



United States Department of Agriculture

Natural Resources Conservation Service  
1468 Carpenter Road, South  
Room C 101  
Tifton Ga. 31793

DELIVERY CONFIRMATION REQUESTED

Agriement Sludge Solutions LLC  
P O Box 1096  
Beulaville NC 28518-1096

7-21-17

Dear Mr. Kennedy

This is to notify you that the Natural Resources Conservation Service (NRCS) made a **Preliminary Highly Erodible Land and/or Wetland Determination** on the tract(s) and field(s) listed below as was requested by you with an AD-1026 form. The determination for the area requested has been labeled on the enclosed map and CPA-026E and is only for Food Security Act purposes. A copy of your determination has been included in this correspondence for your review. The comments section below gives specific information regarding the determination made on your land. If you have any questions or concerns regarding this determination as it has been documented, please do not hesitate to contact me for discussion.

Tract(s) and Field(s): T612 UN1,2,3,4,5,6,7,8,9,10,11,12

Date of Request: 7-13-17

Activity/Purpose of request: Determination

Date of Determination: 7-21-17

Comments:

Fields that have been labeled NHEL (Not Highly Erodible Land) can be cropped without any special requirements.

Areas labeled NW (Non-Wetland) are areas that do not contain wetlands as defined by the Food Security Act. Land clearing, including stump removal, is acceptable in this area.

Areas labeled W (Wetland) meet the definition of wetland and typically have not been manipulated by altering hydrology and/or removing woody vegetation including stumps. Trees may be cut in these areas but stumps CANNOT be removed and production of an agricultural commodity CANNOT be made possible or it may result in non-compliance and potential loss of USDA benefits.

IF YOU DISAGREE with the NRCS determination, you can exercise appeal rights within the next 30 days. There are two ways you may appeal the NRCS Preliminary HELC/WC Determination:

1. **Request a field visit** - NRCS will meet you at the site to review the data we gathered to make our determination. This field visit will be your opportunity to ask questions about the specifics of your determination. The NRCS will allow you to provide any additional technical information to our findings, and will consider if it provides a basis for NRCS to change its preliminary determination. If the information gathered from the field review does not change the technical determination from being adverse, I must forward the determination and the case record materials pertaining to this determination to the State Conservationist for further review. The State Conservationist will review the determination to ensure that the facts included in the record support the determination and that the determination is in conformance with the regulation. The State Conservationist will then issue the Final Technical Determination and provide you with additional appeal rights.
2. **Request mediation** - Mediation is a process in which a trained, impartial person helps us look at mutual concerns, consider options, and determine if we can agree on a solution. The mediator has no decision making authority, but may be able to help us reach a mutually agreeable decision.

This NRCS determination will be considered **Final in 30 days**. Once the determination becomes a **Final HELC/WC Determination** it can be appealed to the Farm Service Agency (FSA) County Committee or the National Appeals Division (NAD). If you wish to appeal immediately to the County Committee or NAD, you may request **Immediate Finality** by sending the State Conservationist a letter explaining that you want the status of the determination to be changed to "Final" in less than 30 days. If you want to exercise this right, the NRCS must have your request in writing in less than 30 days from the date of this letter. You may submit that request to:

*Helping People Help the Land*

An Equal Opportunity Provider and Employer

Terrance Rudolph  
State Conservationist, USDA, NRCS 355  
East Hancock Ave, Mail Stop 200  
Athens, Georgia 30601

If you wish to appeal the Final HELC/WC Determination, it must be filed within **30 Days** of the determination becoming final. There are two ways you may appeal the NRCS Final Determination:

**Appeal to the County FSA Committee** - To have an appeal hearing with the FSA County Committee, you must send the Committee a written request including a brief statement explaining specifically why you believe the NRCS determination is

1. incorrect within 30 days. The Committee can uphold the final technical determination, or request a review by the NRCS State Conservationist. You may contact the FSA the following address:

Crisp County FSA Committee  
County Executive Director  
110 13th Ave W Suite A  
Cordele Ga 31015  
229-273-4148

**Appeal to the National Appeals Division (NAD)** - To have an appeal hearing with NAD, you must send their regional office a written request for appeal including a brief statement explaining specifically why you believe the NRCS determination is incorrect within 30 days. You may contact the NAD regional office at the following address:

- 2.

