



February 29, 2016

**IOWA INSTRUCTION 440-389 THIRD EDITION – WETLANDS RESERVE EASEMENT (WRE)
APPLICATION AND APPLICATION FOLDER
DEVELOPMENT FOR IOWA**

IA389.0 PURPOSE

To distribute Agricultural Conservation Easement Program (ACEP) – Wetlands Reserve Easement (WRE) permanent easement application file development instructions based upon items required when an application folder is submitted to the Easement Programs Team (EPT) office.

IA389.1 SCOPE

These instructions should be followed when assembling an application folder for a new WRE permanent easement. These instructions do not apply to an application for a WRE 30-year easement, 30-year contract, or Emergency Watershed Protection Program Floodplain Easement (EWPP-FPE) application.

IA389.2 FILING INSTRUCTIONS

This Iowa Instruction will be posted on the Iowa NRCS Employee Website, which can be accessed at <http://www.ia.nrcs.usda.gov/intranet/> under the Iowa NRCS eDirectives System section.

IA389.3 EXHIBITS

See the attachment.

/s/

Kurt Simon
State Conservationist

Attachment

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(IA Instruction 440 – 389 Third Edition – February 2016)

**IOWA INSTRUCTION 440-389 THIRD EDITION – WETLANDS RESERVE EASEMENT (WRE)
APPLICATION AND APPLICATION FOLDER DEVELOPMENT FOR IOWA**

1. PURPOSE:

This Iowa Instruction provides the steps to be followed when assembling an application folder for a new WRE permanent easement. Please note that the information that goes in each cover has been rearranged. The Third Edition also updates to the new program name of Agricultural Conservation Easement Program (ACEP) – Wetlands Reserve Easements (WRE).

2. EXPLANATION:

This Iowa Instruction must be followed to ensure consistent development of WRE applications and putting together the 6-part folder.

Approved By: /s/

Date: February 29, 2016

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IOWA INSTRUCTION 440-389 THIRD EDITION – WETLANDS RESERVE EASEMENT (WRE) APPLICATION AND APPLICATION FOLDER DEVELOPMENT FOR IOWA

The WRE 6-Part Folder Checklist (Attachment A) shows all items needed to submit a complete application folder to the NRCS Easement Programs Team. Area Easement Specialists (AES) will create a folder for the NRCS field office and save an electronic copy of the 6-part folder to the statewide shared drive for the NRCS State Office. The electronic folders are set up the same as the hard copy folders. Documents required will be individually scanned and saved using the naming convention – document name_LO lastname. All required items are indicated with a small star (*).

For NRCS partners working on applications, some items can only be completed with NRCS assistance or coordination.

COVER 1

Hazardous Materials Field Inspection Checklist

This three (3) page document will reflect a field visit and inspection as a prerequisite for completion of the form. The field inspection checklist covers field conditions visual inspection of the site and nearby conditions, herbicide and pesticide treatments, spills of pollution, past uses, visual documentation of easements or right of ways (ROW), land uses and contamination records if known.

Answer each question as indicated. The hazardous materials field inspection checklist asks if this site should be recommended to move forward and has a certification box. It is preferred that this be certified by an NRCS employee.

Hazardous Materials Landowner Interview

This nine (9) page document will reflect an interview with the applicant landowner and/or tenant. The landowner interview checklist verifies the landowners' awareness of property uses, hazardous materials and substances on site, water and wastewater issues, compliance and permits, and other potential environmental concerns.

Answer each question as indicated. The hazardous materials landowner interview must be signed by the landowner interviewee and the technical interviewer; it is preferred that this be an NRCS employee.

NRCS-CPA-1200 Conservation Program Application

The application form is a three (3) page document that will provide ownership and contact information. It must be signed and dated by at least one of the person(s) that owns the land. The type of ownership shown on the form should match what is reflected on the ownership records (i.e.: Deed). CPA-1200 form dated 02/2014 or more current must be signed by landowner by the application cutoff date set by the Assistant State Conservationist-Programs.

A Data Universal Number System (DUNS) number and current registration in System for Award Management (SAM) applies to entities (such as partnerships, LLC, corporations, Trusts, Estates, etc.) which do business using an Employer Identification Number (EIN) instead of a Social Security Number (SSN). Non-NRCS partners working on applications will need to coordinate with NRCS if a DUNS number and current registration in SAM is needed.

