



HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

Table with 4 columns: Name Address, Request Date, County, Agency or Person Requesting Determination, Tract No., FSA Farm No.

Section I - Highly Erodible Land

Table with 2 columns: Question, Answer (Yes/No)

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.

Table with 5 columns: Field(s), HEL(Y/N), Sodbust(Y/N), Acres, Determination Date

Handwritten notes: VRS 5/24/19, VRS 5/24/19

The Highly Erodible Land determination was completed in the office.

Section II - Wetlands

Table with 2 columns: Question, Answer (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.

Table with 6 columns: Field(s), Wetland Label*, Occurrence Year (CW), Acres, Determination Date, Certification Date

Handwritten notes: VRS-7/20/19, VRS-7/20/19

The wetland determination was completed in the office. It was to the person on .

Remarks: A Fact Sheet "Avoiding Wetland Violations" 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.

Table with 2 columns: Signature Designated Conservationist, Date

*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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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
(AW) Artificial Wetland	Created wetlands on areas that were previously non-wetland.	No restrictions.	No restrictions.
(CC) 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.
(CPD) 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.
(CW) 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
(CW) 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.
(CW + year) Converted wetland	Converted after November 28, 1990.	Conversion causes ineligibility, regardless of whether production of agricultural commodity occurred.	Not applicable.
(CWNA)	Converted wetland for non-agricultural purposes.	Production of agricultural commodities will cause ineligibility.	No restrictions.
(CWTE) 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.
(FW) 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.

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
(FWP) 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.
(MIW) 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.
(MW) 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.
(MWM) 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
(NI) 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.
(NW) 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.
(PC) 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.
(TP) 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.
(W) 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.
(WX) 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.

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...
<p>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>	<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"> <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 style="text-align: center;">or <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.
<p>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,</p>	<p>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.</p>
<p>Has no history of crop production prior to July 3, 1996,</p>	<p>Does not apply. Furthermore, in no case will the soil erosion level for sodbusted land exceed the soil loss tolerance. (See NFSAM, paragraph 512.0(F).)</p>



