

Wetland Reserve Easement (WRE) Program in Delaware



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Agricultural Conservation Easement Programs (ACEP)

Wetland Reserve Easements (WRE)

Agricultural Conservation Easement Program (ACEP) Overview

- **Wetland Reserve Easement Program (WRE)**
 - **NRCS held easement**
 - NRCS pays the property owner for the development rights **AND** pays for restoration.
 - Also pays for some maintenance and stewardship activities.
 - **Objective:** Provide and protect habitat for wetland dependent plants and wildlife and improve water quality



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What is an “Easement”?

- A voluntary, legal agreement that limits uses of the land in order to protect its conservation values.
- Full ownership of land comes with a variety of ownership rights – these property rights can be thought of as a “bundle of sticks.”
- A landowner can hold all the sticks in the bundle or transfer some of those sticks to others.
- A conservation easement takes several of the sticks in the bundle and transfers them to the buyer.
- One of those “sticks” – the right to develop the property



What is a “Wetland Reserve Easement”?

- **Before (Full Ownership)**

- Title – right to sell or transfer property
- The right to exclude others from the property
- The right to hunt and fish
- The right to sell timber
- The right to build homes and other structures
- The right to crop the fields
- The right to subdivide and develop the property



- **After (Wetland Reserve Easement)**

- Title – right to sell or transfer property
- The right to exclude others from the property
- The right to hunt and fish
- Limited tree removal (not for sale)

WRE – Warranty Easement Deed

- Prohibitions:

- Haying, mowing, seed harvesting
- Altering natural features by land disturbance activities
- Dumping
- Harvesting wood or sod
- Changing the hydrology
- Building structures
- Planting or harvesting crops
- Grazing
- Developed recreation (camping, firearm ranges or any other infrastructure related to recreational activities)
- Any activities in or adjacent to the Easement Area which adversely impact or degrade wildlife cover or other habitat benefits, water quality benefits, or other wetland functions and values of the Easement Area









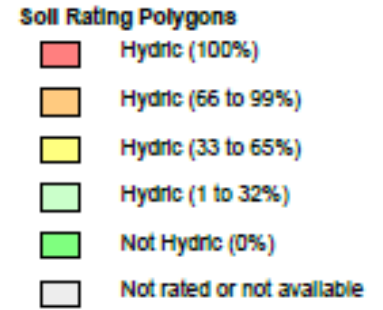
Wetland Reserve Easement Program (WRE)

- **Primary Eligibility:**
 - Privately held farmed or converted wetlands that were previously degraded due to agricultural uses and can be successfully and cost-effectively restored.
 - **Must have hydric soils**
 - **Must have restoration potential**
- NRCS will prioritize applications based the easement's potential for protecting and enhancing habitat for migratory birds and other wildlife.



Soil Rating Polygons

-  Hydric (100%)
-  Hydric (66 to 99%)
-  Hydric (33 to 65%)
-  Hydric (1 to 32%)
-  Not Hydric (0%)
-  Not rated or not available



Restoration

- Ditch plugs
- Berms
- Water control structures
- Microtopography
- Plantings



**Agricultural Conservation Easement Program
 Wetland Reserve Easements
 ACEP-WRE**

WETLAND RESTORATION CRITERIA GUIDE

Delaware

April 2020



Types of WRE Enrollment

Permanent Easements

- Held by federal government
- The landowner retains ownership of the land
- No public access required
- **Permanent easements are paid 100% of what a permanent easement is valued**
- **Federal government pays for 100% of restoration costs**
- Limited funding available to help with stewardship costs

30 Year Easements

- Held by federal government
- The landowner retains ownership of the land
- No public access required
- **30-year easements are paid 75% of what a permanent easement is valued**
- **Federal government pays for 75% of restoration costs**
- Limited funding available to help with stewardship costs
- Expires after 30 years

