Wetland Restoration Criteria and Guidelines (WRCG)

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CALIFORNIA NRCS

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1. Introduction

The regulation and internal policy (CPM Title 440, Part 528.131 B.) derived from the 2018 Farm Bill tasks State-level NRCS staff with developing a State-specific Wetland Restoration Criteria and Guidelines (WRCG) document for the Agricultural Conservation Easement Program (ACEP) – Wetland Reserve Easements (WRE) and its predecessor, the Wetlands Reserve Program (WRP). This document may also be used for decision-making on Emergency Watershed Protection Program – Floodplain Easements (EWPP-FPE) where authorized.

Under ACEP-WRE, NRCS purchases easements directly from private and Tribal landowners through a reserved interest deed on eligible land to restore, protect, and enhance wetlands and associated lands. In these cases, the United States holds the easement and the Natural Resource Conservation Service (NRCS) is responsible for monitoring, management, and enforcement. In California, these easements can be held in perpetuity or for 30 years.

The WRCG serves to transparently document technical considerations, rationale, and parameters used to support California NRCS decision-making related to the protection, restoration and management of wetlands and their associated habitats. The WRCG is considered a living document of technical criteria that may be modified periodically as new or additional scientific information becomes available. The WRCG may be reviewed annually with the State Technical Advisory Committee (STAC) and updated as necessary.

Wetland-related decisions that must be made prior to easement enrollment, pre and post wetland restoration activities, and throughout the management of the easement property include:

1. Initial site assessment for land eligibility and ranking
2. Preliminary and final restoration planning
3. Long-term habitat management, enhancement, and repairs

All wetland-related decisions must be consistent with ACEP statute, regulation, and policy. The contents of the WRCG do not supersede the policy and requirements in the ACEP manual. If any conflicts arise, the language of the statute, regulation, and/or policy shall prevail.

2. Application Eligibility, Evaluation, & Ranking

This section aids California NRCS in technical decision-making for new wetland enrollments in ACEP-WRE. Unless otherwise noted, the information in this section is not applicable to existing enrollments and closed conservation easements.

Following eligibility determinations for both the landowner and the land offered for enrollment, NRCS evaluates and ranks the application. Beginning in Fiscal Year 2020, evaluation and ranking will occur within two new business tools; Conservation Desktop (CD) and Conservation Assessment and Ranking Tool (CART). Each year, copies of the ranking tools will be published on California NRCS' website.

2.1. Priorities

2.1.1. Resource Concerns

Priority will be given to ACEP-WRE enrollments that directly address the following resource and related concerns:

1. Water quality, including the capacity of the wetland to improve water quality by filtering pollutants or sediment in floodwater or agricultural return flows;
2. Wildlife habitat addressing at-risk species, including State and Federally threatened and endangered species; and

3. Protection and restoration of habitat for migratory birds and other wetland-dependent wildlife.

2.1.2. Priority Areas

California NRCS has opted not to identify any priority areas for enrollment, but rather, equally consider all areas of the State. Projects will stand on their own individual merits and enrollment offerings will be evaluated and ranked based on their unique site-specific characteristics, resource concerns, and biological benefits.

2.2. Land Eligibility – Farmed or Converted Wetlands

A farmed or converted wetland is considered eligible land provided that the wetland was not converted after December 23, 1985 and is identified as one or more of the following:

- Wetlands farmed under natural conditions, farmed wetlands, prior converted cropland, commenced conversion wetlands, farmed wetland pastures, and agricultural lands substantially altered by flooding so as to develop and retain wetland functions and values;
- Former or degraded wetlands that occur on lands that have been used or are currently being used for the production of food and fiber, including rangeland and forest production lands, where the hydrology has been significantly degraded or modified and will be substantially restored;
- Farmed wetland and adjoining land enrolled in Conservation Reserve Program (CRP) that has the highest wetland functions and values and is likely to return to production after the land leaves CRP; or
- A riparian area along a stream or other waterway that links, or after restoring the riparian area, will link wetlands protected by the ACEP–WRE easement, another easement, or other device or circumstance that achieves the same objectives as an ACEP–WRE easement.

California NRCS must further define specific language from this land eligibility category. Definitions are provided below.

- **<u>Significantly degraded or modified:</u> At least 25% of the land offered for enrollment has been altered from its historic conditions.**
- **<u>Substantially restored:</u> At least 50% of the land considered to be significantly degraded or modified will be restored to historic conditions or to an acceptable alternative vegetative community.**

2.3. Land Eligibility – Cropland or Grasslands Subject to Flooding

Cropland or grassland is considered eligible land if it was used for agricultural production prior to flooding from the natural overflow of the following:

- A closed basin lake, together with adjacent land that is functionally dependent upon it, if the State or other entity is willing to provide a 50-percent share of the cost of the easement; or
- A pothole and adjacent land that is functionally dependent on it and the size of the parcel offered for enrollment is a minimum of 20 contiguous acres. Such land meets the requirement of likelihood of successful restoration only if the soils are hydric and the depth of water is 6.5 feet or less.

This land eligibility scenario is unlikely to occur in California.