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Ranking Criteria

Complete the most current version of the WRE ranking worksheets. The ranking must be signed by both a representative of the NRCS and the landowner. Other items acquired, prepared, and assembled for an application site will provide answers to the questions posed on the ranking.

Landowner Offer

All WRE applicants must be given the opportunity to offer a reduction in the land value payment than what the NRCS would otherwise offer. This opportunity is documented on the Landowner Offer and Signature Form.

The Iowa Ranking Worksheets will give extra points if the applicant agrees to take a five (5) percent reduction in their land value payment.

Landowner Owner Disclosure Form

This disclosure form is a series of yes or no questions that will assist NRCS and the landowner to disclose any potential ownership, access or other issues. This should be completed when the applicant signs the application.

Professional Biological Threatened/Endangered (T/E) Recommendation

If ranking points are being taken for federal or state T/E species, a letter, email, or spreadsheet confirming wetland T/E habitat presence (or restoration potential) on a site by site basis. An Iowa Department of Natural Resources (IDNR) professional biologist must provide their recommendation for state listed species and a Fish and Wildlife Service (FWS) professional biologist must provide their recommendation for federally listed species.

Related Easement Documents

If the land is owned by an individual or an individual and his/her spouse, there are generally no other related documents needed. However, if the land is not individually owned, the list in Attachment B shows what ownership documents are needed.

Additional documents may be necessary to prove landowner has legal access to the easement application when an individual owns the proposed easement area but access to the land is on property owned by somebody else. A copy of the deed of the legal access and/or previously recorded access agreement will be needed.

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Copy of Deed(s)

Copies of title documents, where the current landowner took possession from a third party, must be included for the proposed easement. This could be a Deed, Warranty Deed, Corporate Deed, or Court Officer's Deed. A Quit Claim Deed is not sufficient; we must have the deed prior to the quit claim. If land is being sold on contract, provide a copy of the Real Estate Contract and Contract Seller's Deed. See Attachment B for a list of needed ownership documents. These documents can be obtained from the Recorder in the county where the land is physically located. The landowner will need to take a trip to the Auditor's office with the section, township, and range information to obtain a book and page number or document number, which is then taken to the Recorder to obtain photocopies.

- The Recorder usually charges a small fee for each copy.
- The Farm Service Agency (FSA) office maintains copies of some title documents when land is enrolled into the Conservation Reserve Program (CRP). FSA may, or may not, be able to share these documents. The landowner may also be able to provide copies.
- Some documents may be obtained online from Iowa Land Records:
<http://www.iowalandrecords.org/portal/>. You must register but there is no charge for use of the site or establishing a user account.

COVER 2

6-Part Folder Checklist

This is a one (1) page fillable form that lists all items needed for a WRE file (Attachment A). All items with a star must be included with an application file. Other items are added and "checked off" as work proceeds, assuming the site is actually selected for enrollment. Enter the name of the landowner(s) as it appears on the FSA Producer Subsidiary Print in the upper right corner of the form.

IA-CPA-15 Assistance Notes

The assistance notes for an application should include entries regarding discussions and meetings with the applicant, as well as any pertinent information that is important to the site. Include general correspondence that may be of use to the State Office staff during their review of the folder.

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Letter Certifying Eligibility

An NRCS examiner must certify, in a letter or memo addressed to the NRCS State Conservationist, that the land and the landowner have been evaluated for all applicable eligibility requirements. This certification is signed and dated by NRCS. The letter certifies the site is eligible for enrollment listing the specific manual references for land eligibility and the acres eligible under that reference.

Land eligibility for a permanent WRE easement can be met several different ways. Several different scenarios, including wet cropland, fens, T/E species habitat, riparian areas, and other situations may allow land to be eligible. Waivers may also be granted under special conditions.

The definition of eligible land is acreage that is hydric based on the NRCS Hydric Soils List, have USDA certified crop history, are by definition degraded (because they are cropped), and are restorable. Non-cropped natural areas meet eligibility if they have been degraded by man-made hydrologic alterations such as tile installation, construction of drainage ditches, drainage tubes, or levee construction. There must be the opportunity to negate or undo these alterations otherwise the land is not eligible.

Non-NRCS partners determining eligibility may need to communicate with NRCS if it is not clear that the site meets the basic requirements stated above.

AGI and HEL/WC Compliance – USDA Producer Subsidiary Print

A current FSA Producer Subsidiary Print is required for all persons/entities (and members of entities if SCIMS Tax ID type is "EIN") that are shown on the CCC-901 or CCC-902 for the application year. Documentation and tracking USDA conservation program eligibility is the responsibility of the FSA. Non-NRCS partners working on applications will need to coordinate with NRCS for obtaining copies of a Subsidiary Print since access to the database is restricted.

