

# DATA NEEDED FOR SWAMPBUSTER COMMENCED AND THIRD-PARTY DETERMINATIONS

1. STATE NAME PA	2. COUNTY NAME Erie
3. FARM NUMBER 826 73.3 FPRM 143	

4. NAME AND ADDRESS OF PRODUCER

Robert H. Brace  
Box 338  
Waterford, PA 16441

5. TELEPHONE NUMBER (Area Code)

814-796-2529

6. GIVE LEGAL DESCRIPTION OF AREAS  
(Attach a photo copy and identify areas)

Erie County, Waterford Township  
on South Hill Rd., east of  
Sharp Rd. ASCS tract 1356

7. Has a wetland determination been completed by SCS? (If no, a wetland determination is needed to consider a commencement request.) (If yes, are the areas in question determined to be wetlands.)

YES NO

X

8. Has any action (dirt moved) been taken to convert the wetland(s)? (If yes, what date 4-28-77 and what action was taken to convert the wetland(s) ditching, tile, dozing

X

9. What information is available to document the action to convert the wetland and the date? (For example, ASCS photos, canceled checks, contracts, who completed the work, etc.)

X

10. Have you spent or legally committed substantial funds for "supplies or materials for the primary and direct purpose of converting the wetland" prior to December 23, 1985? Equipment purchases, such as tractors or scrapers, do not apply. Expenses for planning, such as attorney's fees, mileage, telephone calls, or surveying, do not apply.

Date materials were purchased 4-28-77 thru 5-8-87 and the amount 28524.00

X

11. Provide copies of documentation; such as canceled checks, invoices, etc. Date a contract to move dirt was entered into Provide a copy of the contract. Breakdown, by amount to whom the funds were committed and the purpose of each.

NAME OF INDIVIDUAL(S) FUNDS COMMITTED TO AND PURPOSE OF EACH	AMOUNT	TOTAL PROJECT COSTS	FUNDS COMMITTED TO DATE
A	B	C	D
Statements attached	28524.00		28524.00

12. Explain what has been done to establish the fact that you have actively pursued the completion of the project.

Purchased home farm in 1976. Work is continuous, substantiated by invoices

13. Has a crop been planted in the wetland in the current year? (If yes, what date May 1987)

14. Is the request within the boundary of a drainage district? (If yes, a detailed plan must be submitted.)

No.

15. Is this a request for an exemption because of a third-party drainage? (If yes, provide full details of why and how you were not involved; in any way, with the drainage of the wetland.)

YES

NO

X

16. SIGNATURE OF PRODUCER

Robert H. Brace

DATE

Aug. 31, 1988

NOTE: The granting of a commencement or third-party request does not remove other legal requirements that may be required under State or Federal water laws.

This form must be filed no later than September 19, 1988. No commencement requests will be considered after this date.

Approved for meeting 9-14-88

This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, marital status, or handicap.

EXHIBIT



Agricultural Stabilization and Conservation Service

PA

Erie

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826

AND ADDRESS OF PRODUCER

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Box 338  
Waterford, PA 16441

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Date materials were purchased 4-28-77 through 5-8-87 and the amount 28524.00

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Provide copies of documentation; such as canceled checks, invoices, etc. Date a contract to move dirt was entered into \_\_\_\_\_  
Provide a copy of the contract. Breakdown, by amount to whom the funds were committed and the purpose of each.

NAME OF INDIVIDUAL(S) FUNDS COMMITTED TO AND PURPOSE OF EACH

AMOUNT

TOTAL PROJECT COSTS

FUNDS COMMITTED TO DATE

A

B

C

D

Statements attached

28524.00

28524.00

12. Explain what has been done to establish the fact that you have actively pursued the completion of the project.

Purchased home farm in 1976. Work is continuous, substantiated by invoices

13. Has a crop been planted in the wetland in the current year? (If yes, what date May 1987)

14. Is the request within the boundary of a drainage district? (If yes, a detailed plan must be submitted.)

No

15. Is this a request for an exemption because of a third-party drainage? (If yes, provide full details of why and how you were not involved, in any way, with the drainage of the wetland.)

YES

NO

X

16. SIGNATURE OF PRODUCER

Robert H. Brace

DATE

Aug. 31, 1988

NOTE: The granting of a commencement or third-party request does not remove other legal requirements that may be required under State or Federal water laws.