2.4. Land Eligibility – Adjacent Lands

If land offered for enrollment is considered eligible land, NRCS may also consider enrollment of "adjacent lands" (Title 440, CPM, Section 528.105 l). Adjacent lands are lands that –

1. Contribute significantly to the wetland functions and values of otherwise eligible land.
2. Are incidental to, but necessary for, the practical administration and management of the enrolled area.
3. Are directly adjacent or otherwise contiguous to the eligible land;
4. Maximize wildlife benefits, including meeting the life-cycle needs of wetland-dependent wildlife that rely upon uplands or riparian areas for migrating/movement, cover, nesting, or foraging activities.
5. Must not exceed the acres of otherwise eligible land (one-to-one ratio) to be enrolled without a waiver from the State Conservationist.
6. Are an acceptable associated habitat as defined by this WRCG;

California NRCS determines on a case-by-case basis if an enrollment's adjacent lands meet the criteria listed above. Not all criteria need to be met for California NRCS to make a determination of suitable adjacent lands.

2.4.1. Acceptable Adjacent Lands and Associated Habitats

Table 1 lists associated habitats that may be determined as adjacent lands (i.e., uplands habitat types) for easement enrollment, restoration, and management purposes. Associated habitats not listed here may also be considered with approval from the State Conservationist.

Table 1. Associated Habitats.

ADJACENT LANDS & ASSOCIATED HABITATS	CONTRIBUTIONS TO WETLAND FUNCTIONS & VALUES
Grasslands	Buffer areas and micro-watersheds. Wildlife cover, forage, nesting, and movement activities.
Riparian Areas	Usually woody vegetation that benefits multiple species (raptors, songbirds, large mammals, anadromous fish species, etc.). A buffer zone and source of hydrology for riverine areas and adjacent wetlands.
Sandbars	Loafing areas for migrating and wintering waterfowl and shorebirds. Typically associated with riparian and riverine areas.
Riverine	Main channel for waterflow and wetland hydrology. Benefits 80% of wildlife species at some point during their life cycle.
Shrublands	Cover and forage areas for migratory birds.
Forestland	Cover, nesting, and forage areas for migrating birds.

2.4.2. Adjacent Lands Waivers

See Section 4.2.2.

2.4.3. Unacceptable Adjacent Lands

Adjacent lands will not be accepted under any circumstances if they are:

- **Noncontiguous to otherwise eligible lands offered for enrollment;**
- **Insignificant or have no contribution to the wetland functions and values, or meet the lifecycle needs of wetland dependent wildlife;**
- **Not necessary for practical administration and management of the easement;**
- **Developed or highly disturbed lands; or**

- **Exceed the one-to-one ratio of otherwise eligible lands except in special cases requiring a waiver from the State Conservationist (see section 4.2.2).**

Any adjacent lands that do not meet the required criteria, exceed the acres of otherwise eligible land, and/or do not have a waiver from the State Conservationist, will be removed from consideration at the discretion of California NRCS.

2.5. Ranking – Funding Pools

California NRCS will fund all ACEP-WRE applications under a single ranking pool unless otherwise dictated by specific species or habitat based yearly allocations (e.g. Sage Grouse Initiative).

2.6. Ranking – Criteria & Scoring

2.6.1. Criteria Changes in the 2018 Farm Bill

The 2018 Farm Bill mandated additional changes to the ranking criteria, but much remained the same as the prior Farm Bill. The changes are summarized below. Although much of the ranking criteria is set Nationally, California NRCS has some flexibility to expand upon or create criteria if the resultant criteria are consistent with policy. California NRCS' ranking criteria are provided on our ACEP-WRE webpage.

In general, the 2018 Farm Bill instituted the following changes and clarifications to ranking criteria nationwide. If not already considered, these changes were incorporated into the current version of the California NRCS ranking criteria:

- Water Quality: Added the capacity of the wetland to improve water quality
- Hydrology Restoration Potential:
    - Adequately consider source, attributes, and reliability of hydrology, including consideration of water rights
    - Must comprise 50% of available points for conservation benefits
- Economic Considerations:
    - Consider contributions that reduce NRCS costs as a positive attribute
    - Removed requirement that NRCS control such contributions to receive ranking points.
    - Long-term cost considerations, including monitoring and operation and maintenance

2.6.2. Criteria for Ranking

California NRCS will use the following criteria to rank and prioritize selections for enrollment in ACEP-WRE:

Table 2. California NRCS Ranking Criteria.

