI	Not Inventoried – No wetland determination has been completed.
NW	Non-Wetland. An area that does not contain a wetland.
NW/NAD	An area determined to be a non-wetland resulting from a decision from the National Appeals Division.
OW	Other Waters of the U.S. Area that fall under the jurisdiction of the Clean Water Act.
PC	Prior Converted cropland, which was drained filled, or manipulated before December 23, 1985; was cropped prior to December 23, 1985; was not abandoned; and does not meet FW criteria. These are not subject to the wetland conservation provision unless the area reverts to wetland as a result of abandonment.
PC/NW	An area that contains both PC and NW.
TP	Third Party Exemption.
W	Wetlands. An area meeting wetland criteria, including wetland farmed under natural conditions. If you plan to clear, drain, fill, level or manipulate these areas, contact NRCS and the Army Corp of Engineers prior to any such activity.
WX	A wetland area that has been manipulated after December 23, 1985, but was not, for the purpose of making production possible and production was not made possible. These include wetlands manipulated by drainage maintenance agreements.

US-41

4270
T8294

9 HEL
20.5

HBC

5
17.1
NHEL

15.4

(949)
T358

8.6
HEL

3
9.9

4
11.3

(3824)
T9110

W
1
R13
41.9

(3608)
T373

PC
NW

Permyille

2
R09
35.3

PC
NW

8
88.8

1
58.8

PC
NW

4
141.8

3
32.5

Point
Attention

PC
NW

HEL

3
103.7