

52.0

OFFICIAL

54.5

74.4

75.2

73.6

D-25

D-335

T-1267

Rodney Mose of
Karllyn Barnes Trust
Richard Barnes / 1st Nat'l Bank
RR1 Box 90
Radulio, Iowa
52164

10

✓
NPR

2

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77.9

D-126

D-146

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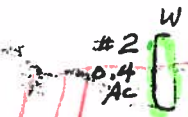
8-31-95

63
T1264

4238
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1 PC/NW

13
73.8

4
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10
Center

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3958
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3613
T 1238

Wetland Map Legend

- W.....Wetland
- CW.....Converted Wetland
- FW.....Farmed Wetland
- PC/NW.....Prior Converted Cropland and Non Wetland
- AW.....Artificial Wetland

- tiling

2
74.5

9
152.6

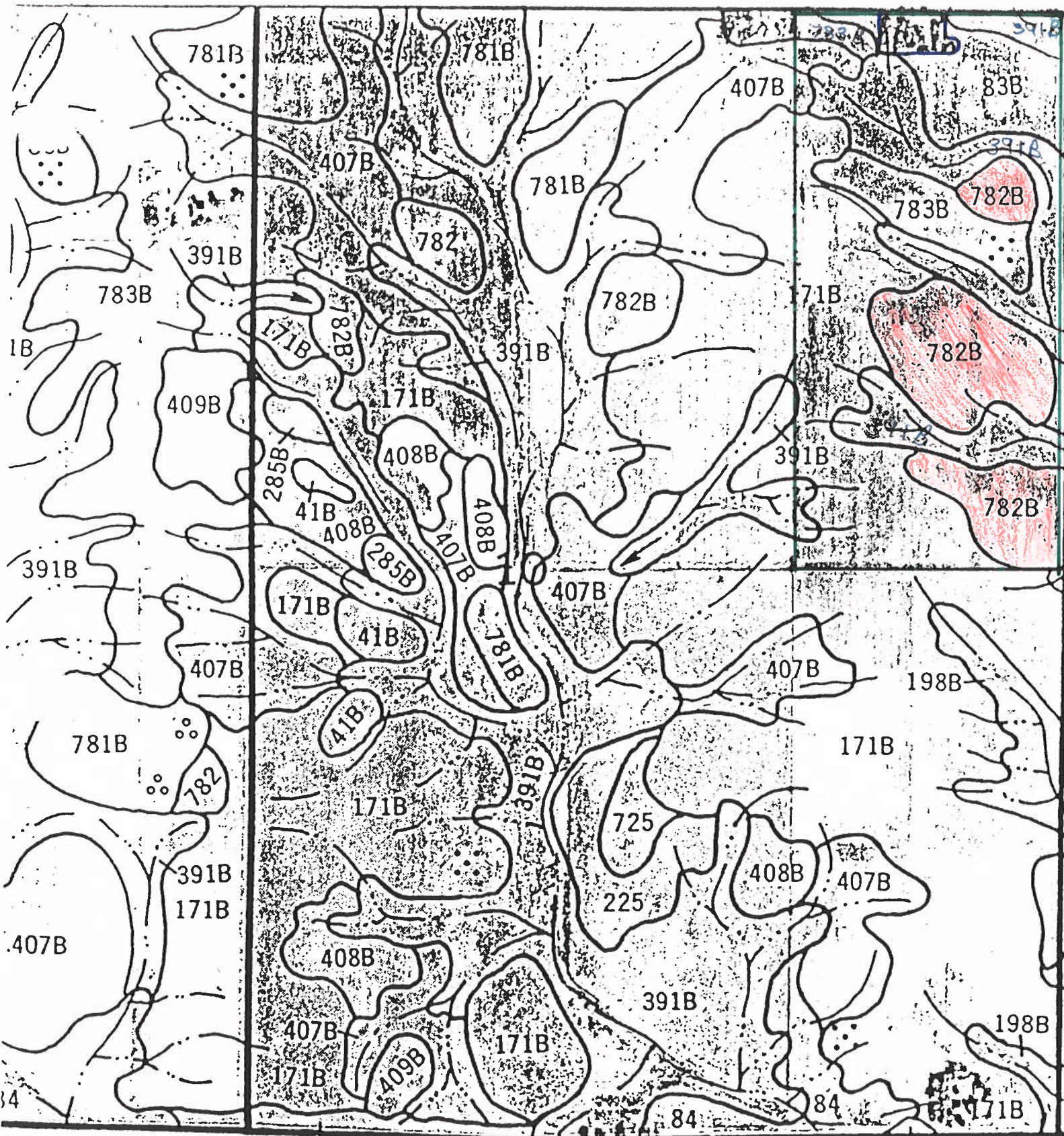
PC/NW
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121

