

Received by certified mail- July 17, 1987

From US Dept. Of the Interior, Fish and Wildlife service
To Mr. Robert Brace

Dear Mr. Brace;

Biologists from this and other offices observed filling activities in about 130 acres of wetlands on your property on several occasions since May 1987.

Examination of aerial photos of the area shows that a considerable amount of ditching and filling has occurred in the wetlands. The soils also indicate that the area is flooded by surface or groundwater for a portion of most growing seasons.

Areas such as this flood in the spring and provide valuable flood storage and water quality benefits. They also provide breeding grounds for reptiles and amphibians and feeding sites for herons, shorebirds, and a wide variety of other wildlife species.

Filling activities in wetlands in Pennsylvania are regulated by federal and State governments. The federal program is administered by the Corps. Of Engineers, and the State program is administered by the DER. By filling wetlands without the appropriate permits, you may also be subject to prosecution by the PA Fish Commission under the Fish and Boat Code.

The purpose of this letter is to advise you that the Food Security Act of 1985 provides that anyone who produces an annual row crop on converted wetlands will be ineligible for most federal agricultural subsidies, crop insurance, and assistance on their entire agricultural operation. The areas where filling and draining activities have taken place since December 23, 1985, meet the definition of the "converted wetlands" in the Act. Anyone who produces an annual row crop on these converted wetlands may be subject to the "swampbuster" provisions of the Act. Therefore, we are advising the USDA of your wetland conversion. You may wish to contact the Erie County offices of the Soil Conservation Service or Agricultural Stabilization Conservation Service for further information on this matter.

If you have any questions regarding the above, please contact us.

Sincerely,
Edward W. Perry, Acting Field Supervisor.