United States
Department of
Agriculture

Wetland Determination

Farm: 7106

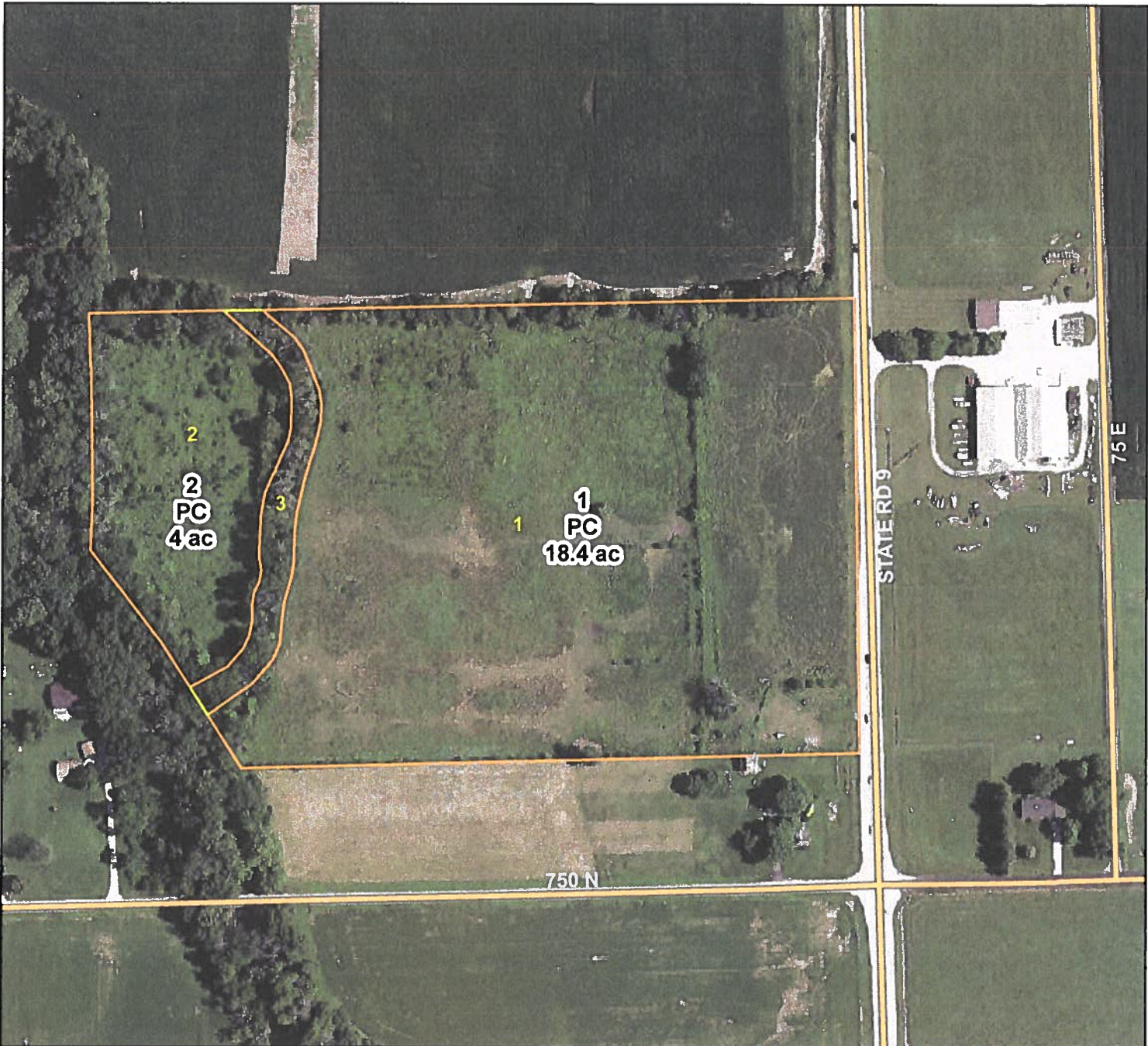
Tract: 13384

Owner: William Degelow

Geographic County: Shelby, IN

Operator: (Not Entered)

FSA Admin County: Shelby, IN



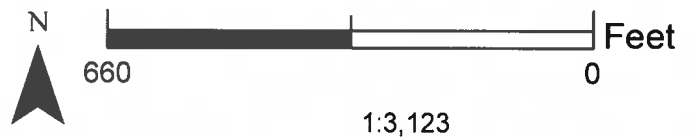
Base Map Image: Shelby NAIP 2018 (60cm Color)

Map Prepared By: Karen Hauer

Map Production Date: 5/24/2019

- | | | | |
|--|-------------------------|--|------------|
| | Technical Determination | | NI/Ditch |
| | Tracts and Fields | | NIDitchB85 |
| | Ditch | | NIDitchP85 |
| | DitchB85 | | Sketch |
| | DitchP85 | | Tile |
| | NI | | |

This is the wetland determination map. An evaluation of each area identified as a Wetland ("Y") or Not a Wetland ("N") on the Base Map was conducted to determine if those areas were affected by human activities after 12/23/1985. A resulting Food Security Act label was then assigned to each area. Please see the label definitions attached to the CPA-026e form for more information on the labels.