PROGRAM PRIORITY QUESTIONS
1. Restoration Cost Effectiveness
2. Partnership Points for Restoration
3. Partnership Points for Easement Acquisition
4. Extent to Which ACEP-WRE Purposes are Achieved
5. Productivity of Offered Land
6. On-farm or Off-Farm Environmental Threats
RESOURCE PRIORITY QUESTIONS
7. Restoration Benefits to Migratory Birds & Wetland-Dependent Wildlife
8. Threatened & Endangered Species Use of Protected & Restored Habitats
9. At-risk Species Use of Protected & Restored Habitats

10. Protection & Restoration of Native Plant Communities
11. Habitat Complexity to be Restored
12. Proximity & Connectivity to Protected Areas
13. Extent of Beneficial Adjacent Land Uses
14. Extent of Wetland Loss in County
15. Water Quality
16. Water Quantity
17. Proximity to Impaired Water Bodies
18. Carbon Sequestration
19. Climate Change Resiliency
20. Amount of Wetland Restoration
21. Extent of Hydrology Restoration
22. Reliability of Hydrology Restoration
23. Flooding Potential: Temporary Inundation by Flowing Water
24. Drainage Class (Determined by Permeability)
25. Saturation (Depth to Water Table)
26. Size of Easement Offering

2.6.3. Ranking Scores

Each ranking criterion is assigned points based on the degree to which an application would address the criterion. California NRCS, in consultation with the STAC, assigned point values to each criterion based on past prioritization and our experience using ranking assessments for wetland applications in prior Farm Bills. The only limitation on scoring was that 50% of the potential points awarded for resource priority questions had to come from hydrology restoration potential (questions 20 – 25).

The ranking criteria posted to the California NRCS ACEP-WRE webpage, includes the scoring that California NRCS will use to rank new ACEP-WRE applications.

2.6.4. Ranking Thresholds

California NRCS is authorized to establish high-threshold scores to facilitate year-round, immediate application selection. The State Conservationist, with advice from STAC, may establish a high threshold ranking score at a level high enough that an eligible application ranking above such threshold score would automatically warrant selection for funding. Conversely, a low threshold ranking score can be established, below which applications will never be funded. Establishing thresholds helps protect the Federal investment, ensuring expeditious funding of the highest-quality applications and removing low-quality applications from consideration.

California NRCS will implement a high ranking threshold of greater than 80% of available points. Any application that receives more than 80% of the available ranking points will be automatically selected for funding provided the application meets all eligibility requirements.

California NRCS will implement a low threshold of less than 25% of available points. Any application that receives less than 25% of the available ranking points will be automatically removed from consideration for funding. These applications will not be funded even if there is funding available. Remaining funds will be returned to National Headquarters for redistribution.

2.7. Role of Partners in Application Eligibility, Evaluation, & Ranking

California NRCS relies on its conservation partners and the STAC for technical recommendations and other input for application eligibility, evaluation, and ranking. Roles and responsibilities of each entity is described below.

2.7.1. United States Fish and Wildlife Service (Department of the Interior)

The United States Fish and Wildlife Service (USFWS) frequently participates on the STAC, but also plays a role in the application phase of an ACEP-WRE enrollment.

Although the ACEP interim rule removed the requirement for USFWS input at the local level in the determination of eligible land, their input remains invaluable at the state level as a member of the STAC. In this capacity, USFWS provides input on ranking priorities. California NRCS Field Office staff may still request input from USFWS at the local level for specific applications and ranking assistance.

2.7.2. California Department of Fish and Wildlife (State Agency)

California Department of Fish and Wildlife (CDFW) also frequently participates on the STAC. There are no requirements from the ACEP rule or policy for NRCS coordination with CDFW, but CDFW is an important partner in technical decision-making for ACEP-WRE.

CDFW may provide input as a member of the STAC on ranking priorities. California NRCS Field Office staff may request input from CDFW at the local level for specific applications and ranking assistance

2.7.3. State Technical Advisory Committee (STAC) – Wetland Subcommittee

A Wetland Subcommittee of the STAC has been used for many years by California NRCS to provide a vehicle for discussion and to solicit recommendations for consideration in the implementation of the ACEP-WRE and its predecessor, the Wetlands Reserve program. Members of the Wetland Subcommittee consist of State and Federal resource agencies, non-governmental conservation organizations, Joint Venture staff, and land trust partners.

2.8. Grazing Reserved Rights (GRR)

Grazing can be an effective vegetation management tool on wetland easements when used appropriately to manage habitat for wildlife. Grazing Reserved Rights is a special enrollment option under ACEP-WRE and its successor program, WRP. Under this option, the landowner may reserve grazing rights under the following conditions:

- Grazing is supported by the scientific literature as compatible with restored wetlands and associated habitats, and can be used as a management tool to benefit wildlife and the vegetation they depend on for forging, nesting, loafing, and avoiding predators;
- Grazing is consistent with the long-term wetland protection and enhancement goals of the easement;
- Grazing is consistent with the Wetland Reserve Plan of Operations (WRPO) that includes a site-specific grazing management plan and is reviewed every five years and updated as needed.

