



ERIE COUNTY ASC COMMITTEE
MINUTES
REGULAR SESSION

The Erie County ASC Committee met on Wednesday, September 14, 1988, at 10:00 a.m. at the Agricultural Service Center, Waterford, PA. Present were:

- Carl Beckman, Chairperson
- J. Edward May, Vice Chairperson
- E. Leslie Brace, Regular Member
- Joseph Burawa, County Executive Director
- Lewis Steckler, District Conservationist, SCS
- Thomas Dauson, Field Assistant
- Carroll Lesik, COT

1. MINUTES

The minutes of the August 3, 1988, meeting were read and approved as corrected; the start time should have read 9 a.m. instead of 10 a.m. Also, in item 9 County Committee delete "for the ag. tour."

2. ADMINISTRATIVE

A. Pay Period Documents

County Committee reviewed and approved ASCS-134 Time and Attendance documents.

B. Quad Weekly Report

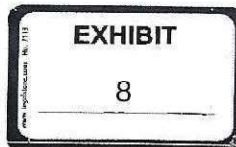
County Committee reviewed and approved PA-120 Quad Weekly Reports for Pay Period #13 and #14, and #15 and #16.

C. Within Grade Increase

County Committee noted a finding of satisfactory service for Thelma Marie Lewis, for a within grade increase.

D. Staffing

County Committee noted that Tom Dauson is working as Field Assistant, doing appraisals and bin measurements.



Eileen McGahen, a former employee, is starting on Monday, September 12, 1988, five days per week, through October 30, 1988.

E. Payment Limitation

County Committee reviewed the agenda and made travel arrangements for the Payment Limitation meeting on September 15-16, 1988.

F. COT Report

Carroll Lesik, COT, reported on her training progress and will be happy to return to western Pennsylvania. Training is going well; she reported on activities in the county offices where training has been held.

3. CONSERVATION PROGRAMS

A. Review of Programs

County Committee noted follow-up for 1988 payments for ACP are being made; reconciliations are being made in programs.

B. Requests for Cost Shares

County Committee reviewed and approved ACP-245 Requests for Cost Shares as noted on the form.

C. Conservation Reserve Program

County Committee reviewed seventh period CRP bids and accepted the 6 bids received. The bid was \$65.00.

D. ~~Swampbuster Commenced~~

County Committee reviewed a request for swampbuster commenced by FSN 826 Robert H. Brace. Committee noted wetlands determination was completed by U.S. Fish and Wildlife on tract 1356. Producer has been assessed a fine for converting wetlands and the process is now in litigation. Oats was planted on the area in 1987 and clover hay was harvested in 1988.

After reviewing invoices submitted by Mr. Brace and conferring with Lew Steckler, SCS, County Committee

determined that drainage commenced prior to December 23, 1985, and approved ASCS-492.

4. DISASTER PROGRAM

A. Review of Requests

County Committee noted 121 farms have filed ASCS-574 Request for Disaster Credit to date. Field Assistant Tom Dauson is trying to keep current on appraisals.

B. County Yields and Rates

County Committee reviewed PA Notice PAD-2 County Yields and Rates for 1988 Disaster Program.

5. EMERGENCY FEED PROGRAM

County Committee reviewed the Emergency Feed Program and the Emergency Feed Assistance Program process. It was noted that most farmers have sufficient feed on hand and are not eligible at this time. Alternative system was reviewed.

6. PRODUCTION ADJUSTMENT

A. Expired PIK

County Committee reviewed and approved a request for Shreve Farms' expired PIK certificate.

B. Late-filed Farms

County Committee reviewed farms filing late-filed acreage reports and established the following yields on comparable farms in the area.

7. RECONSTITUTIONS

County Committee reviewed and approved ASCS-155 Data for Farm Reconstitutions.

A. Combinations

A00095 FSN 70 Robert Huston and FSN 79 Robert Huston into FSN 2868 Robert Huston.

B. Divisions

A00096 FSN 2833 Ralph Gilkinson into FSN 2869 Alan Tech and FSN 2870 Ralph Gilkinson.

A00091 FSN 294 Fruit Acres into FSN 2843 John Pero and FSN 2842 Estate of John Phillips and FSN 2844 Fruit Acres.

A00089 Tract 2317 Fruit Acres into Tract 7838 John Pero and Tract 7837 John Pero and Tract 7841 Estate of John Phillips and Tract 7839 Fruit Acres and Tract 7840 Fruit Acres.