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T1300



83B

175B (Joins she

center
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U.S.D.A. Soil Conservation Service
 SC. A-026 (June 91)
 B+W Aerial on back of AP-1026
 HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

1. Name and Address of Person
 Kathryn Barros Tr. ow
 Rodney Morse op
 619464 Neon Rd.
 Fayette IA
 52142-9752

2. Date of Request
 3-30-95

3. County
 Fayette

4. Name of USDA Agency or Person Requesting Determination
 USDA - NRCS

5. Farm No. and Tract No.
 140 11267

SECTION I - HIGHLY ERODIBLE LAND

	FIELD NO.(s)	TOTAL ACRES
6. Is soil survey now available for making a highly erodible land determination? Yes <input type="checkbox"/> No <input type="checkbox"/>		
7. Are there highly erodible soil map units on this farm? Yes <input type="checkbox"/> No <input 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.		
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.	026	completed prior
10. This Highly Erodible Land determination was completed in the: Office <input type="checkbox"/> Field <input type="checkbox"/>		

SECTION II - WETLAND

	FIELD NO.(s)	TOTAL ACRES
11. Are there hydric soils on this farm? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
12. Wetlands (W), including abandoned wetlands, or Farmed Wetlands (FW) or Farmed Wetlands Pasture (FWP). Wetlands may be farmed under natural conditions. Farmed Wetlands and Farmed Wetlands Pasture may be farmed and maintained in the same manner as they were prior to December 23, 1985, as long as they are not abandoned.	UN #1 #2	1.2 0.4
13. Prior Converted Cropland (PC). Wetlands that were converted prior to December 23, 1985. The use, management, drainage, and alteration of prior converted cropland (PC) are not subject to the wetland conservation provisions unless the area reverts to wetland as a result of abandonment.	Part of Field #1	71.0 Ac
14. Artificial Wetlands (AW). Artificial wetlands includes irrigation-induced wetlands. These wetlands are not subject to the wetland conservation provisions.		
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.		
16. Mitigation Wetlands (MIW). Wetlands on which a person is actively mitigating a frequently cropped area or a wetland converted between December 23, 1985 and November 28, 1990.		
17. Restoration with Violation (RVW-year). A restored wetland that was in violation as a result of conversion after November 28, 1990, or the planting of an agricultural commodity or forage crop.		
18. Restoration without Violation (RSW). A restored wetland converted between December 23, 1985 and November 28, 1990, on which an agricultural commodity has not been planted.		
19. Replacement Wetlands (RPW). Wetlands which are converted for purposes other than to increase production, where the wetland values are being replaced at a second site.		
20. Good Faith Wetlands (GFW+year). Wetlands on which ASCS has determined a violation to be in good faith and the wetland has been restored.		
21. Converted Wetlands (CW). Wetlands converted after December 23, 1985 and prior to November 28, 1990. In any year that an agricultural commodity is planted on these Converted Wetlands, you will be ineligible for USDA benefits.		
22. Converted Wetland (CW+year). Wetlands converted after November 28, 1990. You will be ineligible for USDA program benefits until this wetland is restored.		
23. Converted Wetland Non-Agricultural use (CWNA). Wetlands that are converted for trees, fish production, shrubs, cranberries, vineyards or building and road construction.		
24. Converted Wetland Technical Error (CWTE). Wetlands that were converted as a result of incorrect determination by SCS.		
25. The planned alteration measures on wetlands in fields _____ are considered maintenance and are in compliance with FSA.		
26. The planned alteration measures on wetlands in fields # 1 _____ are not considered to be maintenance and if installed will cause the area to become a Converted Wetland (CW). See item 22 for information on CW+year.		
27. The wetland determination was completed in the office <input type="checkbox"/> field <input checked="" type="checkbox"/> and was delivered <input type="checkbox"/> mailed <input checked="" type="checkbox"/> to the person on 9-1-95		
28. Remarks. Tile project as planned is too close to wetlands. However the proposal project may be completed with plan modification. Contact NRCS to change plan if so desire.		

