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December 23, 2011

KANSAS BULLETIN NO. KS300-12-21

SUBJECT: LTP—Wetlands Reserve Program Land Ownership and Land Eligibility

Purpose. To provide information regarding land ownership and land eligibility for the Wetlands Reserve Program (WRP)

Expiration Date. September 30, 2013

In order for the WRP to be successful, the Natural Resources Conservation Service (NRCS) needs to develop a large pool of eligible applicants to maximize project selection opportunities. An efficient system for reviewing applications is necessary to ensure this result.

Both land ownership and land eligibility are requirements for WRP participation.

Applicants must have owned the land for at least seven years prior to application to be eligible to enroll land in a permanent or 30-year easement in the WRP. NRCS may waive the seven-year ownership requirement if any of the following three criteria apply.

1. The land was acquired by will or succession as a result of the death of the previous landowner.
2. The ownership change occurred due to foreclosure on the land and immediately before the foreclosure the owner of the land exercises a right of redemption from the mortgage holder in accordance with State law.
3. The landowner provides adequate assurances that the land was not acquired for the express purpose of enrolling it in WRP.

If an applicant has not owned the land for the requisite time period, the NRCS field office (FO) must notify the applicant that the application will be determined ineligible unless a waiver request is submitted with documentation that one of the three waiver criteria applies to their circumstance. It is the landowners' responsibility to provide sufficient documentation that the land was not purchased specifically for enrollment into WRP. Vital information would be size of tract, acres being enrolled in WRP, how long they have been farming the land, and any other information that would help support the waiver request. If an application is submitted without a waiver request letter the State Office will notify the landowner that the application is ineligible.

The district conservationist or supervisory district conservationist shall forward, through normal channels, to the assistant state conservationist for water resources (ASTC-WR) any applicant waiver request and documentation with the application packet.

The 2008 Farm Bill made some changes for lands considered eligible for WRP. The Easement Programs Team will make the actual land eligibility determination. However, FO staff should be aware of the types of lands that are considered eligible for WRP as they work with producers in submitting applications.

(more)

DIST: A, F, S, Thurlow

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Lands considered eligible for WRP include:

- Wetlands farmed under natural conditions
- Farmed wetlands
- Prior converted cropland
- Commenced conversion wetlands
- Farmed wetland pastures
- Lands substantially altered by flooding so as to develop 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
- A riparian area along streams or other waterways that links or, after restoring the riparian area, will link wetlands which are protected by an easement or other device or circumstance that achieves the same objectives as an easement
- Land meeting eligible wetland criteria and the land is currently enrolled in the Conservation Reserve Program (CRP) – upon closing of the easement, the Farm Service Agency will terminate or modify CRP contract as appropriate

In addition to eligible lands, NRCS may enroll adjacent lands as identified below:

- Land adjacent to the eligible land that would contribute significantly to wetland functions and values, such as buffer areas, wetland creations, non-cropped natural wetlands, and restored wetlands, but no more than the State Conservationist determines is necessary for such contribution (refer to [Bulletin KS300-11-4](#) for eligible land to adjacent land ratios)

FOs are encouraged to initiate WRP applications that meet the land ownership and land eligibility criteria listed above. To efficiently review submitted applications, a [WRP Application Questionnaire](#) will be completed by the landowner at the time of the application. The questionnaire will be submitted as part of the application packet.

Contact: Jeffrey L. Gross, Assistant State Conservationist for Water Resources, at 785-823-4550, jeff.gross@ks.usda.gov, or Lynn E. Thurlow, Soil Conservationist, at 785-823-4548 or lynn.thurlow@ks.usda.gov

(Signed) GAYE L. BENFER, ACTING FOR

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State Conservationist