

{MONTH DAY}, 2003

Farm # {NUMBER} Tract # {NUMBER}

Owner: Jane Smith
{STREET ADDRESS}
{CITY} IN {ZIP CODE}

Producer: Jim Williams
{STREET ADDRESS}
{CITY} IN {ZIP CODE}

Dear Ms. Smith and Mr. Williams:

This is to notify you that as of the date of this letter, I am making a preliminary technical determination that:

- Field #1A, shown in Section II of the attached NRCS-CPA-026E, "Highly Erodible Land and Wetland Conservation Determination," form contains wetland determinations with the labels/certifications as indicated. These areas meet the criteria of hydric soils, wetland plants and soil or surface wetness.

We have enclosed a Preliminary Technical Determination on Form CPA-026E and an aerial photo that includes your certified wetlands determination. Any areas shown in "NI" on the map have not been completed. This supersedes any previous USDA determinations and is valid as long as the land use remains in agriculture.

This wetland certification does not include "other waters of the United States" as defined by the Corps of Engineers, which include but are not limited to tidal waters, lakes, rivers, streams, mud flats, and intermittent and perennial streams which are regulated under the Clean Water Act. Contact the Corps of Engineers regarding needs for permits.

In order to maintain your USDA program eligibility and comply with the Clean Water Act, contact us prior to performing the following activities:

- Land clearing
- Drainage (tile or open ditching)
- Drainage maintenance
- Filling, leveling, or dredging
- Land use changes

This technical determination may affect USDA benefits such as Commodity Loans and Agricultural Market Transition Act Contracts.

As a result of statutory and regulatory changes, the United States Department of Agriculture (USDA) appeal process has changed. Under the new appeals and mediation process, this preliminary technical determination will become final in 30 days unless you request one or more of the following options:

1. A field visit be made by our office to review with you the basis for our preliminary technical determination, and to gather additional information from you concerning the preliminary technical determination;
2. The right to review the records in our office;
3. The right to file an appeal with the FSA County Committee when the 30 day final decision deadline is reached .
4. Mediation be used in an attempt to settle your concerns with the preliminary technical determination.

Mediation is a process in which a trained, impartial person (a neutral mediator) helps look at mutual problems, identify and consider options, and determine if we can agree on a solution. Unlike an appeal, mediation is private, confidential and informal. The mediator will help us work together to evaluate the information in your case and to identify alternatives that will assist us in resolving the dispute. The mediator has no decision making authority. A mediator cannot decide what is “right” or “make” anyone do anything. If the mediation is successful, the mediator will help us to reach an agreement and document the solution in writing. Each party will sign the agreement, and you may continue to pursue the appeal.

If you choose mediation, you must complete the attached **Application for Voluntary Mediation Form** and return it along with a copy of the Preliminary Technical Determination Form and return it along with a copy of the Preliminary Technical Determination Letter to:

Rural Services of Indiana, Inc.
64345 U.S. 31 South
Lakeville IN 46536

If you choose to use mediation, 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 voluntary basis. The NRCS will have final discretion over what is considered appropriate and reasonable.

This preliminary determination becomes final on {date, 30 days from now} if none of the four options are used. Reviewing the records in our office does not extend the final determination date.

If a field visit is made, a final determination will be issued within 30 days following the field visit.

If the mediation process is used, a final determination will be issued within 30 days following the completion of mediation.

The final determination, whether it is a result of the expiration of the 30-day period following receipt of the preliminary technical determination or receipt of a final determination after a field visit or mediation, may be appealed to the Farm Service Agency County Committee (COC) at the address below. If you take no action during the preliminary 30 day period, your COC appeal rights begin on {date, 30 days from now} and end on {date, 60 days from now}. Otherwise, your COC appeal rights begin when you receive your final determination and last for 30 days. We will forward a copy of our administrative record to the county committee for their use in deciding you appeal, should you decide to appeal to the county committee.

{COUNTY} FSA County Committee
{STREET ADDRESS}
{CITY} IN {ZIP CODE}

If you are the owner of this tract and have a tenant, I urge you to discuss this letter and accompanying NRCS-CPA-026E with your tenant. Likewise, if you are tenant of this tract of land, I urge you to discuss this letter with your landlord.

I would be happy to answer any questions or discuss any concerns you might have. Please stop by the office or call me at {TELEPHONE NUMBER}.

Sincerely,

District Conservationist

Enclosures