Grazing reserved rights are initiated during the offer for enrollment process and solidified through an "Exhibit E," which must be approved by the NRCS's Easement Program Division (EPD). The landowner is compensated less than a typical enrollment to account for the retention of grazing rights. States offering this option must document geographic areas, wetland types, role of grazing, and other criteria. California NRCS has identified the following geographic area and wetland types for GRR enrollment:

Table 3. Geographic Areas and Wetland Types Offered for GRR Enrollment in California

GEOGRAPHIC AREA	WETLAND TYPE	FOCAL SPECIES & BENEFIT
North Coast	Coastal Wetland (brackish and freshwater wetland)	Aleutian Cackling Goose, Wintering Waterfowl and Shorebirds. Grazing creates shortgrass habitat for forging and roosting.
Statewide – Historic Range	Vernal Pools	California Tiger Salamander, Fairy Shrimp, and Native Plants. Grazing reduces competition from non-native annual grasses that compete with native plants.
Northeastern CA	Wet Meadows and Associated Seasonal Wetlands	Greater and Lesser Sandhill Cranes. Grazing creates shortgrass habitat for nesting and provides visibility from predators.
Northeastern CA – Inyo & Mono Counties	Wet Meadows and Associated Seasonal Wetlands	Greater Sage Grouse. Grazing creates shortgrass and intermediate grass for foraging broods.

3. Restoration Planning & Implementation

3.1. Wetland Restoration Definition

Wetland restoration is defined as:

The rehabilitation of a degraded or converted wetland in a manner such that:

1. The original, native vegetative community and hydrology are, to the extent practical, reestablished; or
2. A hydrologic regime and native vegetative community different from what likely existed prior to degradation of the site is established that will:
   i. Substantially replace the original habitat functions and values while providing significant support or benefit to migratory birds or other wetland-dependent wildlife; or
   ii. Address local resource concerns or needs for the restoration of wetland functions and values for wetland-dependent wildlife as identified in an approved State wildlife action plan or NRCS national initiative.

California NRCS is providing additional clarification on specific aspects of the *wetland restoration* definition through the following:

A. Definition language: "The original, native vegetative community and hydrology are, to the extent practical, reestablished…"
California NRCS clarification: To the extent possible, historic aerial photographs and undisturbed reference wetlands in the project vicinity should be used to determine the original, native vegetation community and hydrology. This information can be supplemented by reviewing Ecological Site Descriptions (ESD) and through discussions with other natural resource professionals both within NRCS and outside of the agency. Because the hydrology in California has been highly

manipulated due to a large series of dams, levees, and water conveyance systems that control flood flows, restoration can include dikes and water control structures to manage and mimic natural hydrologic regimes. If it is not practical to restore or maintain the site to the degree required, refer to the Alternative Wetland Community section of this document.

B. Definition language: "Substantially replace the original habitat functions and values while providing significant support or benefit to migratory birds or other wetland-dependent wildlife"
California NRCS clarification: "Substantially" means greater than 50% of the original habitat functions and values are replaced by an alternative community. "Significant" means greater than 50% of the life-cycle needs of migratory birds or other wetland-dependent wildlife are met by an alternative community.

C. Definition language: "Address local resource concerns or needs for the restoration of wetland functions and values for wetland-dependent wildlife as identified in an approved State wildlife action plan or NRCS national initiative"
California NRCS clarification: The following resource concerns are applicable to ACEP-WRE. These "local" resource concerns are a subset of the Resource Concern List approved by the National Technical Guide Committee, October 2019, eFOTG – Section III).

Soil

- Sheet and rill erosion
- Wind erosion
- Ephemeral gully erosion
- Classic gully erosion
- Bank erosion from streams, shorelines or water conveyance channels
- Subsidence
- Compaction
- Concentration of salts or other chemicals
- Soil organism habitat loss or degradation
- Aggregate instability

Water

- Ponding and flooding
- Seasonal high water table
- Seeps
- Surface water depletion
- Ground water depletion
- Naturally available moisture use
- Nutrients transported to surface water
- Nutrients transported to ground water
- Pesticides transported to surface water
- Pesticides transported to ground water
- Pathogens and chemicals from manure, bio-solids, or compost applications transported to surface water.
- Pathogens and chemicals from manure, bio-solids, or compost applications transported to ground water.
- Salts transported to surface water
- Salts transported to ground water

- Petroleum, heavy metals, and other pollutants transported to surface water
- Petroleum, heavy metals, and other pollutants transported to ground water
- Sediment transported to surface water
- Elevated water temperature

Air

- None

Plants

- Plant productivity and health
- Plant structure and composition
- Plant pest pressure
- Wildfire hazard from biomass accumulation

Animals

- Terrestrial habitat for wildlife and invertebrates
- Aquatic habitat for fish and other organisms

Energy

- None

D. Definition language: "…approved State wildlife action plan or NRCS national initiative." California NRCS clarification: (1) The most up-to-date version of the California Department of Fish and Wildlife's State Wildlife Action Plan, or (2) Working Lands for Wildlife – Sage Grouse Initiative.

3.2. Historic Wetland Conditions

Historic wetland conditions refer to the original, native vegetative community and hydrology that existed on the land prior to degradation or manipulation. California NRCS is tasked with identification of the historic wetlands and associated habitat types that are commonly restored under ACEP-WRE. These historic wetland communities are listed in Table 4.

Table 4. Historic Wetland Communities Commonly Found in California.