The three (3) items that must be certified at FSA are: AD-1026 (HEL/WC), Adjusted Gross Income (AGI), and Conservation Compliance – Farm/Tract.

Persons who are not currently compliant are not eligible for WRE and should be instructed to see their local FSA office to complete whatever forms are necessary to become eligible for "USDA Conservation Program" participation.

FSA Producer Farm Data Report

This is an FSA printout that shows operator names, owner names, farm numbers, and tract numbers associated with a particular producer. It also shows the total acreage of farmland, cropland, and CRP contract acreage for all farms and tracts associated with that person.

CCC-901 or CCC-902 Entity Form Showing Members

This is an FSA form that shows the names and percentage of interest of all members of an entity. NRCS will need this to verify ownership eligibility and percent ownership for entry in the National Easement Staging Tool (NEST). Entity landowners will need to go to FSA to validate that information. Entities that are members of entities will also need a DUNS number and an active SAM registration.

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COVER 3

Location Maps

All 6-part folders need to have a county map with the location of the proposed easement identified and a township map with the site identified, also with the landowner's name. County Iowa Department of Transportation (IDOT) maps are available for free at:
<http://www.iowadot.gov/maps/misp/pdfview/counties.html>.

Preliminary Restoration Plan Map

A preliminary restoration plan map will need to be created. Non-NRCS partners working on applications will need to coordinate completion of this item with the local NRCS staff. Restoration planning will involve input from the current landowner.

Easement Boundary Maps

These maps may be prepared in Toolkit or any other suitable Geographical Information System (GIS) or mapping program. Clearly delineate the proposed easement boundary and the proposed access route. Maps need to be to a scale of 1" = 660' (a/k/a: 8" = 1 mile, a/k/a: 1:7,920) or a multiple thereof (4" = 1 mile or 1:15,840). Include section lines and section numbers. These maps need to be reproducible in black and white and are used to verify ownership from the ownership deeds. Therefore, section lines and numbers need to be present and visible.

Drainage District Plat Maps

Include plat map of drainage district main, lateral, ditches, levees, etc. which affect the easement application.

Other Encumbrance Maps

Include maps of where all other encumbrances are known from #11 on the Landowner Disclosure Form. Examples of these are existing and proposed infrastructure easements such as electric transmission lines, pipelines, roads, wind lease/easement, trails, railroad, and other right of ways (ROWs), etc.

Iowa NRCS Plant Community Query with Selected Targets

Native vegetative plant communities suitable for restoration on any given site will be determined by running a query. The Access Database used for this query is located here:
http://www.nrcs.usda.gov/wps/portal/nrcs/detail/ia/technical/ecoscience/bio/?cid=nrcs142p2_008160. The query tool will ask you to enter the soil texture, drainage class, and parent material for the major soil types on the tract that will be used for planning the restoration. Print out the resulting report(s). Mark on the report(s) which of the plant communities will be selected as the target. It is likely that more than one (1) report will be necessary and the proposed easement area will have more than one (1) target community due to differences in soil properties over the farm. The various target communities will then be used for making the restoration plan map.

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Soils Map

A soils map showing the soil map unit labels and map unit boundaries can be developed in several different ways. It can be created by making a photocopy from the county soil survey manuscript, by using the county SoilView CD, generated out of Toolkit, or by going to the Web Soil Survey located here: <http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>. Outline the proposed easement area in a manner that would allow the map to be readable if scanned in black and white or faxed.

Hydric Soils List (eFOTG) and Map Unit Descriptions

Hydric soils lists for every Iowa county are found here: http://efotg.sc.egov.usda.gov/efotg_locator.aspx?map=IA. Go to Section II of the eFOTG. Select Soils Information. Pick the appropriate Soil Survey Area (county). Selecting Soils Tables will then allow a Hydric Soils .pdf to be viewed and printed. Map Unit Descriptions must be generated in a report.

Parcel Maps from Beacon Website (optional)

The Beacon Schneidercorp website is an excellent source of information related to land ownership, parcel numbers, and parcel boundaries. It also includes references to book/page numbers for ownership documents. Unfortunately, only about half of the counties in Iowa participate with Beacon. The website link is: <http://beacon.schneidercorp.com/>.

