Under the Agriculture Conservation Easement Program (ACEP), Indian Tribes and tribal members can voluntarily restore, enhance, and protect wetlands on their property by enrolling their land into a Wetland Reserve Contract.

The Natural Resources Conservation Service (NRCS) is looking for sites where former wetlands have been drained, altered, or manipulated for **agricultural production**. The landowner must be interested in restoring the wetland and then protecting the site. Also of interest are lands that have had wetland restoration actions previously conducted.
Enrollment Options

30-Year Contracts for Indian Lands: USDA pays up to 75 percent of the land value and up to 75 percent of the restoration costs.

Reservation of Grazing Rights: For a reduction in contract value, landowners can choose to reserve a portion of their grazing rights. A site-specific grazing plan will be developed to benefit wildlife habitat and wetland functions and values that follow the NRCS prescribed grazing management guidelines. The contract will be recorded stating that the landowner will be assured the right to graze at least 75% of the available Animal Unit Months (AUMs) on the enrolled acres in normal years. An NRCS specialist will calculate AUMs during preliminary field visits. See your local NRCS field office for more details.

General Land Eligibility Criteria

Eligibility for the Wetland Reserve Contract will be determined by a team of NRCS employees during an initial site visit. Examples of eligible land are included below:

- Wetlands cleared and/or drained for farming, pasture, or timber production.
- Meadows drained to facilitate haying or grazing.
- Drained or farmed potholes.
- Lands adjacent to restorable wetlands that contribute significantly to wetland functions and values.
- Previously restored wetlands.
- Existing or restorable riparian habitat corridors that connect protected wetlands.
- Lands substantially altered by flooding where there is a likelihood of successful wetland restoration at a reasonable cost.
- Riparian areas that link existing protected wetlands.

Contract Compensation Value

Wetland Reserve Contract values are determined by using an Area Wide Market Analysis (AWMA) and corresponding Geographical Area Rate Caps (GARCs).* This method enables NRCS to inform potential applicants of the compensation value early in the Wetland Reserve Contract process. It is important to note that the GARCs will always be less than the fair market value of the land as determined by the AWMA. GARCs will be less than the fair market value because the landowner still retains certain rights, including controlling access, subsurface mineral rights, recreational rights, and title. Contact your local NRCS field office for more information regarding compensation.

*For fiscal year 2016, individual appraisals will be used instead of GARCs to determine contract value.
Frequently Asked Questions

How do I apply for a Wetland Reserve Contract?
You can complete a conservation program application, which can be obtained from your local field office. Prior to applying, it is recommended that you talk to your local NRCS field office to schedule an onsite visit to determine program eligibility.

Once I apply, do I have to go through with the contract? What if I change my mind?
You are not considered enrolled into a Wetland Reserve Contract until you sign the “Contract for 30-year Land Use”. You may withdraw your application at any time prior to that without penalty. After you sign the “Contract for 30-year Land Use,” you will be officially enrolled. Before signing the contract, you should have a firm understanding of the boundaries, the planned restoration activities, and the contents of the contract.

Do I have to enroll all my land in the Wetland Reserve Contract?
No, you do not have to enroll all of your land (or parcel) in the contract. The contract boundary will be determined by your conservation goals and how well the contract meets the goals of the program. The size of the boundary is contingent upon how many restorable acres are present. The boundary will be discussed during a preliminary visit with NRCS.

Can I prevent people from trespassing or accessing the wetland project on my property?
Yes, you reserve the right to prevent the general public from trespassing or accessing the wetland project on your property.

Can I lease areas enrolled in the contract for hunting or fishing?
Yes, you reserve the right to lease your land for hunting and fishing. Hunting and fishing are considered “undeveloped” recreation activities. Temporary structures, such as tree stands and duck blinds, are permitted within the enrolled acres. In order to install a permanent structure for the purposes of hunting, you will need to secure permission from NRCS prior to installation. Permanent structures of this nature will be determined on a case-by-case basis and are not guaranteed.

Can I use areas enrolled in the contract for developed recreation?
While you reserve the right to lease your land for undeveloped recreation, you cannot use the contract area for developed recreation. Examples of developed recreation include, but are not limited to, camping facilities; recreational vehicle trails and tracks; sporting clay operations; skeet shooting operations; firearm range operations; and the infrastructure to raise, stock, or release captive raised waterfowl, game birds, or other wildlife for hunting or fishing.

Can I graze within the Wetland Reserve Contract area?
Unlimited grazing within the contract area is not guaranteed nor should it be expected. Limited grazing is allowed only through a compatible use authorization request approved by the NRCS state conservationist. Grazing will only be allowed to improve or enhance wetland quality and wildlife habitat.

Can I plant or harvest any crop on the Wetland Reserve Contract area?
No, planting or harvesting of any crop is prohibited in a Wetland Reserve Contract. Food plots may be planted to improve wildlife habitat through a compatible use authorization.

Can I hay or mow the Wetland Reserve Contract area?
Haying or mowing is not guaranteed nor should it be expected. It is only allowed through a compatible use authorization request approved by the NRCS state conservationist. Management activities will only be allowed in order to improve or enhance wetland quality and wildlife habitat.
**Frequently Asked Questions**

**Can I build a house or other structure on the Wetland Reserve Contract area?**
No, building or placing structures on, under, or over the Wetland Reserve Contract area is prohibited. Temporary structures for recreational use (i.e. hunting) are allowed.

**Do I lose the water rights associated with the Wetland Reserve Contract area?**
Generally, NRCS will encumber all or a portion of existing water rights necessary for the desired wetland functions and values. Water rights will be discussed during the planning process.

**Do I have a say in what restoration actions will occur on my property?**
Yes, you will work closely with NRCS throughout the Wetland Reserve Contract process. This includes participating in the design of the wetland restoration project. The restoration project must fit the goals of the program and the goals of the landowner. If a mutually agreed restoration plan cannot be developed, the program application will be cancelled.

After the contract is completed and the wetland restoration is completed, what are my responsibilities as a landowner?
Once the planned restoration activities are completed, the landowner is responsible for maintenance of the contract area. This would include activities such as controlling noxious weeds and maintaining structures (fences, water control, etc.)

**How do I get more information on Wetland Reserve Contracts?**
More information is available on the Montana NRCS Web site. Visit your local NRCS field office for more specific information on Wetland Reserve Contracts. You can access a field office directory online at www.nrcs.usda.gov/wps/portal/nrcs/main/mt/contact/local/.

Helping People Help the Land