Cowardin Classification	Historic Wetland Community	Target Hydrology & Vegetation	Common Wetland Functions & Values	Associated Habitat Type (see Table 1)	State Distribution
Palustrine (aquatic)	Submerged aquatic marsh, permanent or semi-permanent wetland	Semi-permanent and permanent flooding with floating aquatic plants such as sago pondweed	Fish and wildlife habitat, sediment filtering, floodwater retention, groundwater recharge.	Grasslands, riparian areas, and riverine.	Statewide

Palustrine (emergent)	Emergent marsh, seasonal wetland	Seasonal flooding with sedge, rush, and moist-soil plants	Wildlife habitat, ground water recharge.	Grasslands, riparian areas, and shrublands.	Statewide
Palustrine (emergent)	Wet meadow, montane wetland	Seasonally high water table often associated with a stream system. Grasses, sedges, and forbs.	Fish and wildlife habitat. Water purification, groundwater recharge, and floodwater retention.	Grasslands, riparian areas, and shrublands.	Northern CA, Sierra Nevada Range, Eastern CA,
Palustrine (forested)	Forested wetland	Perennial, seasonal, or temporary flooding. Dominated by woody tree species such as cottonwood and willow.	Wildlife habitat, floodwater retention, water purification.	Grasslands, riparian areas, riverine, and shrublands.	Statewide
Palustrine (scrub/shrub)	Shrublands and floodplains	Seasonal flooding or temporary flooding with shrubby vegetation such as wild rose, CA blackberry, and coyote brush.	Wildlife habitat, floodwater retention, water purification.	Grasslands, riparian areas, and shrublands.	Statewide
Palustrine (emergent)	Vernal Pools	Shallow depressions that are ephemerally flooded during growing season, dominated by native forbs.	Wildlife habitat and biodiversity.	Grasslands	Central Valley, NE CA, Eastern CA
Palustrine (emergent)	Springs and seeps	Often perennial where groundwater emerged from soil. Forbs, grasses and sedges.	Wildlife habitat and biodiversity.	Grassland, shrubland, and forestland.	Statewide
Riverine	Rivers, streams and wetlands associated with a channel	Sand/gravel bars, other wetlands associated with stream channel.	Fish and wildlife habitat. Water purification, and groundwater recharge.	Grasslands, riparian areas, shrublands, forestlands, and sandbars.	Statewide

Estuarine (intertidal)	Tidal marsh and brackish wetland	Hydrology is influenced by tidal flows and ranges from salt marsh to freshwater wetland. Pickleweed and salt grass.	Fish and wildlife habitat, and water purification.	Grasslands.	Coastal and delta areas.

3.3. High-Priority Wetland Habitats

Estimates of wetland loss in California range from 90-95% of historic habitat. However, certain habitat types have experienced a disproportionately higher rate of wetland loss in the State and have been prioritized by California NRCS for enrollment. These wetland types include tidal and brackish marsh, vernal pools, and riparian habitats.

3.4. Alternative Vegetative Communities

Alternative vegetative communities are plant communities where the hydrologic regime and native vegetation is different from what likely existed prior to degradation of the site. These communities can represent either wetlands or uplands.

Under the 2014 Farm Bill, there was a limitation that 30% of the land enrolled in ACEP-WRE could be restored to an alternative vegetative community. The 2018 Farm Bill removed the 30% limitation and States were tasked with establishing their own limits and definitions of acceptable alternative vegetative communities. California NRCS has identified specific alternative vegetative communities that will be acceptable if it is not feasible to restore the land to its historic condition. California NRCS will also implement limitations depending upon the type of community represented. This information is found in Table 5.

To be considered an acceptable alternative vegetative community, otherwise eligible land must meet the "wetland restoration" definition requirements as documented in Section 3.1. The alternative vegetative community may only be established and maintained if it will:

- Substantially replace the original habitat functions and values while providing significant support or benefit for migratory waterfowl or other wetland-dependent wildlife; or
- Address local resource concerns or needs for the restoration of wetland functions and values for wetland-dependent wildlife as identified in an approved State wildlife action plan or NRCS national initiative.

California NRCS criteria for considering alternative vegetative communities include the following:

- **A feasibility assessment must be completed in the WRPO to demonstrate it is impractical to restore the site to its historic wetland community.**
- **Alternative vegetative communities should be avoided where high priority historic habitat types existed and can be restored, such as tidal and brackish marsh, vernal pools, and riparian areas.**
- **Alternative vegetative communities must not compromise the function of any existing natural community types within the easement. Rather they should augment them.**
- **Alternative vegetative communities should be restored with plants native to the region.**

- **Alternative vegetative communities should address limiting conditions for wetland-dependent wildlife.**
- **Alternative vegetative communities should establish enhanced habitat conditions for at-risk species.**
- **Alternative vegetative communities should not be driven by landowner desire or the need to solely restore the site for recreational purposes.**
- **Alternative communities, except for uplands, are not limited to any percentage of the land enrollment, provided the above listed considerations are documented in the WRPO.**

Note: 1) Managed wetlands that mimic historic wetland hydrology are not considered alternative vegetative communities provided they can replicate the functions and values of historic wetland communities. 2) Early successional stage wetlands are not considered alternative vegetative communities.