29. I certify that the above determination is correct and adequate for use in determining eligibility for USDA program benefits, and that wetland hydrology, hydric soils, and hydrophytic vegetation under normal circumstances exist on all areas outlined as Wetlands, Farmed Wetlands, and Farmed Wetlands Pasture.

30. Signature of SCS District Conservationist
 Charles J. Muff

31. Date
 8-31-95

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

HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

1. NAME AND ADDRESS OF PRODUCER
Kathryn Barnes Trust - ow
c/o Richard Barnes
Kawalia, Ia 58164
Rodney Morse - op

2. DATE OF REQUEST

2-23-88

3. NAME OF USDA AGENCY OR PRODUCER REQUESTING DETERMINATION

USDA - ASCS

4. FARM NO. AND TRACT NO. (S)

(140)

D-335

Tr-1267

5. COUNTY

Fayette

SECTION I - HIGHLY ERODIBLE LAND

6. Is a soil survey now available for making a highly erodible land determination?

YES

NO

TRACT NO.

FIELD NO.(S)

TOTAL ACRES

7. Are there highly erodible soil map units on this farm?

YES

NO

TRACT NO.

FIELD NO.(S)

TOTAL ACRES

8. a. List highly erodible tract and fields that, according to ASCS records, were used to produce an agricultural commodity in any crop year during 1981-1985.

NA

b. Is an approved conservation plan being actively applied on all of these fields? If "no," list the tract and fields (from the ASCS records) on which a plan is not being applied.

NA

9. a. List highly erodible tract and fields that, according to ASCS records, have been or will be converted for the production of agricultural commodities, 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.

NA

b. Is an approved conservation system being used on these fields? If "no," list the tract and fields (from the ASCS records) on which a system is not being used.

NA

10. Are there other fields or unnumbered areas that (1) have highly erodible map units, (2) were not used to produce an agricultural commodity in any crop year after 1980, and (3) were not enrolled in a USDA set-aside or diversion program in any crop year during 1981-1985?

YES

TRACT NO.

FIELD NO.(S)

TOTAL ACRES

11. CERTIFICATION: The _____ (no.) conservation plan(s) was (were) approved by the _____

19 _____, and conform with technical requirements of the SCS field office technical guide. Conservation systems included in the conservation plan(s) applied _____ (no.).

Conservation District on _____

SECTION II - WETLAND

12. Are hydric soils on this farm? If "yes," list tract and fields (from the ASCS records) or unnumbered areas (un) in which they occur.

YES

NO

TRACT NO.

FIELD NO.(S)

TOTAL ACRES

13. Do fields that were or will be used to produce an agricultural commodity contain wetland? If "yes," list tract and fields, outline the wetland areas within fields on the ASCS photograph(s), and mark with "w" for wetland; "aw" for artificial and irrigation induced wetland; "mw" for wetland on which the conversion would result in minimal effect.

YES

NO

TRACT NO.

FIELD NO.(S)

TOTAL ACRES

14. Are there converted wetlands on this farm that have been converted since December 23, 1985? If "yes," list the tract and fields, outline converted wetlands on the ASCS photograph(s), and mark with "cw".

YES

NO

TRACT NO.

FIELD NO.(S)

TOTAL ACRES

15. The wetland determination was done in the office field

YES

NO

TRACT NO.

FIELD NO.(S)

TOTAL ACRES

16. This determination was hand delivered mailed to the producer on _____ (DATE) 3-1-88

17. REMARKS
Any producer who does not agree with this determination may request reconsideration from the person making this determination. This request is a prerequisite for any further appeal. The request must be in writing and must set forth reasons for the request. The request must be mailed or delivered within 15 days after written notice of the determination is mailed to or otherwise made available to the producer.

18. SIGNATURE OF SCS DISTRICT CONSERVATIONIST

ASSISTANCE AND PROGRAMS OF THE SOIL CONSERVATION SERVICE ARE AVAILABLE WITHOUT REGARD TO RACE, RELIGION, COLOR, SEX, AGE, HANDICAP, OR NATIONAL ORIGIN.

DISTRIBUTION: White--ASCs-FCIC Goldenrod--SCS copy Pink--Producer copy Yellow--FmHA

4/27/88

DATE



United States
Department of
Agriculture

Soil
Conservation
Service

Federal Building
210 Walnut St., Ste. 693
Des Moines, IA 50309-2180

NOV 20 1995

November 13, 1995

Mr. Richard J. Barnes
15135 - 180th Street
Randalia, IA 52164

Dear Mr. Barnes:

This letter is my response to your appeal of the wetland determination completed by the Natural Resources Conservation Service (NRCS) for tract 1267 on your farm in Fayette County, Iowa.

