



NOTICE : NOTICE : NOTICE : NOTICE

Wetland Determination

Many rumors have circulated concerning a potential wetland violation on this property as a result the executor of the estate requested a Wetlands Determination be done which was complete on June 5, 2018, a copy of which is attached to this document as well as included in the Property Information Package. The Wetlands Determination identified the current wetlands area on the property as well as permitted uses of those wetlands, it was also determined that **NO WETLAND VIOLATION EXIST ON THIS PROPERTY**. Please bid with complete confidence there is **NO** liability to a purchaser for a current wetlands violation. If you have any further questions, please contact:

| | | |
|-------------------|--------------------------------|----------------|
| Cameron Morris | Weeks Auction Group, Inc. | (229) 881-7643 |
| Lauren Williamson | Executor Ernie Anderson Estate | (229) 888-6872 |
| Aalia McClendon | NRCS – Cuthbert Office | (229) 732-3001 |

Go Bid Now

www.WeeksAuctionGroup.com



United States Department of Agriculture

Natural Resources Conservation Service
Albany Field Office
125 Pine Ave, Ste 150
Albany, GA 31701
229-352-6590

DELIVERY CONFIRMATION REQUESTED

Ernie L Anderson Estate
P O Box 323
Shellman, GA 39886

6/5/2018

Dear USDA Participant:

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): Tract 2068 field 16
Date of Request: 1/24/2018
Activity/Purpose of request: clean up to allow more grazing area or ag crop
Date of Determination: 6/4/2018

Comments:

Areas labeled W (Wetland) meet the Food Security Act definition of wetland. 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.

Due to the wetland provisions of the Food Security Act of 1985, as amended, removal of woody vegetation in any wetland area in a manner that allows forage production or pasture and hayland would result in a conversion and a potential loss of USDA benefits. Under the wetland provisions of the Food Security Act, periodic mowing of woody vegetation (even though allowable as a manipulation in certain few circumstances) would be considered a conversion in this instance, and therefore not allowed, because it would have the effect as to make production of an agricultural commodity possible. NFSAM 514.1 (f)(2); 514.2(a)(b) (d)(4).

IF YOU DISAGREE with the NRCS determination, you can exercise preliminary appeal rights within the next 30 days. **All requests for appeals, must be made in writing and should be as specific as possible.** Preliminary appeal requests should be submitted to the Designated Conservationist for HELC/WC Compliance as specified on this letter. Tract number, specific field(s) as labeled on the determination map, printed name, best contact number, signature, and date should be included in your written request. There are two ways you may appeal the NRCS Preliminary 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. 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, the determination and supporting documents pertaining to this determination must be forwarded to the State Conservationist for further review. The State Conservationist will review the determination to ensure that the facts 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:

1. **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 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:

Randolph-Clay-Quitman County FSA Committee
County Executive Director
88 E Dawson St
Cuthbert, GA 39840
229-732-3001

2. **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:

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.

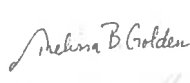
Wetland determinations by NRCS are for Food Security Act purposes only and do not identify the U.S. Army Corps of Engineers' jurisdiction. If you will conduct any activity that constitutes a discharge of dredged or fill material into wetlands or other waters, you must obtain a separate determination 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: Albany, GA; Phone: 229-430-8567

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: 229-352-6590

Email: melissa.golden@ga.usda.gov

Sincerely,

 Digitally signed by
MELISSA GOLDEN
Date: 2018.06.05 08:00:03
-04'00'

Designated Conservationist for HELC/WC Compliance

Enclosures:

Wetland Determination Map
Form CPA-026E



United States Department
of Agriculture

Natural Resources
Conservation Service

NRCS-CPA-026e
9/2012

HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

| | | | | | |
|--|---------------------------------|---------------|-----------|---------------|----------|
| Name | Ernie L Anderson Estate | Request Date: | 1/24/2018 | County: | Randolph |
| Address: | P O Box 323, Shellman, GA 39886 | | | | |
| Agency or Person Requesting Determination: | Lauren Williamson, Admin. | Tract No: | 2068 | FSA Farm No.: | 2725 |

Section I - Highly Erodible Land

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|---|-----|
| Is a soil survey now available for making a highly erodible land determination? | Yes |
| Are there highly erodible soil map units on this farm? | No |

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 |
|----------|----------|---------------|-------|--------------------|
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The Highly Erodible Land determination was completed in the

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.

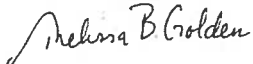
| Field(s) | Wetland Label* | Occurrence Year (CW) | Acres | Determination Date | Certification Date |
|----------|----------------|----------------------|-------|--------------------|--------------------|
| 16a | W | | 17.5 | 6/4/2018 | |
| 16b | NW | | 3.7 | 6/4/2018 | |
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The wetland determination was completed in the Field 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 |
|  Digitally signed by MELISSA GOLDEN Date: 2018.06.05 08:02:22 -04'00' | |

The U S Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Assistant Secretary for Civil Rights, 1400 Independence Avenue, S W., Stop 9410, Washington, DC 20250-9410, or call toll-free at (866) 632-9992 (English) or (800) 877-8339 (TDD) or (866) 377-8642 (English Federal-relay) or (800) 845-6136 (Spanish Federal-relay) USDA is an equal opportunity provider and employer.

*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> |
|-----------------|-----------------|---------------------|--------------|---------------------------|
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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> |
|-----------------|-----------------------|-------------------------------|--------------|---------------------------------------|---------------------------------|
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Remarks:

Areas labeled W (Wetland) meet the Food Security Act definition of wetland. 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.

Due to the wetland provisions of the Food Security Act of 1985, as amended, removal of woody vegetation in any wetland area in a manner that allows forage production or pasture and hayland would result in a conversion and a potential loss of USDA benefits. Under the wetland provisions of the Food Security Act, periodic mowing of woody vegetation (even though allowable as a manipulation in certain few circumstances) would be considered a conversion in this instance, and therefore not allowed, because it would have the effect as to make production of an agricultural commodity possible. NFSAM 514.1(f)(2); 514.2(a)(b) (d)(4).

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).

Preliminary HEL and Wetlands Delineation Map

Date: 6/4/2018

Customer(s): Ernie L Anderson Estate

Agency: USDA-Natural
Resources Conservation Service

Legal Description: FSN 2725 Tract 2068
Randolph County, GA

Assisted By: MELISSA GOLDEN