USDA National Appeals Division  
Southern Regional Office  
Post Office Box 1508  
Cordova, Tennessee 38088

Telephone: 1-800-552-5377 TTY: 1-800-627-8332 Fax: (901) 544-0363

The NRCS determination only indicates whether or not the activity you proposed will affect your eligibility for USDA program benefits. This determination applies only to the requested areas delineated on the attached map. More information regarding determinations on the rest of tract may be found on the previous determination on file in the local NRCS office. If you plan to alter any areas without an existing, valid determination on file, you must request NRCS to perform another determination for those areas by filing an updated AD-1026 with the Farm Service Agency.

The 2014 Farm Bill connected producer eligibility for Federal crop insurance premium subsidy to compliance with the highly erodible land (HEL) provisions. Previous USDA participants who are currently not in compliance with the HEL provisions have 2 reinsurance years to develop and comply with an NRCS-approved conservation plan to remain eligible for Federal crop insurance premium subsidy. Producers who are subject to HEL compliance for the first time due to the 2014 Farm Bill have 5 reinsurance years to develop and comply with an NRCS-approved conservation plan when producing an agricultural commodity on HEL. If you are unsure about your status as a previous USDA participant, please inquire at your local Farm Service Agency office. The 2014 Farm Bill connected producer eligibility for Federal crop insurance premium subsidy to compliance with the wetland conservation provisions. Eligibility for most USDA programs is lost for any wetland conversions that have occurred after December 23, 1985. However, only wetland conversions that occur after February 7, 2014, result in ineligibility for Federal crop insurance premium subsidy.

Wetland determinations by NRCS are for Food Security Act purposes only and do not identify the U.S. Army Corps of Engineers' jurisdiction. If you will conduct any activity that constitutes a discharge of dredged or fill material into wetlands or other waters, you must obtain a separate determination from the Corps of Engineers before starting the work. If needed, please contact me and I will provide you with copies of your wetland determination to provide to the Corps. It is your responsibility to ensure your activity meets the regulatory requirements of other agencies. **The NRCS wetland determination is not a permit to manipulate wetlands and does not imply any endorsement of the activity by NRCS.** You may contact your local U.S. Army Corps of Engineers' office at the following location and phone number: Savannah, GA; Phone: 800-448-2402

If you need guidance or technical assistance regarding any conservation practices or programs, please contact your local NRCS office for assistance. If you have any questions or concerns regarding this determination, please contact me directly.

Office phone: 478-783-1391 ext. 3

Email: [britt.parker@ga.usda.gov](mailto:britt.parker@ga.usda.gov)

Sincerely,

**britt shane  
parker**

Digitally signed by britt  
shane parker  
Date: 2017.07.21 13:06:31  
-04'00'