Use the Beacon map to find the proposed easement area. The section lines, quarter section lines, parcel boundaries, and other tools provide excellent information. Maps can be printed from this website.

Official FSA Tract Map

The FSA tract map is an aerial image based representation of farm and/or tract boundaries, farm number, tract number(s), field boundaries, field acres, CRP contract boundaries, and other pertinent information. Cropland acreage figures used for ranking purposes should correspond to FSA's acreage figures as shown on this map.

COVER 4

Preliminary Restoration with Signatures

A preliminary restoration plan may be created using the NRCS planning program called "USDA Customer Service Toolkit." Non-NRCS partners working on applications will need to coordinate completion of this item with the local NRCS staff. Refer to Iowa WRE Instructions 440-388.

Toolkit Plan

This plan will need to be done using the NRCS planning program called "USDA Customer Service Toolkit." Non-NRCS partners working on applications will need to coordinate completion of this item with the local NRCS staff. Refer to Iowa WRE Instructions 440-388.

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Land Use Information Worksheet

Timber or woodland is any acreage within the proposed easement that has a preponderance of trees. This includes timber-like non-cropland areas that may have seasonal standing water.

Pasture is acreage within the proposed easement that is not timber or cropland (row-crop) and is instead pasture and has grass or other herbaceous cover. This also includes pasture-like non-cropland areas that may have seasonal standing water.

Total cropland (with crop history) acreage should correspond to FSA figures. Total acres in the proposed easement should be the same number as shown on all other documents to reflect the estimated total acreage of the proposed easement. The numbers on this worksheet should match the numbers shown on the ranking worksheets.

Existing and Expired CRP Contract(s)

Provide a copy of official signed CRP Contracts (CRP-1) including map and seeding list. Provide all existing active, cancelled, and expired CRP contracts. Land established to trees under a CRP contract may be eligible for a waiver from the State Conservationist.

FSA-156EZ

This form provides detailed information specific to each individual tract of land that is entered in FSA's database. It can be obtained at the same time as the Producer Farm Data Report.

IA-CPA-52 Environmental Evaluation/Effects Worksheet

Items to complete this environmental evaluation process are available at <http://www.nrcs.usda.gov/wps/portal/nrcs/main/ia/technical/cp/>. Only trained NRCS personnel can complete this process. NRCS line officer must sign as the responsible official. Partners working on applications will need to coordinate completion of this item with the NRCS.

Cultural Resources Documentation/Flowchart

Items to complete cultural resource review and documentation are available at <http://www.nrcs.usda.gov/wps/portal/nrcs/main/ia/technical/ecoscience/cultural/>. Only trained NRCS personnel can complete this process. Partners working on applications will need to coordinate completion of this item with the NRCS.

COVER 5 and 6

These covers are reserved for financial and post agreement documents.

**IOWA INSTRUCTION 440-389 THIRD EDITION – WETLANDS RESERVE EASEMENT (WRE)
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ATTACHMENT A

**ACEP-WRE and EWP-FPE
6-Part Folder Checklist**

National Database No. _____ Name _____

* Starred items are required when application is submitted to the EPT office.

COVER 1

_____	NRCS-CPA-152 Transfer Agreement (if/when applicable)	
_____	AD-1154 Long-Term Agreement, Special Provisions, General Provisions	
_____	Title Certificate	
_____	Final Certificate of Inspection and Possession	Date Easement Recorded _____
_____	Warranty Easement Deed	
_____	Subordination Agreement / Limited Lien Waiver	AGI Compliant Check _____
_____	Certificate of Use and Consent	
_____	Title Commitment	
_____	Amended Option Agreement to Purchase	
_____	Agreement to Purchase a Conservation Easement	
_____	Hazardous Materials Field Inspection Checklist & Hazardous Materials Landowner Interview	
_____	Prelim Cert of Inspection & Possession (w/ Exhibit A map identifying access and Hazardous Substance Checklist)	
_____	AAI (All appropriate inquiries) – Environmental Database Search & Preliminary Title Search (?)	
_____	NRCS-CPA-1200 Conservation Program Application (WRE only) / AD-1153 Application for Contracted Assistance (EWP only)	
_____	Ranking Criteria	
_____	Landowner offer (if ranking points awarded)	
_____	Landowner Disclosure Worksheet	
_____	Professional Biological T/E recommendation (if ranking points awarded)	
_____	Damage Estimate/Worksheets (EWP only)	
_____	Related Easement Docs (Powers; Corp. Officers; Bylaws; Trust docs; assignable, recorded access easement; etc.)	
_____	Copy of Deed(s) (and Land Contract, if applicable)	Date of most Recent Deed _____

