

Wetlands Reserve Program FY 2013 GEORGIA



PURPOSE

The Wetlands Reserve Program (WRP) is a voluntary program that assists landowners in restoring, protecting, and enhancing wetlands on eligible private or tribal lands while maximizing wildlife habitat benefits. The emphasis of WRP is to protect, restore, and enhance functions and values of wetland ecosystems on privately owned lands to attain habitat for migratory birds and other wetland-dependent wildlife, and protection and improvement of water quality. Agricultural production ceases from lands enrolled in WRP, but WRP lands are usually marginal agricultural lands poorly suited for efficient agricultural productions.

514.12-GA.1 - PRODUCER ELIGIBILITY

Landowners who can provide clear title on privately owned lands and proof that the has been owned for at least 7 years (or proof of adequate assurances the land was not acquired for the purpose of enrolling in WRP) are eligible to participate in WRP. There is no national minimum or maximum limitation on the amount of land that may be offered for the program; NRCS-Georgia has a 10-acre minimum of hydric soils for enrollment in WRP.

514.14-GA.1 – LAND ELIGIBILITY

In general, land may be considered *eligible land* if NRCS, in consultation with the US Fish and Wildlife Service (FWS), determines that:

1. The land maximizes wildlife benefits and wetland functions and values
2. The likelihood of successful restoration merit inclusion in the program
3. Such land is a farmed wetland or converted wetland together with the adjacent land that is functionally dependent on the wetlands,
 - i. Prior converted croplands; farmed wetlands; commerce conversion wetlands; farmed wetland pasture; wetlands farmed under natural conditions; lands substantially altered by flooding
 - ii. Former or degraded wetlands that occur on lands that have been used or are currently being used for production of food and fiber, including rangeland, hayland, pasture, forestland, where the hydrology has been significantly degraded or modified but can be restored
4. **Other Eligible Lands**
 - i. Riparian Areas along streams or other waterways MUST provide a link between wetlands protected by an easement or other protection for same purpose; otherwise they are ineligible.
 - ii. Wetlands restored under a local, state, or federal program
 - iii. Adjacent Lands that will contribute significantly to the wetland functions and values or the practical administration of the enrolled areas.
 1. Upland buffers
 2. Restored non-agriculture wetlands
 3. Artificial wetlands
 4. Non-cropped natural wetlands

- iv. Hydric soil inclusions and atypical situations
- 5. **Ineligible lands** are lands that
 - i. Are not restorable
 - ii. Were converted after December 23, 1985
 - iii. Contain timber stands or pasture established under a CRP contract
 - iv. Are already protected
 - v. Without rights of access
 - vi. Enrolled in other USDA easement programs
 - vii. Are deed restricted
 - viii. Are contaminated with hazardous materials.

Two examples of a “typical” WRP site:

1. A predominately level, low-lying area of cropland/farmed wetland/converted wetland that has been ditched or otherwise drained.
2. A degraded forested wetland, with structures (earthen dams, roads, culverts, etc.), that impede flow across the landscape.

The wetlands are required to have hydric soils; adjacent uplands (non-hydric soil) may be included to protect the integrity of the restored wetland, and may have a variety of upland soil types. Under WRP, the wetland to upland buffer ratio can be as high as 1:1.

514.11-GA.1 APPLICATION PROCESS

Applications for WRP are under a continuous sign-up, with applications accepted by NRCS at any time. NRCS sets up a ranking cutoff date/application evaluation date for each fiscal year. The cutoff date for applications for FY 2013 funding is **04/30/2013**. Applications after that date will automatically be deferred to the next funding cycle.

Landowners must fill out a CPA-1200, Conservation Program Application to begin the process. There is a 3-page Application Checklist and a Notification to the Landowner document that must be signed by the NRCS representative and the landowner before application will be accepted at the State Office. All information must be included for an application to be considered for funding. Application packages are due to the State Office by *May 10, 2013*.