A00088 FSN 307 Souhall K. Rahal into FSN 2837 Souhall K. Rahal and FSN 2838 Daniel L. Betts.

A00087 Tract 2301 Souhall K. Rahal into Tract 7831 Daniel L. Betts and Tract 7830 Souhall K. Rahal.

A00086 FSN 1347 Richard R. Meehl into FSN 2834 Michael V. Baker and FSN 2835 Richard R. Meehl.

8. AERIAL COMPLIANCE

County Committee noted the slides for the county have been received. Indexing slides and selection for spotchecks will commence next week.

9. FARM STORAGE FACILITY LOAN

County Committee noted Farm Storage Facility Loan payment for Vernon Culver has been received.

10. GENERAL DISCUSSION

County Committee reviewed heavy work period and lack of trained personnel in the office.

11. COUNTY COMMITTEE MEETING

The next regular meeting of the County Committee will be on October 12, 1988.

12. ADJOURNMENT

The meeting adjourned at 4:10 p.m.



Chairperson, County Committee



County Executive Director

Erie County ASCS Office
R.D.#5 Route 19
Waterford, PA 16441
Telephone 796-6760

September 21, 1988

Robert H. Brace
Box 338
Waterford, PA 16441

Dear Mr. Brace:

The Erie County ASC Committee, at their regular meeting on September 14, 1988, reviewed your request for Swampbuster Commenced for your farm, serial number 826, tract 1356.

After reviewing invoices that you submitted and concurrence with Lew Steckler, District Conservationist, SCS, the County Committee determined that conversion of the wetlands began before December 23, 1985, and will enable you to complete the conversion and produce an agricultural commodity on the converted wetlands without losing USDA benefits.

The County Committee determination is based on the following criteria (1) construction activities were actively started prior to December 23, 1985 as supported by invoices; (2) substantial funds have been expended in the wetlands for the direct purpose of converting the wetlands prior to December 23, 1985, as supported by invoices.

Please contact this office if you have further questions.

Sincerely,



Joseph Burawa, County Executive Director
For: Erie County ASC Committee

Enclosure

CC: Lew Steckler, D.C., SCS



United States
Department of
Agriculture

Agricultural
Stabilization and
Conservation Service

Erie County ASCS Office
R.D.#5 Route 19
Waterford, PA. 16441

January 19, 1989

U.S. Dept. of Interior
Fish & Wildlife Service
Suite 322
315 South Allen St.
State College, Pa. 16801

Dear Mr. Putman:

State Executive Director of ASCS, Don Unangst, informed me that you would like to attend an Erie County Committee meeting to discuss prior commencement wetland determination on Robert Brace.

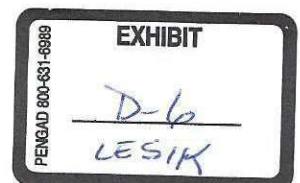
We would like to invite you to attend a meeting on Wednesday, February 8, 1989 at 1:30 p.m. with the Erie County ASC Committee.

Enclosed please find copies of Mr. Brace's receipts that you requested.

Please let me know if this is not convenient for you.

Carroll S. Lesik

Carroll S. Lesik, County Executive Director
For: Erie County ASC Committee





United States Department of the Interior

FISH AND WILDLIFE SERVICE

Suite 322
315 South Allen Street
State College, Pennsylvania 16801

February 7, 1989

Ms. Carroll S. Lesik
County Executive Director
USDA-ASCS
RD#5, Route 19
Waterford, PA 16441

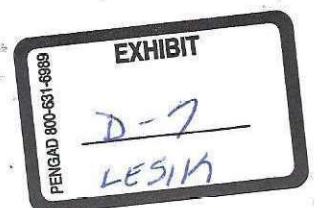
Dear Ms. Lesik:

The Fish and Wildlife Service has reviewed materials submitted by Mr. Robert Brace, R.D. #1, Waterford, PA to support his request for a commenced determination for a wetland conversion project on his farm in Waterford Township, Erie County, PA.

The requirements to qualify for an exemption from the swampbuster provisions of the Food Security Act of 1985 under the exemption for projects that were started, but not completed prior to December 23, 1985, are listed in 6CP.