COVER 2

_____	6-Part Folder Checklist	_____	NRCS Acceptance Letter
_____	IA-CPA-15 Conservation Assistance Notes	_____	Waiver request(s)
_____	General correspondence (Reverse chronologically)	_____	Letter certifying eligibility
_____	Closing instructions	_____	AGI and HEL/NC compliance for all landowners (WRP only) –
_____	Closing agent accepts	_____	USDA Producer Subsidiary Print
_____	Ordered closing services	_____	FSA Producer Farm Data Report
_____	Closing agent information	_____	CCC-902 of 901 Entity form showing members

COVER 3 **COVER 4**

_____	Location maps (County and Township plat)	_____	Restoration package (designs/engineering/job sheets)
_____	Final restoration plan map with legend (and mod maps)	_____	Final WRPO with Signatures
_____	Monitoring photo points map	_____	Preliminary WRPO with signatures
_____	Preliminary restoration plan map (Toolkit)	_____	Soils / CSR Information Worksheet
_____	2 Easement boundary maps (see NOTE below)	_____	Existing and Expired CRP contract(s) (CRP-1)
_____	Drainage District Plat Maps	_____	FSA 156EZ (for crop acres verification)
_____	Other Encumbrance Maps (ie. electric, pipeline, road, rows, wind easements, etc.)	_____	IA-CPA-52 Environmental Evaluation/Effects Worksheet
_____	Iowa NRCS Plant Community Query with Selected Targets	_____	Cultural Resources Documentation / Flowchart
_____	Soils map	_____	
_____	Hydric soils list (eFOTG) and map unit descriptions	_____	
_____	Parcel map(s) from Beacon website (optional)	_____	
_____	Official FSA tract map	_____	

COVER 5 **COVER 6**

_____	Obligation forms	_____	Purchase Orders and Mods to Purchase Orders
_____	Copy of land survey	_____	Assignment(s) of Payment
_____	Monitoring Checklist and Status Review	_____	1199a Direct Deposit Form
_____	Compatible Use Agreements with attachments	_____	AD-1161 App for Payment (with bills, receipts)
_____	Slides / photographs (i.e.: before and after)	_____	Post Survey Documentation and Survey Order

NOTE: Easement Boundary maps must be 1" = 660' scale, showing section lines and section number(s) in center of section; maps should be reproducible in black and white.

2/11/2016

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ATTACHMENT B

Types of Owners and Documentation Needed

Owners using an EIN are required to have a DUNS number and an active SAM registration

In addition to the most current deed(s) to the property and any access property, provide:

Individual – marital status and spouse's name.

Corporation – file-stamped copy of Articles of Incorporation, copy of Bylaws, corporate resolution authorizing sale of easement, and current Biennial Report (as filed with the Secretary of State). If landowner is an Iowa Corporation, get the listing of officers on the Secretary of State's web site, so don't have to ask for Biennial Report. This will also show whether the corporation is active or not. If not an Iowa Corporation will need a Certificate of Good Standing from their Secretary of State.

Limited Liability Company or Limited Company (LLC or LC) – file-stamped copy of Articles of Organization, copy of Operating Agreement, list of members and managers, and a printout from Secretary of State's web site showing that the status of the LLC is active.

Partnership – copy of Partnership Agreement.

Limited Partnership (LP) – file-stamped copy of Certificate of Limited Partnership, Partnership Agreement, and any amended certificates, current list of partners.

Limited Liability Partnership (LLP) – copy of Partnership Agreement, if any.

Trust – copy of document establishing trust. If a testamentary trust, also need copy of letter of appointment of Trustee. If inter vivos trust and they do not want to turn over a copy of their trust, we will accept a Trustee's Affidavit, which they can get from their attorney.

Conservatorship – copy of document establishing conservatorship and copy of letter of appointment of Conservator.

Estate – copy of Will, letter of appointment of Executor, and list of heirs. Also need Court Officer Deed, if applicable. Estate's using an EIN will be required to have a DUNS number and an active SAM registration.

Contract Sale – copy of Seller's deed and copy of the real estate contract.

Power of Attorney (POA) – Must be notarized and give attorney-in-fact the authority to convey real property and must be recorded. Farm Bill Program POA is not substantial enough for the easement acquisition.