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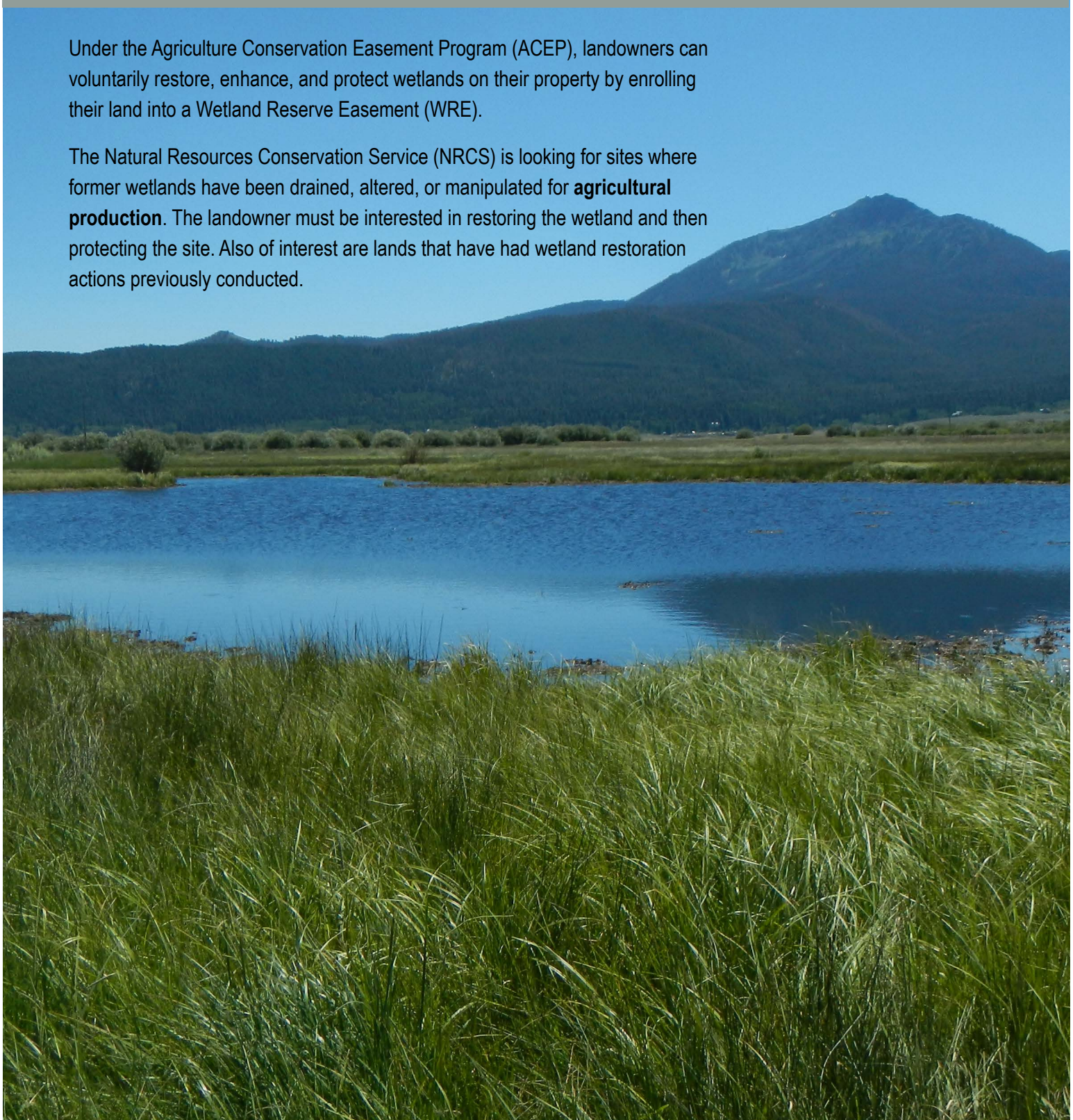
Landowner Guide to Natural Resources Conservation Service Wetland Reserve Easements

Under the Agriculture Conservation Easement Program (ACEP), landowners can voluntarily restore, enhance, and protect wetlands on their property by enrolling their land into a Wetland Reserve Easement (WRE).

The Natural Resources Conservation Service (NRCS) is looking for sites where former wetlands have been drained, altered, or manipulated for **agricultural production**. The landowner must be interested in restoring the wetland and then protecting the site. Also of interest are lands that have had wetland restoration actions previously conducted.



Enrollment Options

Permanent Easement: A conservation easement in perpetuity. USDA pays 100 percent of the easement value (easement value = fair market value x .85) and up to 100 percent of the restoration costs.

30-Year Easement: An easement that expires after 30 years. USDA pays up to 75 percent of the easement value and up to 75 percent of the restoration costs. For both permanent and 30-year easements, USDA pays all costs associated with recording the easement in the local land records office, including recording fees, charges for abstracts, survey and appraisal fees, and title insurance.

30-Year Contracts for Indian Lands: USDA pays up to 75 percent of the land value and up to 75 percent of the restoration costs.

General *Landowner* Eligibility Criteria

- Meet the adjusted gross income limitation.
- Comply with the highly erodible land and wetland conservation provisions (sodbuster/swampbuster).
- Demonstrate ownership of the land for the past 2 years or more for easement applications. Certain exceptions, such as inheritance, may apply.
- Have existing water rights adequate for the planned wetlands or be willing to apply for or transfer additional water rights if required for restoration.
- Hold clear title to the land or secure a signed subordination agreement from the lien holder.