Pertinant Sections Are Listed Below:

- 40 A 3 3 Show that the activity proposed for commenced determination has been actively pursued.
- A Efforts toward the completion of the conversion activity must have continued on a regular basis since initiation of the conversion except for delays because of circumstances beyond the person's control.
- 40 B 5 C Only wetlands for which construction has begun or to which the contract or purchased supplies and material relate may qualify for a commenced determination.
- G The conversion of a wetland may be determined by the COC to be commenced, if either of the following apply:
- 1 Any of the construction activities that would convert the wetland were actually started before December 23, 1985.
 - 2 The person applying for benefits has expended or legally committed funds either by



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entering into a contract or by purchasing construction supplies or materials for the direct purpose of converting the wetland before December 23, 1985.

Mr. Brace has submitted 38 separate receipts to document expenditures and a number of ASCS documents verifying that ASCS paid for portions of the work completed prior to 1985. Careful analysis of these materials is necessary to determine if Mr. Braces situation meets the requirements for exemption from the swampbuster provision of the Food Security Act.

In our analysis of the materials submitted by Mr. Brace, we note that there are no copies of contracts made prior to December 23, 1985, that would commit funds to do any work after December 23, 1985. There are no plans showing where the work listed in the receipts was completed or what work was planned for the future. There are no receipts for materials purchased prior to December 23, 1985 that would be installed after that date.

Table I. Summary of receipts submitted by Robert Brace to document wetland conversion work.

<u>Year of Work</u>	<u>Amount Paid to Contractor</u>
1977	5,740.49
1978	2,338.43
1979	3,202.40
1980	none
1981	2,170.00
1982	3,010.00
1983	none
1984	none
1985	none
1986	4,469.55
1987	8,054.40
Total Paid	28,985.27
Total Paid Prior to 1985	16,461.32
Total Paid After 1985	12,523.95

Of all of the ASCS documents, it appears that the only ones that could be relevant are a payment of \$1,384 for drainage in 1977 and \$1,000 for drainage in 1978. In 1979, \$940 was paid for sod waterways and in 1984, \$1,008 was paid to grade, releve, seed crop areas, and open ditches following flood damage. None of these activities would relate to wetland conversion. Furthermore, we could not identify the specific areas where this work was conducted based on the information submitted.

The points at issue in this determination are: 1) Did construction start on all of the areas applied for prior to December 23, 1985; 2) were supplies purchased for the conversion; and, 3) was a contract made to perform work?

It is also up to the person applying for the exemption to show that efforts toward the completion of the conversion occurred on a regular basis since initiation of the conversion except for delays because of circumstances beyond the persons control. There are no receipts or documents submitted for any work related to wetland conversion for the years of 1983, 1984 or 1985.

A review of aerial photographs of the property further substantiates the fact that work prior to 1983 was primarily directed toward conversion of wetlands on the north side of South Hill Road. Even work in the channel of Elk Creek south of South Hill Road facilitated drainage on the north side of the road.

The fact that most of the wetland areas south of South Hill Road maintained their wetland characteristics after the last channel excavation in 1982 until they were cleared and tiled in 1986 provides additional support to the argument that work prior to 1983 would not convert the wetlands.

Summary of Recommendations

While Mr. Brace has submitted documents supporting payments of over \$28,000 to contractors for work on his property he has not submitted any information to support his request for an exemption from the swampbuster provisions of the Food Security Act of 1985 under the exemption for projects commenced prior to December 23, 1985.

There are no plans, no contracts and no receipts for materials that would qualify for a commenced exemption. There are no receipts for any work after 1982 that would qualify for the commenced exemption. Even the criteria of "regular progress" is not met because there was no work documented between 1982 and 1986. Work done prior to 1983 converted specific wetlands into crop production and they can be properly labeled converted wetlands. These areas are primarily located north of South Hill road. The wetland areas south of South Hill Road were not converted until 1986. Work in these areas should not be exempted from the swampbuster provisions.

Sincerely,



Edward W. Perry
Acting Supervisor

ERIE COUNTY ASC COMMITTEE
MINUTES
REGULAR SESSION

The Erie County ASC Committee met on Wednesday, February 8, 1989, at 10:00 a.m. at the Agricultural Service Center, Waterford, PA. Present were:

- Carl Beckman, Chairperson
- J. Edward May, Vice Chairperson
- E. Leslie Brace, Regular Member
- Carroll S. Lesik, County Executive Director
- Lewis Steckler, District Conservationist, SCS
- Joseph Burawa
- Dave Putman, Fish and Wildlife Commission
- Ray Patterson, District Director

1. MINUTES

The minutes of the January 11, 1989 meeting were read and approved with the following exception that the disaster applications for spring wheat for Lee and Leon Wasielewski were not approved due to planting spring wheat in Erie is not a feasible practice.