Approved for meeting 7-14-88

This form must be filed no later than September 19, 1988. No commencement requests will be considered after this date.

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EXHIBIT

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EXHIBIT

D-6

STECKLER



U.S.D.A.  
Soil Conservation Service

SCS-CPA-026  
(1-85)

HIGHLY ERODIBLE LAND AND WETLAND  
CONSERVATION DETERMINATION

1. Name and Address of Person  
*Robert H. Broce*  
*Box 338*  
*Waterford, Pa 16441*

2. Date of Request  
*9-7-88*  
3. County  
*Erie*

of USDA Agency or Person Requesting Determination  
*ASCS*

5. Farm No. and Tract No.  
*826 T 1356*

SECTION I - HIGHLY ERODIBLE LAND

6. Is soil survey now available for making a highly erodible land determination?	Yes	No	Field No.(s)	Total Acres
	<input checked="" type="checkbox"/>			
7. Are there highly erodible soil map units on this farm?	<input checked="" type="checkbox"/>			
8. List highly erodible fields that, according to ASCS records, were used to produce an agricultural commodity in any crop year during 1981-1985.			<i>11, 12</i>	<i>18.5</i>
9. List highly erodible fields that have been or will be converted for the production of agricultural commodities and, according to ASCS records, were not used for this purpose in any crop year during 1981-1985; and were not enrolled in a USDA set-aside or diversion program.				

10. This Highly Erodible Land determination was completed in the: Office ☐ Field ☒

NOTE: If you have highly erodible cropland fields, you may need to have a conservation plan developed for these fields. For further information, contact the local office of the Soil Conservation Service.

SECTION II - WETLAND

11. Are there hydric soils on this farm?	Yes	No	Field No.(s)	Total Wetland Acres
	<input checked="" type="checkbox"/>			
12. Wetlands (W), including abandoned wetlands, or Farmed Wetlands (FW). Wetlands may be farmed under natural conditions. Farmed Wetlands may be farmed and maintained in the same manner as they were prior to December 23, 1985, as long as they are not abandoned.				
13. Prior Converted Wetlands (PC) - The use, management, drainage, and alteration of prior converted wetlands (PC) are not subject to FSA unless the area reverts to wetland as a result of abandonment. You should inform SCS of any area to be used to produce an agricultural commodity that has not been cropped, managed, or maintained for 5 years or more.			<i>1, 4, 6, 8, 10, 13</i>	
14. Artificial Wetlands (AW) - Artificial Wetlands includes irrigation induced wetlands. These Wetlands are not subject to FSA.				
15. Minimal Effect Wetlands (MW) - These wetlands are to be farmed according to the minimal effect agreement signed at the time the minimal effect determination was made.				

NON-EXEMPTED WETLANDS:

16. Converted Wetlands (CW) - In any year that an agricultural commodity is planted on these Converted Wetlands, you will be ineligible for USDA benefits. If you believe that the conversion was commenced before December 23, 1985, or that the conversion was caused by a third party, contact the ASCS office to request a commenced or third party determination.			<i>14, 15</i>	<i>43.4</i>
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*Commenced Filed with ASCS*

17. The planned alteration measures on wetlands in fields \_\_\_\_\_ are considered maintenance and are in compliance with FSA.

18. The planned alteration measures on wetlands in fields \_\_\_\_\_ are not considered to be maintenance and if installed will cause the area to become a Converted Wetland (CW). See item 16 for information on CW.

19. This wetland determination was completed in the: Office ☐ Field ☒

20. This determination was: Delivered ☒ Mailed ☐ To the Person on Date: *9-30-88*

NOTE: If you do not agree with this determination, you may request a reconsideration from the person that signed this form in Block 22 below. The reconsideration is a prerequisite for any further appeal. The request for the reconsideration must be in writing and must state your reasons for the request. The request must be mailed or delivered within 15 days after this determination is mailed to or otherwise made available to you. Please see reverse side of the producer's copy of this form for more information on appeals procedure.

NOTE: If you intend to convert additional land to cropland or alter any wetlands, you must initiate another Form AD-1026 at the local office of ASCS. Abandonment is where land has not been cropped, managed, or maintained for 5 years or more. You should inform SCS if you plan to produce an agricultural commodity on abandoned wetlands.