General *Land* Eligibility Criteria

Eligibility for the WRE will be determined by a team of NRCS employees during an initial site visit. Examples of eligible land are included below:

- Wetlands cleared and/or drained for farming, pasture, or timber production.
- Meadows drained to facilitate haying or grazing.
- Drained or farmed potholes.
- Lands adjacent to restorable wetlands that contribute significantly to wetland functions and values.
- Previously restored wetlands.
- Existing or restorable riparian habitat corridors that connect protected wetlands.
- Lands substantially altered by flooding where there is a likelihood of successful wetland restoration at a reasonable cost.

Easement Compensation Value

WRE conservation easement values are determined by using Uniform Standards of Professional Appraisal Practice (USPAP) appraisals to determin fair market value (FMV).

Contact your local NRCS field office for more information regarding compensation.

Frequently Asked Questions

How do I apply for a Wetland Reserve Easement (WRE)?

You complete a conservation program application, which can be obtained from your local field office. Prior to applying, it is recommended that you talk to your local NRCS field office to schedule an onsite visit to determine program eligibility.

Once I apply, do I have to go through with the easement? What if I change my mind?

You are not considered enrolled into the WRE until you sign the Agreement to Purchase a Conservation Easement (APCE). You may withdraw your application at any time without penalty. After you sign the APCE, you will be officially enrolled in the WRE and, if your application is withdrawn, NRCS can seek cost recovery. Before signing the APCE, you should have a firm understanding of the easement boundaries, the planned restoration activities, and the provisions of the warranty easement deed.

What if my land is owned by an entity and not an individual?

Entities can enroll their property in WRE; however, these entities have to be privately owned. State and federal agencies are not eligible to participate in WRE. Entities can include a group of landowners (e.g. family members), nonprofit organizations, foundations, or church organizations.

Do I have to enroll all my land in the WRE?

No, you do not have to enroll all of your land (or parcel) in the WRE. The easement boundary will be determined by your conservation goals and how well the easement meets the goals of the WRE. The size of the easement boundary is contingent upon how many restorable acres are present. Easement size and boundary will be discussed during a preliminary visit with NRCS.

Can I prevent people from trespassing or accessing the WRE easement on my property?

Yes, you reserve the right to prevent the general public from trespassing or accessing the WRE on your property.

Can I lease the WRE for hunting or fishing?

Yes, you reserve the right to lease your land for hunting and fishing. Hunting and fishing are considered “undeveloped” recreation activities. Temporary structures, such as tree stands and duck blinds, are permitted within the WRE. In order to install a permanent structure for the purposes of hunting, you will need to secure permission from NRCS prior to installation. Permanent structures of this nature will be determined on a case-by-case basis and are not guaranteed.

Can I use the WRE for developed recreation?

While you reserve the right to lease your land for undeveloped recreation, you cannot use the easement area for developed recreation. Examples of developed recreation include, but are not limited to, camping facilities; recreational vehicle trails and tracks; sporting clay operations; skeet shooting operations; firearm range operations; and the infrastructure to raise, stock, or release captive raised waterfowl, game birds, or other wildlife for hunting or fishing.

Can I graze within the WRE?

Unlimited grazing within a WRE is not guaranteed nor should it be expected. Limited grazing is allowed only through a compatible use authorization request approved by the NRCS state conservationist. Grazing will only be allowed to improve or enhance wetland quality and wildlife habitat.

Can I plant or harvest any crop on the WRE?

No, planting or harvesting of any crop is prohibited on all WREs. Food plots may be planted to improve wildlife habitat through a compatible use authorization.

Can I hay or mow the WRE?

Haying or mowing within a WRE is not guaranteed nor should it be expected. It is only allowed through a compatible use authorization request approved by the NRCS state conservationist. Management activities will only be allowed in order to improve or enhance wetland quality and wildlife habitat.

Can I build a house or other structure on the WRE?

No, building or placing structures on, under, or over the easement area is prohibited. Temporary structures for recreational use (i.e. hunting) are allowed.

Frequently Asked Questions

Do I lose the water rights associated with the WRE?

You reserve the right to water uses and water rights identified as "reserved" to the landowner in the warranty easement deed.

Some water rights may have to be encumbered to the warranty easement deed to ensure that the wetland continues to function following restoration. Water rights will be discussed during the planning stages of easement acquisition.

Do I still need to pay taxes on the WRE?

Yes, because you retain the title and *ownership* of the land that is placed in the WRE, you must pay scheduled taxes.

Do I have a say in what restoration actions will occur on my property?

Yes, you will work closely with NRCS throughout the WRE process. This includes participating in the design of the wetland restoration project. The restoration project must fit the goals of the WRE and the goals of the landowner. If a mutually agreed restoration plan cannot be developed, the program application will be cancelled.

After the WRE is closed and the wetland restoration is completed, what are my responsibilities as a landowner?

Once the planned restoration activities are completed, the landowner is responsible for maintenance of the WRE. This would apply to activities such as controlling noxious weeds, maintaining structures (fences, water control, etc.) and taking emergency measures to control pests as required by State and Federal laws.

How long does it typically take to secure the easement and restore the site?

Securing an easement is a long process, so you should not expect immediate compensation for your WRE. NRCS would like to close easements within 12 to18 months from the official agreement date. Restoration must be completed within 3 years of closing the WRE.

How do I get more information on the WRE?

More information is available on the Idaho NRCS Web site at www.nrcs.usda.gov/wps/portal/nrcs/main/id/programs/easements/acep/. Visit your local NRCS field office for more specific information on the WRE. You can access a field office directory online at www.nrcs.usda.gov/wps/portal/nrcs/main/id/contact/local/.

Helping People Help the Land

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