United States
Department of
Agriculture

HEL C Determination

Farm: 7106

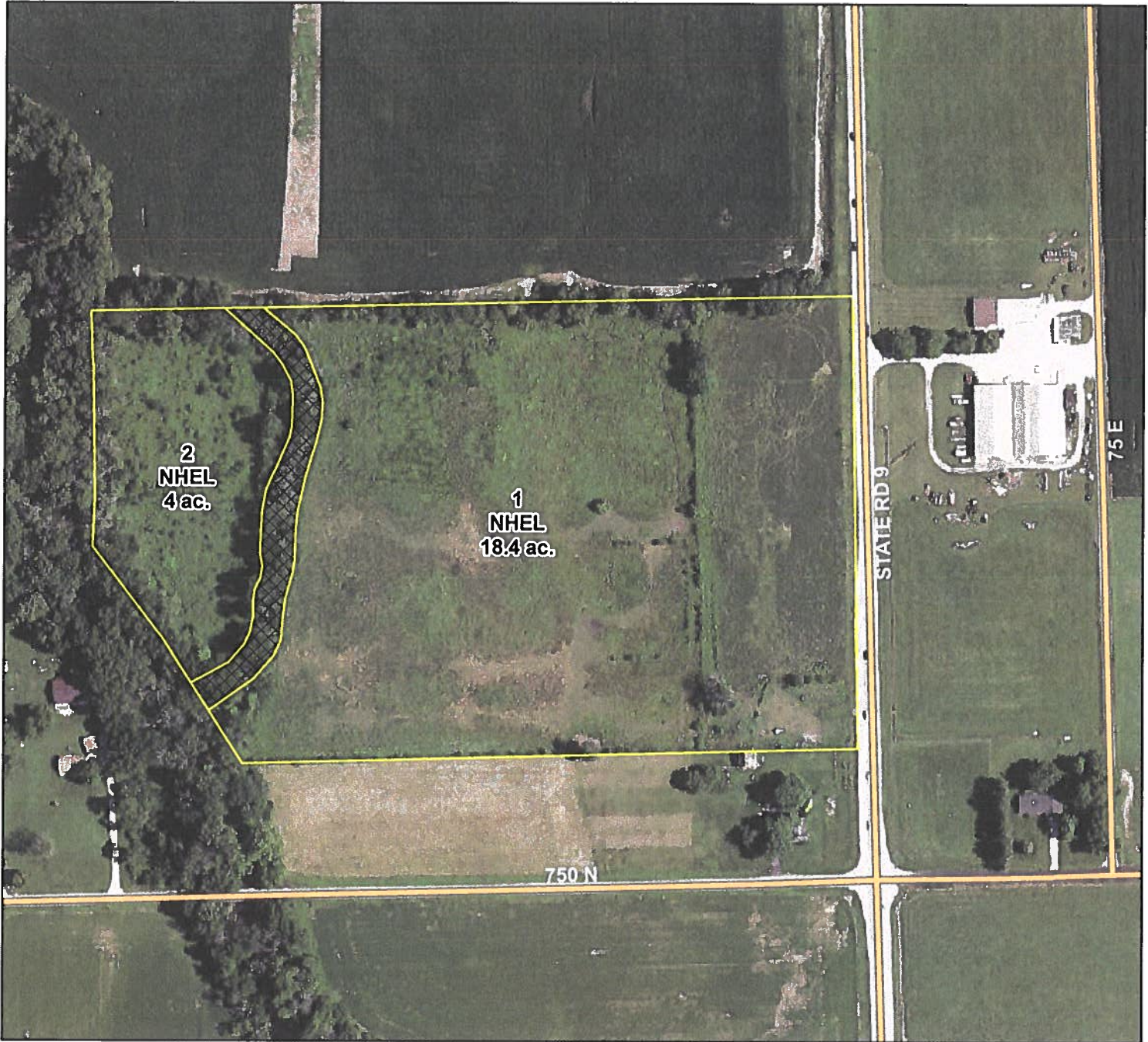
Tract: 13384

Owner: William Degelow

Geographic County: Shelby, IN

Operator: (Not Entered)

FSA Admin County: Shelby, IN



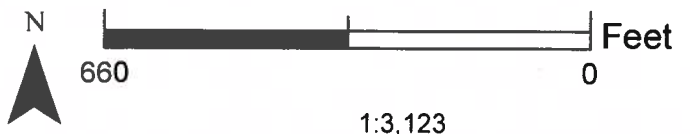
Base Map Image: Shelby NAIP 2018 (60cm Color)

Map Prepared By: Karen Hauer

Map Production Date: 5/24/2019

This is the Highly Erodible Land (HEL) determination map. Some previously determined areas, if any, may also appear on this map and retain the label of the original determination, where applicable.