Based on the feasibility of restoring alternative vegetation communities, California NRCS will focus on four primary habitat types: 1) emergent marsh, 2) submerged aquatic marsh, 3) forested wetland, and 4) upland. Opportunities to restore other types of alternative communities are often limited by site hydrology and soils.

Table 5. Permitted Alternative Vegetative Communities.

Alternative Community	Historic Community	Technical Considerations	State Limit (%) and Parameters
Emergent marsh (seasonal wetland)	Submerged aquatic marsh, wet meadow, forested wetland, vernal pools, springs/seeps, riverine, tidal or brackish marsh	Hydrology. Climate change – increased floodwater and sea level rise.	No state limit. However, assessment must be completed in the WRPO to demonstrate it is impractical to restore the site to its historic wetland community. The restoration of alternative communities on high priority, historic habitats (vernal pools, riparian areas, and tidal/brackish marsh) should be avoided because of their rarity on the landscape and the rare plants and animals they support. Consider how climate change might influence sea level rise, increased floodwater, and the long-term sustainability of a restored alternative community.
Submerged aquatic marsh (semi-permanent or permanent wetland)	Emergent marsh, wet meadow, forested wetland, vernal pools, springs/seeps, riverine, tidal or brackish marsh	Hydrology – availability of water for semi-permanent or permanent flooding. Soils. Climate change.	No state limit. However, assessment must be completed in the WRPO to demonstrate it is impractical to restore the site to its historic wetland community. The restoration of alternative communities on high priority, historic habitats (vernal pools, riparian areas, and tidal/brackish marsh) should be avoided because of their rarity on the landscape and the rare plants and animals they support. Consider how climate change might influence sea level rise, increased floodwater, and the long-term sustainability of a restored alternative community. Assess hydrology and soils, including depth to water table and permeability to insure semi-

			permanent or permanent flooding can be maintained.
Forested wetland	Emergent marsh, submerged aquatic marsh, wet meadow, riverine	Soils and hydrology. Climate change.	No state limit. Assess soils and hydrology to ensure the restoration success of establishing woody vegetation without the need for supplemental irrigation beyond the first three years of establishment. Consider how climate change might influence increased floodwater in riparian and riverine systems, and the long-term sustainability of this alternative community without the need for high management inputs.
Upland (grasslands)	All historic habitat types	Soils and topographic elevation.	Limited to no more than 50% of enrolled area without a waiver. Soils and topography should be assessed to determine if suitable non-wetland conditions exist for upland restoration.

3.5. Restoration of Vegetation

The Wetland Restoration Plan of Operations (WRPO) is a document developed or approved by NRCS that identifies how wetlands and associated habitats on the easement will be restored, enhanced, and managed to achieve the purposes of the ACEP-WRE program.

3.5.1. Funding

NRCS will fund the WRPO to facilitate implementation of planned restoration activities. These funds can be made available through a restoration agreement directly with the landowner (conservation program contract), a third party conservation organization (contribution or cooperative agreement), or through the Federal contracting process. The funding level will be determined through a combination of the most current version of the ACEP-WRE cost list, internal cost estimates, and cost estimates from contractors. Permanent easement will receive 100% cost share for restoration activities; 30-year easements will receive 75% cost share for restoration activities.

3.5.2. Methods

Independent of funding, the WRPO will identify the planned activities that will be implemented during restoration and for ongoing habitat management. NRCS Conservation Practice Standards, National Planning Policy Handbook (NPPH), National Environmental Compliance Handbook (NECH), and other related National and State planning policies and guidance must be followed for all activities. Vegetative communities can be restored passively (e.g., natural regeneration) or actively (e.g., planting). The expense of active restoration should be considered when planning for the WRPO as it may contribute to the eligibility and ranking of the project.

3.6. Eligible Practices

The practices listed in Table 6 represent typical conservation practices implemented for restoration in California. The most current version of the ACEP-WRE cost list represents the exhaustive list of acceptable NRCS Conservation Practice Standards and scenarios available for planning a WRPO and for financial assistance (FA) under a restoration contract. Any California NRCS Conservation Practice Standard not listed on the cost list cannot be planned on a conservation easement. Some grazing related conservation practices have not been approved by the Easement Program Division (EPD) and currently are unavailable on California NRCS' ACEP-WRE cost list. California NRCS is currently working with EPD to include them in

future versions of the cost list. Grazing related practices for restoration are only applicable to Grazing Reserved Rights easements covered by a grazing management plan, which must be reviewed and updated every five years. The grazing management plan must meet the definition and criteria established in 7 CFR Section 1468 and Conservation Program Manual, Title 440, Part 528 in addition to the planning requirements applicable to all practices and activities.

Table 6. Typical California NRCS Conservation Practices Included in a WRPO.

Practice Code	Eligible Practice/Activity
327	Conservation Cover
342	Critical Area Planting
356	Dike
382	Fence
410	Grade Stabilization Structure
587	Structure for Water Control
612	Tree and Shrub Establishment
644	Wetland Wildlife Habitat Management
645	Upland Wildlife Habitat Management
649	Structures for Wildlife
657	Wetland Restoration
659	Wetland Enhancement

4. Waiver Considerations

4.1. Waivers Issued by the State Conservationist

The State Conservationist is authorized to issue waivers based on technical considerations for certain policy aspects of enrollment and restoration. All other requested policy waivers must be reviewed by the Easement Program Division in Washington D.C. Program requirements covered by the statute or the rule may not be waived.