21. Remarks

Signature of SCS District Conservationist

*Terrie L. Stuckler*

23. Date  
*9-15-88*

assistance and programs of the Soil Conservation Service available without regard to race, religion, color, sex, age, handicap, etc.



## HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION CERTIFICATION

The following statements are made in accordance with the Privacy Act of 1974 (5 USC 552a). The authority for requesting the information to be supplied on this form is the Food Security Act of 1985, P.L. 99-198, and regulations promulgated under the Act (7CFR Part 12). The information will be used to determine eligibility for program benefits and other financial assistance administered by USDA agencies. The information may be furnished to other USDA agencies, IRS, Department of Justice, or other State and Federal law enforcement agencies, and in response to orders of a court magistrate or administrative tribunal. Furnishing the Social Security Number is voluntary. Furnishing the other requested information is voluntary; however, failure to furnish the correct, complete information will result in a determination of ineligibility for certain program benefits and other financial assistance administered by USDA agencies. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 641, 1001; 15 USC 714m; and 31 USC 3729, may be applicable to information provided by the producer on this form.

## PART A - PRODUCER'S INTENTIONS FOR USE OF LAND

1. NAME AND ADDRESS OF PRODUCER  ROBERT H. BRACE BOX 338 WINTERFORD, VA. 16411	2. SOCIAL SECURITY NUMBER (or tax ID number)		3. CROP YEAR 1988
	FARM NUMBER(S) 4	COUNTY(IES) WHERE LOCATED 5	
	826	ERIE	

6. During either the crop year entered in item 3 above, or the term of a requested USDA loan, will an agricultural commodity be produced on fields of the farm(s) that were not used for the production of any agricultural commodity (see instructions) or not enrolled in an USDA set-aside or diversion program during any crop year 1981 through 1985? If "yes," list the farm and field numbers. FSN-826 T-1356	Yes	No
7. Will an agricultural commodity be produced on any land on the farm(s) listed above that was a wet area but was improved, drained, or modified, or converted after December 23, 1985? If "yes," list the farm and field numbers. FSN-826 T-1356	Yes	No
8. Do you plan to convert any land including wet areas for the production of an agricultural commodity this year or during the term of a requested USDA loan or other program benefit? If "yes," list the farm and field numbers.	Yes	No

I hereby certify that the above information is true and correct to the best of my knowledge and belief.

9. SIGNATURE OF PRODUCER

Robert H. Brace

DATE

8-31-88

## PART B - REFERRAL TO SCS

10. Based on county office information, a SCS determination is:

- a. Needed prior to the producer's certification in Part C.  
b. Needed before January 1, 1990.

NOTE: If the producer answers "No" to Part A, items 6, 7, and 8, and the agency so agrees, the producer may complete the certification in Part C without a SCS determination. However, beginning January 1, 1990, or 2 years after a soil survey is completed, the producer must be actively applying an approved conservation plan on all highly erodible fields. Therefore, a SCS determination regarding the existence of any highly erodible fields on the farm(s) listed above is necessary before January 1, 1990.

11. DATE REFERRED TO SCS FOR DETERMINATION

9-7-88

12. SIGNATURE OF AGENCY REPRESENTATIVE

[Signature]

DATE

9-7-88

## PART C - USE CERTIFICATION (Completed by producer)

13. As a condition of eligibility for any USDA loans or other program benefits, I hereby certify that:

- a. I will not produce an agricultural commodity on highly erodible fields (except fields that, in any crop year between 1981 and 1985, were used to produce any agricultural commodity or were enrolled in a USDA set-aside or diversion program); and I will not use the proceeds of any FmHA loan, insured or guaranteed, received after December 23, 1985, for a purpose that will contribute to production of an agricultural commodity on these highly erodible fields, as determined by SCS, unless an approved conservation system has been fully applied.
- b. I will not produce an agricultural commodity on converted wetlands or use proceeds from any FmHA farm loan, insured or guaranteed, received after December 23, 1985, for a purpose that will contribute to the conversion of a wetland to produce an agricultural commodity, as determined by SCS.
- c. I will not convert wetlands or bring new lands into production for the purpose of producing an agricultural commodity without first consulting all USDA agencies with which (1) I have a current contract or loan agreement, insured or guaranteed, or (2) I have a crop insurance contract issued by or reinsured by the Federal Crop Insurance Corporation.
- d. USDA representatives may enter upon my land for the purpose of confirming any of the above statements.