- Technical Determinations
- Not Evaluated



1:3,123



United States Department of Agriculture

Natural Resources Conservation Service
Manilla Field Office
2779 S 840 W
Manilla, Indiana 46150
Phone: 765-544-2051, ext. 3

VIA CERTIFIED MAIL: RETURN RECEIPT REQUESTED

May 29, 2019

William J. Degelow
10453 S. Degelow Rd.
Milroy, IN 46156-9552

Dear William J. Degelow:

This is to notify you that as of the date of this letter, a preliminary technical determination for Farm # 7106 Tract #13384 has been made based on your responses on your latest AD-1026 submitted with the Farm Service Agency (FSA).

I have enclosed a Preliminary Technical Determination on NRCS-CPA-026E along with aerial photo(s) that includes your determinations. This latest determination was performed by Karen Hauer on 5-24-19. This determination supersedes all previous determinations and is valid as long as the land use remains in agriculture.

Fields shown in Section II of the attached NRCS-CPA-026E, "Highly Erodible Land and Wetland Conservation Determination," contain the following Highly Erodible Land (HEL)/Wetland Conservation (WC) determinations.

Please carefully review all of the documentation within this package. If you have any questions about your determination, please call me at 765-544-2051, Extension 3.

This HEL/WC determination has been conducted for the purpose of implementing the conservation provisions of the Food Security Act of 1985, as amended, only.

This determination is not valid for identifying the extent of the United States Army Corps of Engineers (COE) Clean Water Act jurisdiction for this site, nor for other agencies that may also have jurisdiction that require permits from the Indiana Department of Environmental Management and the Indiana Department of Natural Resources, Division of Water. ***NRCS strongly recommends that you contact each of these agencies before beginning any work as failure to do so may result in costly ramifications with other laws.***

- Indiana Department of Environmental Management (IDEM)
 - State Isolated Wetland Law code 13-18-22. www.in.gov or (317) 233-8488
- Indiana Department of Natural Resources, Division of Water (IDNR)
 - Permit Application Assistance Manual. www.in.gov or 1-877-928-3755
- US Army Corps of Engineers (USACE)
 - Clean Water Act. <http://www.usace.army.mil/> - Regulatory and Permits

Helping People Help the Land.



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This technical determination may affect USDA program benefits. Please refer to the attachments for descriptions and allowances/restrictions based on the assigned determination labels per the Food Security Act of 1985, as amended.

This preliminary technical determination will become a ***Final Technical Determination*** 30 days after receipt of this letter unless you request ONE of the following three options:

1. Request a reconsideration (office or site) visit with me and our NRCS Certified Agency Expert for the purpose of gathering/providing additional information and for a discussion of the facts relating to the preliminary determination. Reconsideration must be requested in writing to my office.
2. Request mediation in an attempt to settle your concerns with the preliminary technical determination. The **Application for Voluntary Mediation Form** and procedures may be obtained from my office.
3. Request in writing to the NRCS State Conservationist a waiver of the 30 day appeal period for the preliminary technical determination so that this determination becomes final immediately. Please contact me for contact information.

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

Once this decision becomes final you may appeal to either the Farm Service Agency County Committee (COC) or to the National Appeals Division (NAD). You must file your request in writing within 30 days of this technical determination becoming a final. You may appeal to only one of the following:

Rush/Shelby County FSA Committee
2779 S 840 W
Manilla, IN 46150

OR

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

All USDA program participants associated with this tract are affected by the determination. 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 the tenant of this tract of land, I urge you to discuss this letter with your landlord.

If you have any questions or would like to discuss any concerns you might have, please call me at 765-544-2051, Extension 3.

Sincerely,

/s/ Frank Jones
Frank Jones
District Conservationist

Attachments:

NRCS-CPA-026E; Map; WC-HEL Labels and Restrictions; Avoiding Wetland Violations Fact Sheets; Others

cc: FSA County Committee



FSN: 7106
TN: 13384

Shelby

Year: 1085

