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KANSAS BULLETIN NO. KS300-12-23

SUBJECT: LTP—Kansas Easement Acquisition and Restoration

Purpose. To provide clarification on roles and responsibilities of the state office easement acquisition and restoration team

Expiration Date. September 30, 2013

In 2007, a decision was made by the Kansas Natural Resources Conservation Service (NRCS) management team to create an easement acquisition and restoration team at the state office level. This team was created for the purpose of removing workload from the field and area office staff, and increasing consistency and timeliness of easement acquisition and restoration. For the most part, these goals are being met. However, Kansas NRCS still does not meet NRCS national policy and procedure requiring that easement restoration begin within 12 months of closing and that all restoration is completed within 3 years. This was most recently identified as an issue as part of the national Oversight and Evaluation (O&E) review conducted in Kansas.

We continue to improve upon the easement acquisition and restoration process utilized by the team. The most recent modification to the team's process will require the team to complete an eligibility determination on the property as the first step. When the land is determined eligible, an engineering survey of the property will be completed by the easement team. Upon completion of the engineering survey, a site visit will be scheduled with the landowner and interested parties to develop a proposed restoration plan for the easement area. This site visit will be the opportunity for the landowner; field, area, state, and partnership staffs to provide input to the easement team for potential inclusion in the restoration plan. When the draft engineering plans are completed utilizing input from all individuals present at the site visit, they will be posted to the SharePoint site, and a phone or in-person visit will be scheduled by the team with the landowner and appropriate field and area staff to review the plan. We believe this new process will greatly improve the process of restoration planning and design.

To ensure this process proceeds in a timely manner, the following guidance is to be followed:

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DIST: A, F, S, Thurlow

1. A wetland determination completed as part of the eligibility process is not appealable except by the landowner. This is consistent with regular Kansas wetland determination policy. NRCS staff is to support the call made in the field by the soil scientist assisting the easement team.
2. Field, area, state, and partnership staffs who wish to have input into the restoration process must participate in the site visit scheduled and conducted by the easement team with the landowner. NRCS staff who do not participate at this time forfeit their opportunity to have input into the restoration design.
3. Once the preliminary design is complete and the review is completed with the field and area staff along with the landowner, those individuals involved in the initial site visit may recommend minimal changes to the design based solely upon concerns related to deviation from NRCS technical standards, impacts on neighboring landowners, errors and omissions in the plans, or possible design concerns related to federal, state, and local permitting issues.
4. Any comments received regarding proposed re-design of the wetland restoration after the on-site planning visit may or may not be utilized in the design at the sole discretion of the easement team. All comments or recommendations submitted must include justification supporting the proposed changes.
5. The state office easement team has final decision authority on the planned design of the wetland restoration.

Kansas has a large backlog of designs ready for contracting that were completed before this new process was implemented. However, we continue to receive substantial requests for redesign based upon field, area, and partnership input after the established review period. To expedite completion of these restorations, field and area staff are requested to limit comments on these designs to only issues that may impact neighboring landowners, potential issues relating to permit requirements, or concerns relating to deviations from NRCS standards and specifications. Comments submitted must be received during the established review period and must include documentation supporting the change requested. The easement team will accept and review these comments for possible inclusion in the design. However, it is at the sole discretion of the team to decide whether to incorporate these recommendations.

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(Signed)

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