NATURE OF PRODUCER

DATE

14. REMARKS



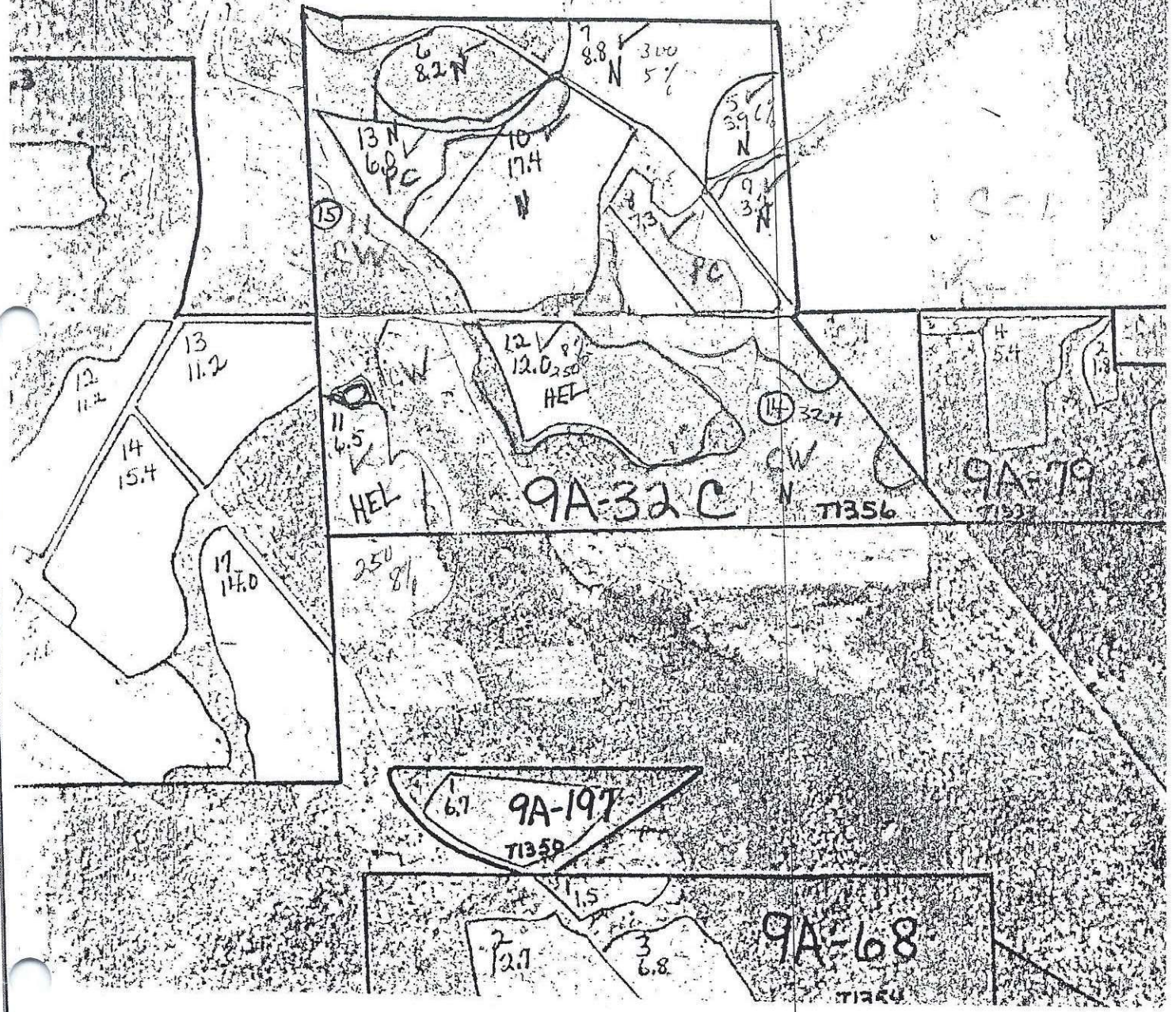
M-1

9A  
(826)

(c)  
A

M-11

NOT TO SCALE





32 Robert H. Brace  
9A (c) M-11  
(826) A

NOT TO SCALE

PC = Prior Converted

CW = Converted Wetland

N = Normal or Non Wetland