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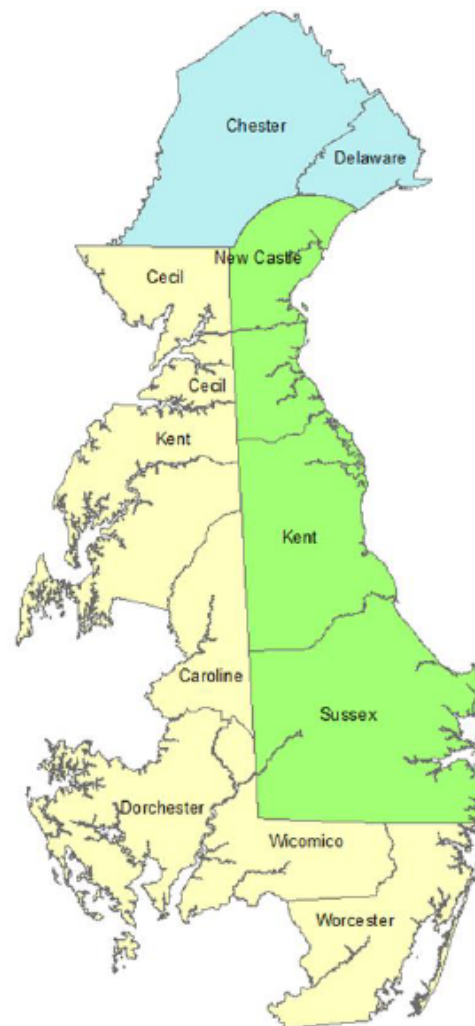
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Delaware Wetland Reserve Easement GARC rates for FY 2024

Date Process Reviewed with State Technical Committee	Date Certified by STC
10/25/2023	10/25/2023

- Area Wide Market Analysis (AWMA) rates adjusted by Geographic Area Rate Cap (GARC) apply to typical cropland or woodland properties.
- Delaware Appraisal Option used for properties under or over AWMA acreage limitations or for properties with special characteristics not covered by the AWMA.
 - Percent of established GARC that is applied to the appraisal to establish the compensation amount – 95% of fair market value (FMV)
 - Not to exceed (NTE) \$13,800 per acre
- AWMA acreage limitations:
 Cropped/ cleared land - NCC 10-130 acres; Kent 10-130 acres; Sussex 10-350 acres
 Woodland - NCC 10-80 acres; Kent 10-225 acres; Sussex 10-275 acres

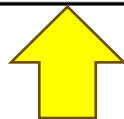
	Market Value - \$ per acre*	95% GARC - Adjusted Value
New Castle County		
Typical Cropland w/ hydric soils	\$ 11,300.00	\$ 10,735.00
Typical Woodland w/ hydric soils	\$ 9,700.00	\$ 9,215.00
Kent County		
Typical Cropland w/ hydric soils	\$ 11,000.00	\$ 10,450.00
Typical Woodland w/ hydric soils	\$ 5,300.00	\$ 5,035.00
Sussex County		
Typical Cropland w/ hydric soils	\$ 13,800.00	\$ 13,110.00
Typical Woodland w/ hydric soils	\$ 9,350.00	\$ 8,882.50



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*as determined by average values in AWMA



Looking ahead – Goals of WRE Program

- Currently, we are trying to expand the WRE program!
- WRE does not require public access!
- NRCS pays for the easement and restoration costs and some stewardship.
- May be opportunity to use WRE to protect land restored by other entities.
- If WRE isn't a good fit for the property, other USDA programs may be available for wildlife enhancement and other practices!

Questions?



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Emily
Palmer,
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Coordinator