My staff has reviewed the administrative record for this tract. Based on this review, it is my determination that tract 1267 contains 1.6 acres of farmed wetland (FW) labeled #1 and #2 in field 1. The areas are shown on the attached photo. The acreages are only approximate as the Farm Services Agency (FSA) is responsible for measuring official acreages.

These areas were originally determined to be farmed wetland based on aerial photography provided to us by FSA. The years used for this determination were 1984, 1986, 1987, 1988, and 1990. This represents a cross-section of normal, wet and dry years. These photographs show the presence of stressed crops due wetness (three years at site 2 and one year at site 1), inclusion of the area as set aside or not planted (four of five years at site 1) and patches of greener vegetation during a dry year (one year at site 2). These are all wetland signatures. Three of the above five signatures are needed to designate the area a wetland.

In addition, a field investigation completed by our field and area office staff confirms that the area is correctly designated as a wetland. There are hydric soils present, there are wetland plants present, and the sites exhibits wetness characteristics.

This farmed wetland designation means that the area has been previously manipulated, but wetland characteristics were not removed. Existing drainage systems or other hydrologic manipulations can be maintained and even replaced at the same scope and effect that existed on the wetland before December 23, 1985. This means that you may indeed maintain your existing drainage system in these areas to the scope and effect of the original drainage, but you cannot improve the degree of drainage. I encourage you to work with the West Union Field Office staff to complete this maintenance and to assure that it's just maintenance and not improved.

You have the right to appeal this decision to the National Appeals Division (NAD) regional office that services your area. The address and phone number are:

Mr. Bill Crutchfield
Area Supervisor
National Appeals Division
3500 DePauw Boulevard, Ste. 2052
Indianapolis, Indiana 46268
Phone: (800) 541-0457 or (317) 875-9648
FAX: (317) 875-9674



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Department of Agriculture

AN EQUAL OPPORTUNITY EMPLOYER

Mr. Richard J. Barnes

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If you choose to appeal to NAD, a written request must be made within 30 days after the date you receive notice of this adverse determination. Please include the basis for your appeal.

If you have any questions concerning my determination, contact Dennis Pate, Assistant State Conservationist for Technology, or Duane Miller, Resource Conservationist, at (515) 284-4260.

Sincerely,

Leroy Brown
State Conservationist

Attachment

cc: Dennis J. Pate, Assistant State Conservationist (T), NRCS, Des Moines, IA
Duane R. Miller, Resource Conservationist, NRCS, Des Moines, IA
Richard W. Sims, Area Conservationist, NRCS, West Union, IA
Gerald L. Muff, District Conservationist, NRCS, West Union, IA
William Bennett, Chairperson, Fayette Co. SWCD, 612 Hwy. 150 S. #1,
West Union, IA 52175-1508



United States
Department of
Agriculture

Soil
Conservation
Service

Federal Building
210 Walnut St., Ste. 693
Des Moines, IA 50309-2180

SEP 25 1995

September 22, 1995

Mr. Richard J. Barnes
15135 - 180th Street
Randalia, IA 52164

Dear Mr. Barnes:

I have received your appeal letter concerning the wetland decision for tract 1267 on your farm in Fayette County, Iowa. I have requested your administrative record from the West Union Field Office. If, after reviewing it, I need more information, a member of my staff will contact you. If the file contains sufficient information, I will make my decision and inform you by letter.

If you have additional information concerning the appeal, please send it to me by October 6, 1995, so I can include it in your file. You also have a right to an informal meeting if you so wish. If you desire such a meeting, please request it by October 6, 1995.

If you have any questions, please contact Dennis Pate, Assistant State Conservationist for Operations, or Duane Miller, Resource Conservationist, at (515) 284-4260.

Sincerely,

Leroy Brown
State Conservationist

cc: Dennis J. Pate, Assistant State Conservationist, NRCS, Des Moines, IA
Duane R. Miller, Resource Conservationist, NRCS, Des Moines, IA
Richard W. Sims, Area Conservationist, NRCS, West Union, IA
Gerald L. Muff, District Conservationist, NRCS, West Union, IA



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