



**HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION**

Name Address:	Duane McNeal	Request Date:	3/18/2014	County:	TAMA
Agency or Person Requesting Determination:	FSA	Tract No:	1246	FSA Farm No.:	207

**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.

Field(s)	HEL(Y/N)	Sodbust(Y/N)	Acres	Determination Date
1	Y	N	115.6	8/28/1988
2	Y	N	43.2	8/28/1988
5	N	N	4.1	3/18/2014
6	N	N	5.2	3/18/2014

The Highly Erodible Land determination was completed in the field.

**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.

Field(s)	Wetland Label*	Occurrence Year (CW)**	Acres	Determination Date	Certification Date
1	PC		115.6	3/18/2014	4/19/2014
2	PC		43.2	3/18/2014	4/19/2014
5	NW		4.1	3/18/2014	4/19/2014
6	NW		5.2	3/18/2014	4/19/2014

The wetland determination was completed in the field. It was mailed to the person on 3/19/2014.

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

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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# HEL Determination Map

Land Owner: Duane McNeal  
Tract & Farm #: T1246 F207  
Legal Description: T84N R14W Sect. 3  
Certification Office: Waverly Field Office

Certified By: Laura Wilden WS  
Map Creation Date: 3/18/2014  
Determination County: Tama, IA



1:5,047



Agency: USDA-NRCS

## Legend

### HEL designation

HEL

NHEL

No determination

Highly Erodible Codes

HEL Highly Erodible Land

NHEL Non Highly Erodible Land

This Determination is valid for the colored cross hatched areas.





# Certified Wetland Determination Map

Land Owner: Duane McNeal  
 Tract & Farm #: T1246 F207  
 Legal Description: T84N R14W Sect. 3  
 Certification Office: Waverly Field Office

Certified By: Laura Wilden WS  
 Map Creation Date: 3/18/2014  
 Determination County: Tama, IA



## Legend

- Certified Wetland Determination Boundary
- Wetlands
- Surface Drain
- Berm/Dike
- Subsurface Drain
- Boundary Point
- Data Form Point
- Picture Point

1:5,084



Agency: USDA-NRCS

### Wetland Codes

W	Wetland	FWP	Farmed Wetland Pasture
CW	Converted Wetland	MIW	Mitigation Exemption
CW+yr	Converted After 1990	NW	Non Wetland
FW	Farmed Wetland	PC	Prior Converted Cropland
AW	Artificial Wetland		

This Determination is valid for the area within the Dashed Red Line (Determination Boundary)





Natural Resources Conservation Service

1510 3<sup>rd</sup> St SW

Waverly, IA 50677-4373 Phone: 319-352-4037 ext. #3 Fax: 855-246-1553

March 19, 2014

Mr. Duane McNeal  
311 Post Rd  
Iowa City, IA 52245-3629

Dear Mr. Duane McNeal:

Based upon your recent request for a Highly Erodible Lands Determination, this letter is to notify you that a Preliminary Highly Erodible Lands (HEL) determination has been completed for your Farm #207, Tract #1246, Tama County, Iowa as per Title 7, Code of Federal Regulations (CFR), Part 12.

I have completed the **Preliminary Technical Determination** for highly erodible lands on this tract. See the enclosed NRCS-CPA-026 "Highly Erodible Land and Wetland Conservation Determination" form and the aerial photo for location(s).

The areas that you asked the Natural Resources Conservation Service (NRCS) to determine are Non Highly Erodible Land (**NHEL**). Fields that are NHEL have less than 1/3 of the total field acres as highly erodible soil map units and less than 50 acres of highly erodible soil map units.

This preliminary determination will become final **30** days after receipt of this letter unless you request one of the following options in writing:

1. A 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.
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 highly erodible lands technical 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 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.

*Helping People Help the Land*

An Equal Opportunity Provider, Employer and Lender



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March 19, 2014

Mr. Duane McNeal  
311 Post Rd  
Iowa City, IA 52245-3629

Dear Mr. Duane McNeal:

Based upon your recent request for a Certified Wetland Determination, this letter is to notify you that a preliminary wetland determination has been completed for your Farm #207, Tract #1246, Tama County, Iowa. This determination was completed in accordance with the National Food Security Act Manual Food Security Act Wetland Identification procedures; Title 7, Code of Federal Regulations (CFR), Part 12 and Part 12.5(b).

See the enclosed NRCS-CPA-026 "*Highly Erodible Land and Wetland Conservation Determination*" form for definitions and aerial photo for locations.

The **Preliminary Technical Determination** is: There are **Non Wetland(s) (NW)** areas and/or areas have been identified as **Prior Converted Cropland (PC)** in locations as indicated on the enclosed aerial photo for which you requested a wetland determination. Both the Non Wetland areas and the Prior Converted Cropland areas may be manipulated (tiled, filled, drained, etc.) without loss of eligibility of USDA Program benefits.

If you did not request a wetland determination for your entire farm, wetlands may exist in other locations. In order to maintain your eligibility for USDA program benefits, contact the Buchanan Natural Resources Conservation Service (NRCS) office prior to performing any land altering activities (tilling, land clearing, ditching, drainage maintenance, filling, leveling, removal of woody vegetation, or dredging.)

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 days of receipt of this letter.

1. A 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. If you chose Reconsideration, please make your request in writing and address the request to me.
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 technical determination.

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West Des Moines, IA 50266 (515) 331-8081