Wetland Restoration Easement (WRE) Program in Delaware: Stewardship

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WRE Process- 2 Main Phases



- 1. Enrollment in Program**
- 2. Restoration of Wetland**

Restoring a Wetland



Legend

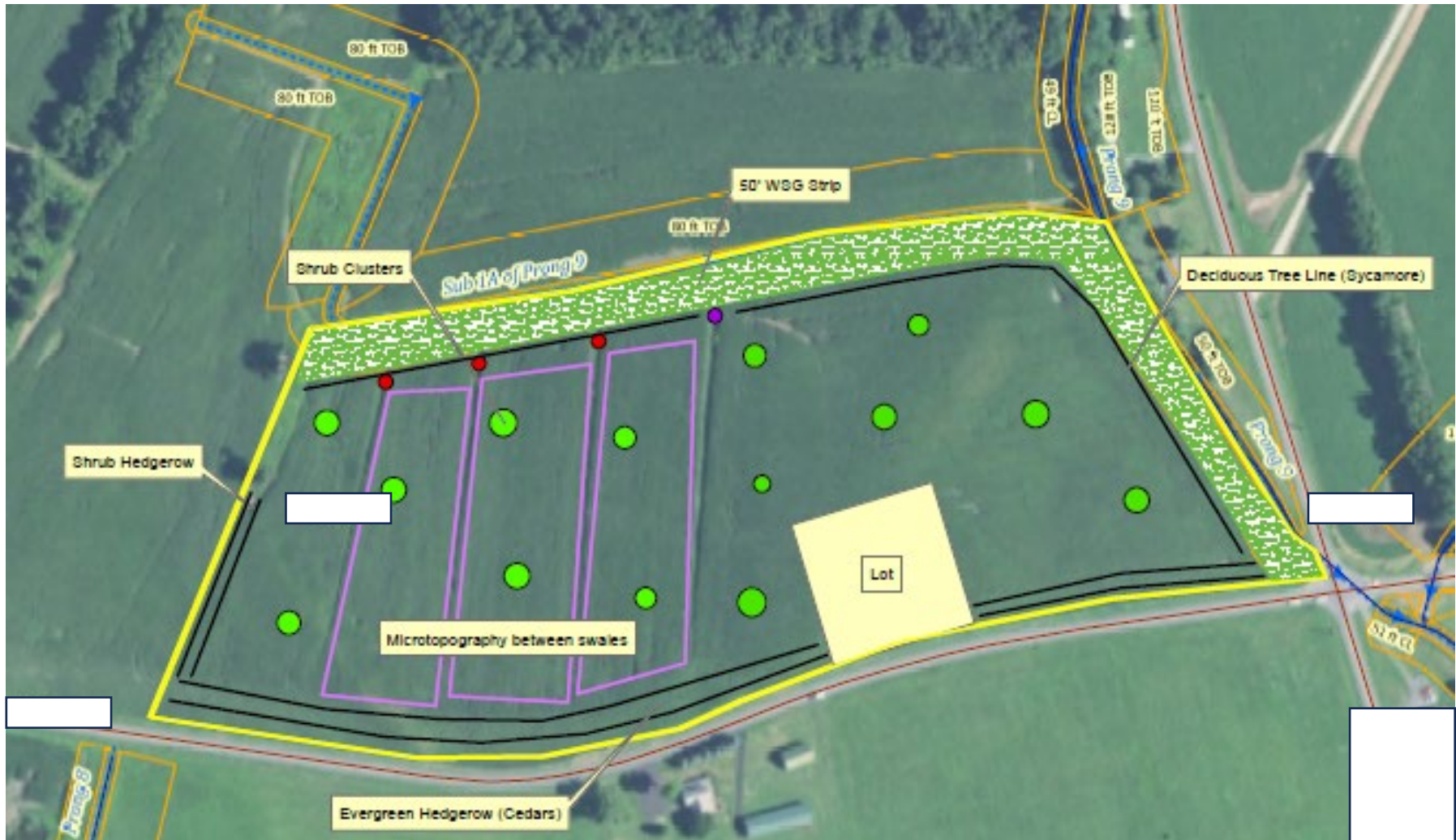
- TAX DITCH hydro_l_de
- roads_l_statewide
- HayfieldRd

Ditch- NOT tax ditch

Proposed Ditch Plug

0 90 180 360 Feet





Restoring a Wetland



Water Control Structures



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Restoring a Wetland



Ditch Plugs

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Restoring a Wetland

Shallow Water Areas



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Restoring a Wetland

Vegetative Plantings



Rights the Landowner Keeps

- **Quiet Enjoyment**
 - Hunting, hiking, birdwatching, fishing
 - Non-permanent deer stands less than 80 square feet and 8 feet in height
 - Tree harvest for personal firewood
- **Right to control access**
 - Must allow us to complete monitoring



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Prohibited Actions

- **Development of land**
- **Building or road construction**
- **Cropping, grazing, or haying**
- **Timber harvest**
 - Some selective thinnings may be permitted for wildlife habitat purposes
- **Altering vegetation without permission**
- **Dumping**
- **Activities that degrade wildlife habitat or wetland functions**



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Stewardship

- **Annual Monitoring**
 - Each year:
 - Offsite monitoring



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- **Onsite monitoring (once every 5 yrs)**
 - Visit site, check on structures, discuss any landowner concerns



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Stewardship

- **Compatible Use Authorizations**
 - **Granted for 10 years at a time**
 - **Simple process**
 - **Food plots (up to 5%), dirt trails, control of noxious & invasive species**



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Stewardship

- **Food Plot – up to 5% of acreage**



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Stewardship

- **Financial Contracts**
 - Funding is available to repair structures
 - Funding may also be granted for control of invasive & noxious weeds
 - Phragmites
 - Typically up to 3 years



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So I think I want to apply...

- **Look over these documents:**
 - WRE Landowner's Guide brochure
 - Warranty Easement Deed template
- **Submit the application:**
 - NRCS CPA-1200
- **We will be in touch!**



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Contact Us

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Thank You! Any Questions?



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