



# FACT SHEET



## Natural Resources Conservation Service

# Information on Wetlands and Easements

### *Wetlands Reserve Easement Program and Floodplain Easement Program*

Congratulations on your interest in enrolling land into a Wetlands Reserve Easement Program or Floodplain Easement Program conservation easement. You are joining a growing group of individuals who are concerned with protecting Indiana's natural resources for future generations. As of 2016, the Wetlands Reserve Easement Program and Floodplain Easement Program have accepted over 800 projects for wetland and floodplain habitat throughout the state. The Natural Resources Conservation Service (NRCS) is eager to work with you to maintain and enhance the conservation values of your easement.

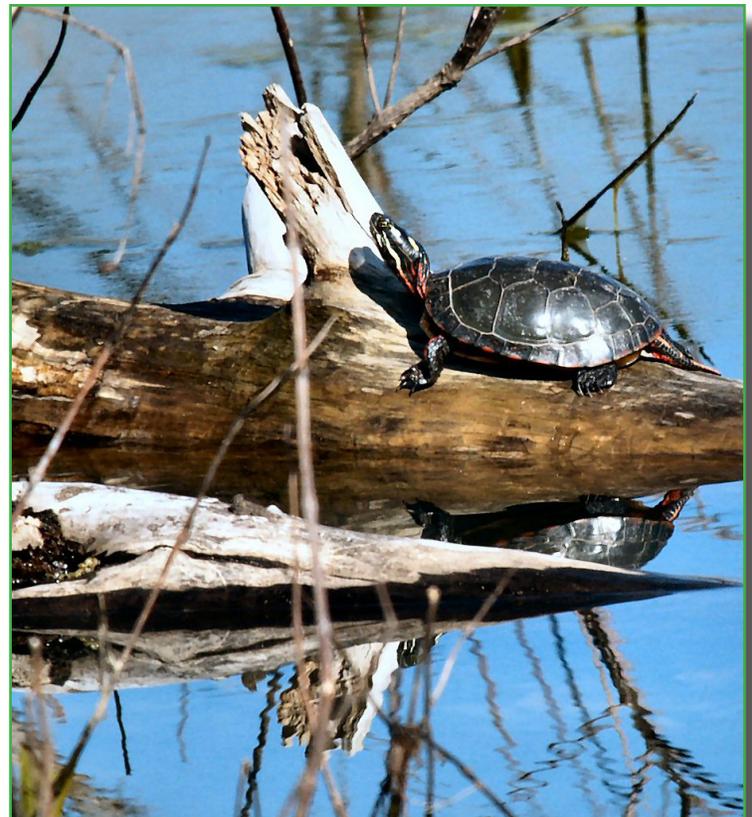
This fact sheet is intended to give you an overview of the purpose and intent of the Wetlands Reserve and Floodplain Easement programs, and the regulations governing the easement on your property. At times the easement process can seem overwhelming. This fact sheet is not all encompassing. Please contact your local Natural Resources Conservation Service representative to set up a time to meet and discuss your new easement. There is a District Conservationist that supports every county within the state. You may find the contact information for your county on the Indiana NRCS website: <http://www.nrcs.usda.gov/wps/portal/nrcs/main/in/contact/>

### **Goals of the Programs**

The objectives of the Wetlands Reserve Easement Program and Floodplain Easement Program are to protect, restore and enhance the original hydrology, vegetation, and functional values of wetlands and floodplain habitats in an agricultural landscape. These programs are intended to help achieve the national goal of no net loss of wetlands, and to improve the general environment of the country. Emphasis is placed on the protection and restoration of habitat for migratory birds and threatened and endangered species, protection of native flora and fauna contributing to the Nation's natural heritage, water quality protections, flood reduction, and ground water recharge. The programs also emphasize the protection and enhancement of open space and the furtherance of education and scholarship.

### **Warranty Easement Deed**

The Warranty Easement Deed is the overarching document governing the rights and prohibitions on the easement property. This document is recorded at the county courthouse, and should have been provided to you, or referenced as part of the title insurance documentation, at the time you purchased the property. The Warranty Easement Deed remains in effect, despite future changes to program policies and legislation, and should be referenced prior to any action on the property. There are two types of Warranty Easement Deeds for the Wetlands Reserve Easement Program: 30-year Duration, and Permanent (in perpetuity). Be sure to review your deed to identify which type of easement is found on your property. All Floodplain Easements are permanent.



*Photo taken by Bob Steiner*



Photo taken by Mark Trabue

### **Prohibitions**

See the Warranty Easement Deed for a complete list of prohibitions. In general, any action that has the potential or intent to alter vegetation or impact hydrology is prohibited on the easement. Prohibited actions include, but are not limited to: haying, grazing, mowing, plowing, cropping, dumping waste, harvesting of wood products, draining, dredging or filling channels, disturbing or interfering with nesting, recreational vehicle trails, horse trails, and trap/skeet shooting operations. No permanent structures are permitted on the easement. In some instances, certain prohibited actions may be authorized through a compatible use authorization. The NRCS has the authority to approve certain activities on the easement that will benefit and further the intent of the easement. In such instances, the landowner may apply for a compatible use authorization to complete such activity. Compatible uses are not guaranteed and may be revoked at any time. See the Compatible Use Authorization Fact Sheet for more detailed information on the process.

### **Management and Monitoring**

The United States, through the Natural Resources Conservation Service, retains the rights to access the easement area for the purposes of monitoring, enforcement, maintenance, and management activities. It is the NRCS's responsibility to ensure the terms and conditions of the easement are being met, and the natural values of the easement are being protected and maintained.

To fulfill its responsibility, the NRCS conducts annual and periodic monitoring activities on the easement. These may include onsite review of the easement. The Landowner will be notified prior to the monitoring activity. This is a good opportunity to meet with NRCS to update any management plans, discuss easement concerns, and review the status of the easement.

### **Rights of the Landowner**

The Warranty Easement Deeds have some variability, depending on when the easement was recorded, and the document specific to your property should be referenced for details. In general, the landowner retains 5-6 rights on the property.

- 1. Title:** Includes the right to transfer or sell the property. The easement survives transfer.
- 2. Quiet Enjoyment:** the right of the Landowner to enjoy the rights reserved on the easement without interference from others
- 3. Control of Access:** The right to control general public access to the land. The land remains in private ownership. It is the Landowner's responsibility to control trespassers. The NRCS or its representative must be given access to review and monitor the easement to ensure the terms and conditions of the easements are being met. All other access is at the discretion of the landowner.
- 4. Recreational Uses:** The right to undeveloped recreational uses, including hiking, bird watching, hunting, fishing, and the leasing of those rights. See the Hunting Fact Sheet for more information.
- 5. Subsurface Resources:** The right to oil, gas, mineral, etc. resources underlying the easement area, provided that any drilling or mining activities are located outside the easement. No surface extraction is permitted within the easement area.
- 6. Water Rights:** This right is more applicable to western states and not typically a matter of concern in Indiana.

### **For More Information and Additional Factsheets**

<http://www.nrcs.usda.gov/wps/portal/nrcs/main/in/programs/easements/>