514.31-GA.1 WRP Enrollment Options

1. **Permanent Easement.** Under this option, the United States is acquiring a permanent conservation easement on the property. For more information on the restrictions imposed by the easement, refer to the WRP Warranty Easement Deed (LTP – 30.) Payments shall not exceed 100% of the Geographic Area Rate Cap (GARC) set each year. USDA will provide all administrative costs associated with the easement acquisition process.
2. **30-year Easement.** Under this option, the United States is acquiring a 30-year conservation easement on the property. For more information on the restrictions imposed by the easement, refer to the WRP Warranty Easement Deed (LTP – 30 – 30 – years.) Payments shall not exceed 75% of the Geographic Area Rate Cap (GARC) set each

year. USDA will provide all administrative costs associated with the easement acquisition process.

3. **Restoration cost-share agreement.** Cost-share agreements will be the length of time to complete scheduled restoration practices plus 10 years. There is no easement agreement. Federal cost-share shall not exceed 50 percent of total actual costs of restoration. Participants will be paid upon certification of the completion of the approved practice(s) by NRCS or an approved third party. Payments may not exceed \$50,000 per year.

514.21-GA.1 – EVALUATING APPLICATIONS

Applications will be ranked based on the following criteria:

1. Ability to meet all pre-selection criteria, and require no processing of waivers
2. Environmental factors
 - a. Restoration Need
 - b. Percent hydrology restorable
 - c. Target hydrologic regime
 - d. Proximity to other protected areas
 - e. Recovery of rare flora and fauna
 - f. Amount of buffer area offered
3. Cost Factors
 - a. Easement Cost
 - b. Enrollment Duration
 - c. Restoration cost
 - d. Operation and maintenance

514.40-46.-GA.1 – RESTORATION

At the time of initial application, NRCS will fill out the Proposed Restoration Checklist for Ranking, with landowner acknowledgement. After applications are ranked, selected for funding, and NRCS has made an offer, NRCS will begin the Preliminary Restoration Plan. The Preliminary plan will specify the manner in which the enrolled land shall be restored, protected, enhanced, maintained, and managed to accomplish the goals of the program. It will ensure cost-effective restoration and maximization of wildlife benefits and wetland functions and values. The Plan will address the on-site alterations and the off-site watershed conditions that impact the hydrology. Restoration should begin within one year of easement recording and should be completed within three years of easement recording.

At a minimum, the plan will include an aerial photograph, associated maps, practices required, classification of Wetlands and Deepwater habitats of the US system, and identification of other adjoining lands needed to ensure optimum restoration of the wetland complex. These plans will be due in a timely manner in order to obligate funds for the restoration plan during the same fiscal year as the easement, in order to follow program policy.

Some typical practices that may be used in the Preliminary Restoration Plan include:

657 - Wetland Restoration
659 - Wetland Enhancement
612 - Tree/Shrub Establishment
490 – Tree/Shrub Preparation
595 - Pest Management

647 - Early Successional Habitat
338 - Prescribed Burning
644 - Wetland Wildlife Habitat Mgmt
472 - Fence
666 - Forest Stand Improvement

Restoration plans will be written in Toolkit, entitled Preliminary Wetland Restoration Plan of Operations (WRPO) and Final WRPO, respectively. The final plan will be updated from the preliminary plan after the easement has closed. For fund obligation, a CPA-1202, Conservation Program Contract, will be used to obligate funds for all WRP restoration activities. This will reference the AD-1155, Schedule of Operations. Blank, fill able versions of these documents are available on the internal NRCS SharePoint.

514.63-GA.1 – Prohibited and Non-compatible uses

Each application for a conservation easement will have recorded a LTP-30 WRP warranty easement deed, once the closing process occurs. The warranty easement deed will subordinate all other claims to the property, including mortgages.