4.2. Application Phase

The State Conservationist is authorized to consider waivers to the following policy requirements:

4.2.1. Riparian Widths and Distances

Riparian areas along streams or other waterways are eligible for enrollment, provided that the offered riparian area directly links wetlands less than 1 mile apart and that those wetlands are currently protected or will be protected under the same ACEP-WRE easement transaction. Eligible riparian areas should average no more than 300 feet in width, measured from the top of bank on one side, or 600 feet in width, if both sides of the river, stream, channel, or water body are offered for enrollment.

Larger widths or linkages of wetland areas greater than 1 mile apart may be considered if the riparian zone and its associated wildlife or ecological values so warrant; waivers for additional width or for eligible wetland areas more than 1 mile apart may be granted by the State conservationist if the riparian area can be demonstrated to provide habitat for at-risk fish or wildlife, contribute significantly to wetland functions and values of the easement area, or improve the practical administration and management of the easement area.

4.2.2. Adjacent Land to Eligible Lands Ratio

Under limited authority, the State Conservationist can authorize a waiver allowing adjacent land acres to exceed eligible land acres under the following circumstances:

- Enrollment includes unique or critical wetland complexes whose wetland functions and values inherently depend on the adjacent lands (e.g. vernal pools and wet meadows).
- Enrollment targets at-risk, wetland-dependent species that require additional upland acres to successfully complete their lifecycle.
- There is a high risk of degradation to wetland acres as a result of agricultural uses outside the enrollment area and adequate buffer is needed to protect wetland functions and values.
- Enrollment would protect high-quality, remnant natural communities.
- Enrolment would protect habitat occupied by an at-risk species of wildlife.

Under these limited circumstances, the State Conservationist is limited to approval of inclusion of adjacent lands at a five-to-one (5:1) ratio to otherwise eligible lands.

4.3. Restoration Phase

4.3.1. Excessive Restoration Costs

Lands where the cost of restoration for the easement area will exceed the fair market value of the land are ineligible. This criterion may be waived by the State conservationist in situations in which it is documented that the restoration may be successfully accomplished without accumulating a long-term operation and maintenance cost burden to the program. These may include habitat types that are highly degraded, and labor intensive and expensive to restore such as vernal pools, wet meadows, and tidal wetlands.

5. Easement Management

5.1. Compatible Use Authorization (CUA)

A compatible use is an activity conducted on an ACEP-WRE, WRP, or EWPP-FPE easement that NRCS determines, in its sole discretion, is consistent with the long-term protection and enhancement of the conservation values of the easement when performed according to the amount, method, location, timing, frequency, intensity, and duration limitations prescribed by NRCS.

NRCS may issue compatible use authorizations (CUA) to a landowner to implement specific compatible uses for a defined period, not to exceed 10 years in duration. CUAs may only be issued for practices and activities that will facilitate the practical administration and management of the land and further the functions and values for which the easement was enrolled.

Any necessary practices or activities must meet all applicable NRCS Conservation Practice Standards, National Planning Policy Handbook (NPPH), National Environmental Compliance Handbook (NECH), and other related National and State planning policies and guidance.

An NRCS-CPA-52 Environmental Evaluation is required for all practices and activities in a CUA. An existing NRCS-CPA-52 may be used for a new CUA only if the following criteria are met:

- Activities in the new CUA were analyzed in an existing CUA;
- There have been no changes to activities, practices, alternatives, or conditions;
- The existing NRCS-CPA-52 is less than 5 years old; and
- It meets all requirements in CPM, Title 440, Section 528.152 B(2)

This WRCG is used to document State-specific technical information related to CUAs to facilitate analysis, decision-making, prescription, documentation, and authorization of CUAs, such as:

- Technical considerations and parameters used to determine the conditions under which a CUA may be authorized, and associated limits, applicability, and exceptions, (528.152 B(1))
- Technical requirements typically included in CUAs based on the use being prescribed (528.152 C(2))

All CUAs must be in writing and supported by a technical determination in the case file that clearly documents the basis for the determination that the authorized activities meet compatibility requirements and the guidelines for implementation. CUAs may be authorized for any activity listed in Table 7. ***All CUAs must consider the impacts to at-risk fish and wildlife, and will require avoidance and minimization measures to be included within them.***

