



March 6, 2009

Robin Heard, Director
Easements Programs Division
Natural Resources Conservation Service
Wetlands Reserve Program Comments
P O. Box 2890
Room 6819-S
Washington, DC 20013

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Re: Proposed Rules for the Wetlands Reserve Program
(7 CFR Part 1467 issued January 15, 2009)

Dear Ms. Heard:

Flathead Land Trust was started in 1985 by a group of forward-thinking members of the Flathead Valley community dedicated to preserving critical agriculture lands, privately owned forest lands, wetlands and wildlife habitat in the context of a rapidly developing landscape. We, along with our partners, hope to prevent intensive development in and around significant wetlands by providing alternative conservation options to landowners, including land acquisition, conservation easements, and wetland restoration. By employing voluntary agreements that always respect property rights, landowners in northwest Montana have the opportunity to continue to enjoy their land heritage and to pass that heritage on to future generations.

We are currently focused on the River to Lake Initiative—a partnership between private landowners, land trusts, conservation organizations, corporations, counties, tribes, and public agencies to conserve, enhance, and maintain our Flathead River and Lake natural heritage: excellent water quality, outstanding scenic and recreation values, and abundant fish and wildlife. The River to Lake Initiative has significantly increased our ability to make an impact on conservation in the Flathead Valley. We depend on programs like the Wetlands Reserve Program to fund these projects.

Flathead Land Trust is offering the following comments on the proposed rules for the Wetlands Reserve Program:

1 New Proposed Rule: *Require that an easement cannot be created on land that changed ownership within the previous 7-year period*

FLT comment: Although the new rule provides some exceptions to this requirement (inheritance, foreclosures), in general this new rule will work to exclude the eligibility of many landowners of important wetlands that are at risk of development. We believe it is important to have flexibility to conserve wetlands when the opportunity exists. Landowners who have acquired high-value wetlands and wish to restore or conserve their land rather than opt for development should be exempt from the 7-year waiting period. We suggest that landowners who have owned land less than 7 years can apply for WRP funding if they can document that they are working with

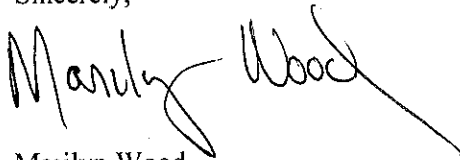
qualified land trusts, conservation organizations, and/or public conservation agencies to achieve significant wetland conservation or restoration.

2. New Proposed Rule: *Base easement compensation on the lowest of three values - The fair market value of the land determined through either an appraisal or market analysis of the interest acquired, a geographic cap, or the landowner offer.*

FLI comment: This rule creates a particular barrier to wetland conservation in the Flathead Valley where land values, including wetland areas, are high. Many of these wetlands are ecologically significant and provide important migratory bird and wildlife habitat. Wetlands are often considered an amenity; thus, properties for sale that include wetlands may be priced or appraise above the average real estate values in this region. We suggest the WRP not develop an arbitrary value cap for any region, but allow that all projects meeting the program criteria be submitted using qualified conservation easement appraisals or best offer from the landowners. Projects should be assessed based on their ecological values, land appraisal and conservation easement values for the specific region, and a cost/benefit ratio in comparison to other projects in that region.

Thank you for the opportunity to comment. We look forward to working with NRCS to provide opportunities for landowners to conserve and restore ecologically significant wetland areas.

Sincerely,

A handwritten signature in black ink that reads "Marilyn Wood". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Marilyn Wood
Executive Director