Prohibited activities include:

1. haying, mowing, or seed harvesting for any reason
2. altering of grassland, woodland, wildlife habitat or other natural features by burning, digging, plowing, disking, cutting or otherwise destroying the vegetative cover
3. dumping refuse, wastes, sewage, or other debris
4. harvesting wood products
5. draining, dredging, channeling, filling, leveling, pumping, diking, impounding, or related activities, as well as altering or tampering with water control structures or devices
6. diverting or causing or permitting the diversion of surface or underground water into, within, or out of the easement area by any means
7. building, placing, or allowing to be placed structures on, under, or over the easement area, except for structures for undeveloped recreational use;
8. planting or harvesting any crop
9. grazing or allowing livestock on the easement area
10. disturbing or interfering with the nesting or brood-rearing activities of wildlife including migratory birds
11. Use of the easement area for developed recreation. These uses 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, and release captive raised waterfowl, game birds and other wildlife for hunting or fishing

12. any activities which adversely impact or degrade wildlife cover or other habitat benefits, water quality benefits, or other wetland functions and values of the easement area; and
13. any activities to be carried out on the Landowner's land that is immediately adjacent to, and functionally related to, the land that is subject to the easement if such activities will alter, degrade, or otherwise diminish the functional value of the eligible land.

Compatible Uses by the Landowner

WRP lands can be used for compatible economic and recreational uses. On easements, Compatible Use Authorizations (CUAs) are required any time a landowner is affecting the hydrology or vegetation of the project area. In addition, CUAs must not adversely affect habitat for migratory birds, at-risk species, and threatened or endangered species. Only activities that further both the long-term protection and enhancement of the wetland and other natural values of the project area may be authorized as compatible uses through the CUA process identified below.

The types of practices, components, activities or measures that are allowed through the compatible use process may include but are not limited to—

1. Installation and maintenance of acceptable structures (514.62D).
2. Timber harvest, for the specific purpose of protecting and enhancing optimum wildlife habitat and wetland functions and values, especially for migratory birds and at-risk species.
3. Haying or mowing under certain conditions (514.62E).
4. Grazing to establish or maintain wildlife habitat or wetland functions and values (514.62F).
5. Wildlife food plots under certain conditions (514.62G).
6. Managing water levels. NRCS will provide management guidelines to persons receiving CUA to manage water levels. Manipulating water levels outside of the compatible use process is prohibited.
7. Applying pest management activities.
8. Managing for carbon sequestration.
9. Maintenance of existing access roads (NOT NEW CONSTRUCTION)

In Georgia, a typical CUA consists of approval of upland pine thinning, wildlife openings, access road maintenance, firebreak construction, and burning for enhancement of wildlife habitat in the buffer of the wetland. NRCS will set strict guidelines on Basal Area and burning regime on these types of CUA's in accordance with NRCS practice standards.

For more information on Compatible Use, please refer to NRCS-Georgia Compatible Use Policy.

514.64-GA.1 – RESERVED RIGHTS

Under the LTP-30 WRP Warranty Easement Deed, the landowner retains certain rights. These include:

1. Title, to include transfer of ownership
2. Quiet enjoyment
3. Control of access to the public
 - a. Participant retains rights to prevent trespass and control access by the public
4. Recreational uses
 - a. Includes hunting, fishing, bird watching, and the leasing of such rights for economic gain (with some restrictions)
5. Subsurface resources
 - a. Mineral rights are subordinated or Remoteness test is performed
 - b. Participants retain rights for subsurface extraction as long as activity has only a temporary disturbance to the surface of the soil and disturbance is mitigated
6. Water uses and water rights

514.66-GA.1 - Monitoring

It is necessary from a practical and legal standpoint to enforce easements and rental contracts effectively and to detect violations. To prevent violations, and encourage proper participation, NRCS will monitor WRP easements and restoration agreements. Annually, NRCS will monitor with aerial photography to ensure the integrity of the easement or restoration agreement. Additionally, a site visit to verify easement terms and practice implementation/maintenance is required every third year after closing. Any suspected violations should be immediately reported to the State Office, who will contact the National WRP Manager.

For more information, please refer to the WRP Manual, Part 514 of the General Manual, or contact Sharon Holbrooks, Easement Specialist, at sharon.holbrooks@ga.usda.gov or 706-546-2203.

For information about wetland mitigation and WRP, refer to WRP Manual 514.69.