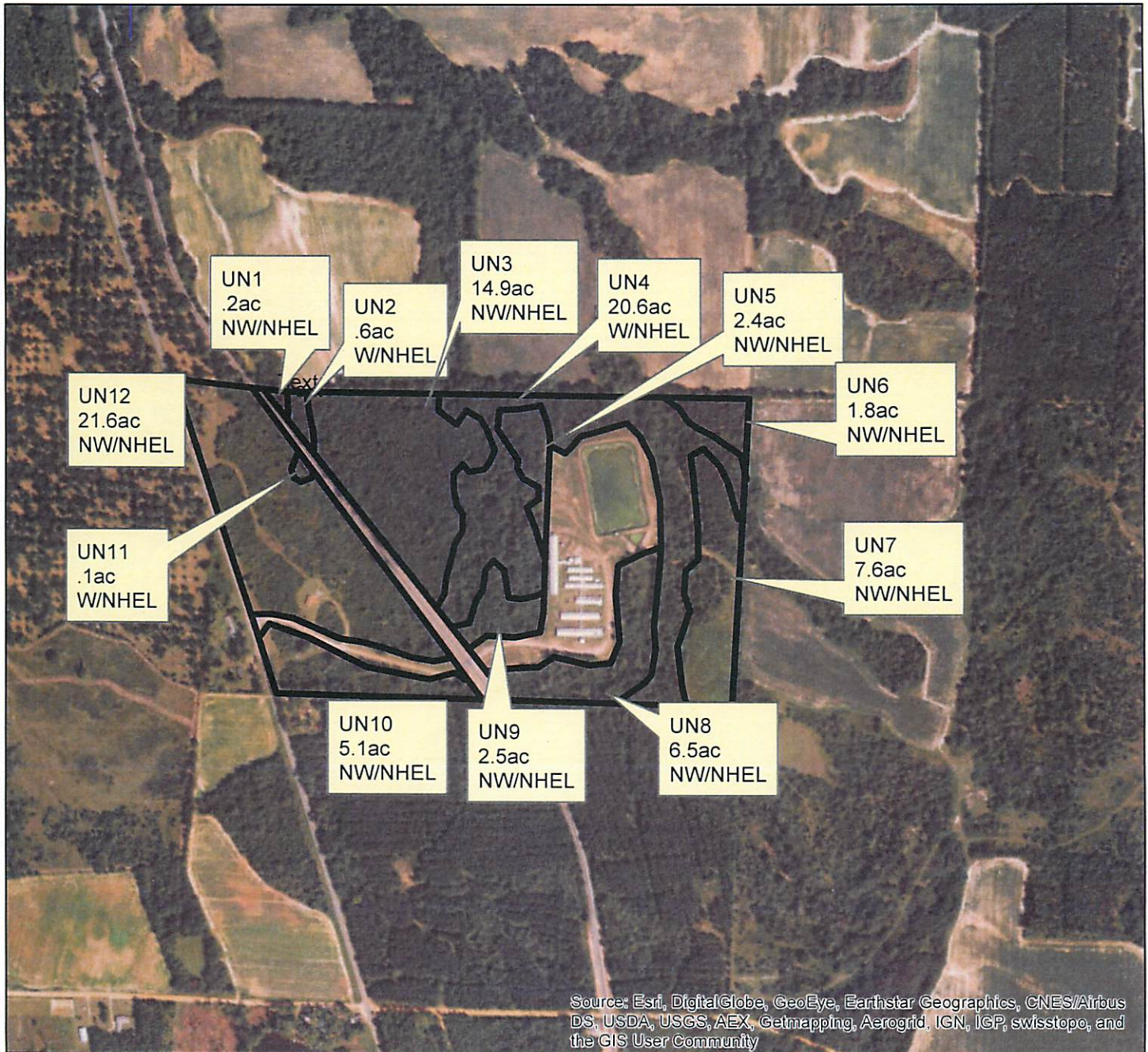
Designated Conservationist for HELC/WC Compliance

Enclosures:

Wetland Determination Map  
Form CPA-026E



Agency: USDA-NRCS



Prepared with assistance from USDA-Natural Resources Conservation Service



480 0 480 960 1,440 1,920 Feet





United States Department  
of Agriculture

Natural Resources  
Conservation Service

NRCS-CPA-026e  
9/2012

## HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

Name	Agriment Sludge Solutions LLC	Request 7-13-17	County: Crisp
Address:	P O Box 1096 Beulaville NC 28518-1096	Date:	
Agency or Person Requesting Determination:	Producer	Tract No: 612	FSA Farm 924 No.:

### Section I - Highly Erodible Land

Is a soil survey now available for making a highly erodible land determination?	Yes
Are there highly erodible soil map units on this farm?	Yes

Fields in this section have undergone a determination of whether they are highly erodible land (HEL) or not; fields for which an HEL Determination has not been completed are not listed. In order to be eligible for USDA benefits, a person must be using an approved conservation system on all HEL.