Table 7. Permissible Common CUAs

Eligible Practice/Activity	Technical Considerations	Parameters
Grazing	Timing, intensity, duration, and extent. Nesting bird disturbance. Maintenance of winter cover and spring nesting cover. Protection of riparian areas. Fencing and watering locations.	May only occur between July 1 and Sept. 15, except for management of habitat for Aleutian Cackling Geese, vernal pools, or in documented cases for pest species management. A nesting bird survey must be completed by a wildlife biologist if grazing is to occur outside of established dates, except in vernal pool habitats. Biologists can require, at the landowner's expense, the installation of temporary fencing and watering facilities. Grazing CUAs may not exceed three years in duration.
Haying	Timing and extent. Nesting bird disturbance. Maintenance of winter cover and spring nesting cover.	May only occur between July 1 and Sept. 15, except for management of habitat for Aleutian Cackling Geese or in documented cases of pest species management. A nesting bird survey must be completed by a wildlife biologist if haying is to occur outside of established dates. Grazing is not allowed on the same area, in the same year, where haying is conducted. Haying CUAs may not exceed three years in duration.
Fence maintenance	Wildlife-friendly fencing requirements, bird-fence collisions.	Only minor repair and maintenance is permitted to existing fence; major repairs and replacement will require adherence to wildlife-friendly standards. Biologist can require fence markers to be installed in sage grouse habitat.
Honey Beehives	Competition with native pollinators, number and location of hives, and disturbance from bee keeping activities.	A biologist must assess whether any at-risk pollinators are within the flight distance of the honeybees and the potential risks to rare pollinator populations. Hives must be located immediately next to existing access roads and the footprint must be minimized.
Installation & maintenance of acceptable structures	Semi-permanent hunting or observation blinds. Number, location, size and installation disturbance.	Blinds should be "rustic and customary" to region and not exceed 80 sq. feet in size and 8 feet in height (approx. four-person capacity). The installation footprint shall be minimized, and disturbed areas shall be revegetated with native vegetation. Blind shall be maintained and kept in

Eligible Practice/Activity	Technical Considerations	Parameters
		good working order, and blend with the natural environment.
Water level management	Timing, duration, depth. Mosquito production.	Must be conducted to mimic natural hydrology or otherwise meet a specific management goal such providing habitat during a period when flooded wetlands are limited, facilitating restoration of vegetation, or producing moist-soil plants. Biologist may require the landowner consult with their local mosquito and vector control district to implement Best Management Practices to reduce mosquito production.
Herbicide spraying	Timing and extent. Application method and buffers.	Landowners must work with a licensed Pesticide Control Advisor (PCA) to determine suitable control products and application methods. Herbicides must be applied in strict compliance with the manufacturer's label requirements. Biologist can require hand application and buffers around sensitive habitats or plant species.
Prescribed burning	Timing, intensity, and extent. Nesting bird disturbance. Smoke management.	Consider timing and intensity to minimize disturbance to wildlife, maximize management effect, and reduce risk to non-target habitats. Requires a prescribed burn plan, except for small scale burn piles. Require a burn permit and must be conducted in compliance with all air quality restrictions.
Mowing	Timing and extent. Nesting bird disturbance.	May only occur between July 1 and Sept. 15. A nesting bird survey must be completed by a wildlife biologist if management is to occur outside of established dates. No more than 60% of any seasonal wetland shall be mowed. See disking parameter below for limitation when done in combination with mowing.
Disking	Timing and extent. Nesting bird disturbance.	May only occur between July 1 and Sept. 15. A nesting bird survey must be completed by a wildlife biologist if management is to occur outside of established dates. No more than 30% of any seasonal wetland shall be disked. In combination with mowing, no more than 60% of any season wetland shall be disturbed.
Forest and brush management	Timing and intensity. Nesting bird disturbance.	Removal of dangerous debris, forest stand improvement, and thinning for wildfire control are acceptable activities. Firewood cutting is prohibited. May only occur between July 1 and Sept. 15. A nesting bird survey must be completed by a wildlife biologist if management is to occur outside of established dates. Forest management CUAs require review and approval by an NRCS Forester.
Maintenance of private drainage	Timing, frequency and disturbance to wildlife.	Activity must not impact the easement's wetland functions and values. Consider limiting disturbance to one side of ditch/canal in any year. Dewater canal/ditch, if possible. Must identify site for spoil

Eligible Practice/Activity	Technical Considerations	Parameters
		placement, and plan for revegetation and weed control at landowner's expense
Trails & road maintenance	Timing and frequency.	Reasonable operation, repair, and maintenance of existing access and service roads and trails. New road and trail construction is prohibited. Annual mowing of roads and edges to reduce fire risk and provide access for management should begin in the early spring (Feb. or March). Vegetation should be mowed short (<4 inches) and frequently (every two (2) weeks during the nesting season) to discourage nesting birds and to allow for continued access. Gravel on existing access and levee roads can be replaced and spread out as necessary.
Infrastructure maintenance	Timing.	Includes the reasonable operation, repair, and maintenance of culverts, water control structures, ditches, dikes, pumps, and wells. Any removal or relocation of infrastructure is prohibited without NRCS approval. Consider the timing of activities to minimize disturbance to wildlife.
Wildlife Food plots	Extent, type and wildlife goal, location.	Limited to 5% of easement area unless otherwise specified in easement deed (older easements only). Wetland food plots should be avoided, especially where moist-soil plants can be produced. Cannot be harvested and must be managed in compliance with State and Federal baiting requirements, if hunting occurs on the property. Food plots must be restored to prior habitat condition, at landowner's expense, once management ceases.