2. ADMINISTRATIVE

A. Pay Period Documents

County Committee reviewed and approved ASCS-134 Time and Attendance documents.

B. Quad Weekly Report

County Committee reviewed and approved PA-120 Quad Weekly Report for Pay Period # 25 and 26.

3. PRODUCTION ADJUSTMENT

A. Expired PIK

County Committee reviewed and approved a request for Wilford VanTassel's expired Commodity Certificate.

PENGAD 800-631-6889

EXHIBIT

D-9

STECKLER

PENGAD 800-631-6889

EXHIBIT

D-8

LESIK

DEFENDANT'S

EXHIBIT

D D-9

U

B. Crop Insurance Waiver

County Committee reviewed and disapproved a request from Tom Woods for crop insurance waiver for oats and soybeans because it was determined that it was not a hardship due to the disaster benefits he would receive.

C. Feed Grain Program

County Committee reviewed enrollment in the 1989 Feed Grain and Wheat Program, and noted 37 farms are enrolled to date.

D. Person Determinations

County Committee reviewed and approved the CCC-502 and CCC-503 Worksheet for Actively Engaged in Farming and Person Determination as noted on the forms.

E. Disaster Applications

County Committee reviewed ASCS-574 Application for Disaster Credit and ASCS-658 Record of Production and fields and approval or disapproval as noted on the farms.

4. RECONSTITUTIONS

A. Farms In-Transfer from Crawford County

County Committee reviewed and approved the ASCS-179 Transfer of Farm Records between Counties, for FSN 817 and 2339 from Crawford County for Stuart Revak.

B. Divison

A00098 Tract 1535 Robert Niemeyer into FSN 2899 Nels Nelson and FSN 2900 Robert Niemeyer.

C. Combinations

A00097 FSN 2429 Stuart Revak and FSN 2896 Stuart Revak and FSN 2897 Stuart Revak into FSN 2898 Stuart Revak.

A00099 FSN 547 Nels Nelson and FSN 2900 R. Niemeyer into FSN 2902 Scott Emling.

A00100 FSN 550 Scott Emling and FSN 2900 R. Niemeyer into FSN 2903 Scott Emling.

A00101 FSN 2404 PA & Russel Walker and FSN 2032 and David Walker into FSN 2904 PA & Russel Walker.

5. CONSERVATION PROGRAMS

A. Review of Programs

County Committee reviewed conservation program ledgers and requests for cost shares.

B. Requests for Cost Shares

County Committee reviewed and approved ACP-245 Requests for Cost Shares as noted on the forms.

C. Requests for FIP Funds

County Committee noted requests for FIP practices pending and requesting STO for \$1500 in FIP funds.

D. Conservation Reserve

County Committee reviewed the CRP and noted the 8th signup period is February 6-24, 1989.

E. ~~Swampbuster Commenced~~

A swampbuster commenced determination made by County Committee on September 14, 1988, was reviewed with Dave Putman from U.S. Fish and Wildlife on FSN 826 Robert Brace. Putman felt that ditching doesn't constitute commencing converting wetlands and that he was not in complete agreement with COC determination. It should be noted that County Committee's determination still remained the same as of Sept. 14, 1988, which is that drainage commenced prior to December 23, 1985.

F. Failed ACP Seeding

County Committee reviewed and approved a re-seeding request by George Miniaci for a failed seeding practice cost shared under the 1988 ACP program.

6. General Discussion

Program Assistant Sick Leave

CED reported that State Office requested a letter be written to Dr. Florek concerning when Janice Kreider might be released to return for work duty. Letter was received on February 8, 1989, stating he was referring her to another doctor concerning evaluation of her knee problem. He felt she has not recovered from her emotional experiences and that her return to work date is very indefinite.

7. COUNTY COMMITTEE MEETING

The next regular meeting of the County Committee will be on March 8, 1989.

8. ADJOURNMENT

The meeting adjourned at 4:20 p.m.

Paul Beckman
Chairperson, County Committee

Carroll Lesh
County Executive Director