Field(s)	HEL(Y/N)	Sodbust (Y/N)	Acres	Determination Date
UN1	No	No	.2	7-21-17
UN2	No	No	.6	7-21-17
UN3	No	No	14.9	7-21-17
UN4	No	No	20.6	7-21-17
UN5	No	No	2.4	7-21-17

The Highly Erodible Land determination was completed in the Office

### Section II - Wetlands

Fields in this section have had wetland determinations completed. See the Definition of Wetland Label Codes for additional information regarding allowable activities under the wetland conservation provisions of the Food Security Act and/or when wetland determinations are necessary to determine USDA program eligibility.

Field(s)	Wetland Label*	Occurrence Year (CW)	Acres	Determination Date	Certification Date
UN1	NW		.2	7-21-17	
UN2	W		.6	7-21-17	
UN3	NW		14.9	7-21-17	
UN4	W		20.6	7-21-17	
UN5	NW		2.4	7-21-17	

The wetland determination was completed in the Office It was Mailed to the person on

Remarks:

See supplemental page for remarks.

I certify that the above determinations are correct and were conducted in accordance with policies and procedures contained in the National Food Security Act Manual.

Signature Designated Conservationist	Date
britt shane parker Digitally signed by britt shane parker Date: 2017.07.21 13:14:53 -04'00'	7-21-17

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## \*DEFINITIONS OF WETLAND LABELS

AW	<u>Artificial Wetland</u> : An area that was formerly a non-wetland area under natural conditions but now exhibits wetland characteristics because of the influence of human activities. These areas are exempt from the Food Security Act of 1985, as amended. This label includes irrigation induced wetlands.
CC	<u>Commenced Conversion</u> : A wetland, farmed wetland, farmed wetland pasture, or converted wetland on which the conversion began but was not completed before December 23, 1985, was approved by FSA to continue, and the conversion was completed by January 1, 1995.
CPD	<u>COE Permit with Mitigation</u> : A converted wetland authorized by a permit issued under Section 404 of the Clean Water Act. Production of agricultural commodities is allowed subject to conditions of the permit.
CMW	<u>Categorical Minimal Effect</u> : A wetland that meets specific categories of conversion activities that have been determined by NRCS to have minimal effect, individually and cumulatively, on the functions and values of the wetland and the wetlands in the watershed.
CW	<u>Converted Wetland</u> : A wetland converted between December 23, 1985, and November 28, 1990. Production of an agricultural commodity or additional manipulation of these areas will yield USDA benefit ineligibility. Also, these areas are wetlands converted after December 23, 1985, by a county, drainage district, or similar entity. For these instances, production of an agricultural commodity or forage for mechanical harvest or additional manipulation will cause ineligibility for USDA program benefits.
CW+year	<u>Converted Wetland + (year the conversion occurred)</u> : A wetland converted after November 28, 1990, where the USDA program participant is ineligible for benefits until the wetland is restored or mitigated unless an exemption applies.
CWNA	<u>Converted Wetland Non-Agricultural Use</u> : A wetland converted after November 28, 1990, to a use other than agricultural commodity production. Label not used for certified wetland determinations completed after 2/2008.
CWTE	<u>Converted Wetland Technical Error</u> : A wetland converted or commenced after December 23, 1985, based on an incorrect NRCS determination. This label does not apply to obvious wetlands as defined in the National Food Security Act Manual.
FW	<u>Farmed Wetland</u> : A wetland that was manipulated and planted before December 23, 1985, but still meets inundation or saturation criteria. These areas may be farmed and maintained as documented before December 23, 1985, as long as they are not abandoned (i.e., management or maintenance for commodity production ceased for 5 consecutive years).
FWP	<u>Farmed Wetland Pasture or Hayland</u> : A wetland that is used for pasture or haying, was manipulated and planted before December 23, 1985, but still meets the inundation or saturation criteria. These areas may be farmed and maintained as documented before December 23, 1985, as long as they are not abandoned (i.e., management or maintenance for commodity production ceased for 5 consecutive years).
MIW	<u>Mitigation Exemption</u> : A converted wetland, farmed wetland or farmed wetland pasture of which the acreage, functions and values lost have been compensated for through an NRCS-approved mitigation plan.
MW	<u>Minimal Effect Exemption</u> : A converted wetland that is exempt from the wetland conservation provisions of the Food Security Act of 1985, as amended, based on an NRCS determination that the conversion has or will have a minimal effect, individually and cumulatively, on the functions and values of the wetland and the wetlands in the watershed.
MWM	<u>Mitigation Site</u> : The site of wetland restoration, enhancement, or creation serving as mitigation for the mitigation exemption (MIW) site.
NI	<u>Not Inventoried</u> : An area where no wetland determination has been conducted. Label not used for certified wetland determinations completed after 2/2008.
NW	<u>Non-Wetland</u> : An area that does not contain a wetland. Also includes wetlands converted before December 23, 1985, but a commodity crop was not produced and the area does not meet wetland criteria (not been abandoned).
PC	<u>Prior-Converted Cropland</u> : A wetland converted to cropland before December 23, 1985, and as of December 23, 1985, was capable of being cropped and did not meet farmed wetland hydrology criteria. These areas are not subject to the wetland conservation provisions of the Food Security Act of 1985, as amended, unless further drainage manipulation affects adjacent wetlands.
PC/NW	<u>Prior Converted Cropland/Non-Wetland</u> : An area that contains both PC and NW.
TP	<u>Third-Party Exemption</u> : A wetland converted after December 23, 1985, by a third party who is not associated with the participant, and the conversion is not a result of a scheme or device. A third party does not include predecessors in interest on the tract, drainage districts, or other local government entities.
W	<u>Wetland</u> : An area meeting wetland criteria that was not converted after December 23, 1985. These areas include farmed wetlands and farmed wetland pasture that have been abandoned.
WX	<u>Manipulated Wetlands</u> : A wetland manipulated after December 23, 1985, but the manipulation was not for the purpose of making production possible and production was not made possible. These areas include wetlands manipulated by drainage maintenance agreements.

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## CPA-026e Supplemental Worksheet

### Section I - Highly Erodible Land

<u>Field(s)</u>	<u>HEL(Y/N)</u>	<u>Sodbust(Y/N)</u>	<u>Acres</u>	<u>Determination Date</u>
UN6	No	No	1.8	7-21-17
UN7	No	No	7.6	7-21-17
UN8	No	No	6.5	7-21-17
UN9	No	No	2.5	7-21-17
UN10	No	No	5.1	7-21-17
UN11	No	No	.1	7-21-17
UN12	No	No	21.6	7-21-17

### Section II - Wetlands

<u>Field(s)</u>	<u>Wetland Label*</u>	<u>Occurrence Year (CW)**</u>	<u>Acres</u>	<u>Preliminary Determination Date</u>	<u>Final Certification Date</u>
UN6	NW		1.8	7-21-17	
UN7	NW		7.6	7-21-17	
UN8	NW		6.5	7-21-17	
UN9	NW		2.5	7-21-17	
UN10	NW		5.1	7-21-17	
UN11	W		.1	7-21-17	
UN12	NW		21.6	7-21-17	

Remarks:

Only the requested area was evaluated. The determination for the requested area supersedes any prior determination for the designated area only. Refer to the previous determination on file for information on the rest of the tract.

This delineation/determination has been conducted for the purpose of implementing the wetland conservation provisions of the Food Security Act of 1985. This determination/delineation may not be valid for identifying the extent of the USACE's CWA jurisdiction of this site. If you intend to conduct any activity that constitutes a discharge of dredge or fill material into wetland or other waters, you should request a jurisdictional determination from the local office of the USACE prior to starting work.

In addition, the participant is responsible for ensuring compliance with all other federal, state, and local laws before commencing any land-disturbing or habitat-disturbing activity, such as those regarding threatened and endangered species, protection of cultural resources, and/or water quality issues (non-exempt stream buffer requirements).