

**Agricultural Conservation Easements Program - Wetland Reserve Easements  
(ACEP-WRE)  
Landowner Pre-application Screening Tool**

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| <b>Name:</b> _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                |
| <b>Address:</b> _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                |
| <b>City, State Zip:</b> _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                |
| <b>County:</b> _____ <b>Phone #:</b> _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                |
| <b>Assisted by (NRCS employee/partner):</b> _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                |
| <b>This form is to be completed by the landowner(s).</b><br>Landowner Eligibility: To be eligible for enrollment in the Agricultural Conservation Easements Program - Wetland Reserve Easements (ACEP-WRE), the offered acres must be owned by a person, legal entity, or Indian Tribe. Publicly owned lands including federal, state and local units of government are not eligible to participate in ACEP-WRE. A recorded copy of your property deed <u>must</u> be submitted with your application.<br>(Circle One)                                                                                                                                                                            |                                                                                                                                                                                                                |
| <b>1.</b> Is the property being offered privately owned or owned by an Indian Tribe?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>Yes.</b> Proceed to next section.<br><br><b>No.</b> Application is ineligible for ACEP-WRE.                                                                                                                 |
| In order to enroll in ACEP-WRE, the applicant must provide clear title to the land being offered. NRCS will conduct a preliminary title search and any unacceptable encumbrances revealed will need to be cleared before an application will be considered. Some encumbrances may be addressed during the easement acquisition process. The landowner may need to provide consents or subordination agreements.<br><br>To enroll in ACEP-WRE, the applicant must be in compliance with the Highly Erodible Land and Wetland Conservation Provisions of the Food Security Act, as amended, and must also be in compliance with Adjusted Gross Income Provisions of the 2014 Farm Bill, as amended. |                                                                                                                                                                                                                |
| <b>2.</b> Does everyone on the deed (plus spouses not listed on the deed) have eligibility information complete and current with the Farm Service Agency (FSA)? (FSA records must match names on the application and the deed.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>Yes.</b> Proceed to next section.<br><br><b>No.</b> Contact local FSA to complete Forms AD-1026, CCC-941 and CCC-901 (entities) to determine Farm Bill Compliance. When completed, proceed to next section. |
| To be eligible for a ACEP-WRE easement, the applicant must have owned the land for a period of 24 months prior to enrollment. A recorded copy of your property deed <u>must</u> be submitted with your application.                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                |
| <b>3.</b> Have you owned the land for a minimum of 24 months?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>Yes.</b> Provide NRCS a copy of deed showing proof of ownership. Skip Box 4. Proceed to next section.<br><b>No.</b> Proceed to Box 4.                                                                       |

4. If you have not owned the land for at least 24 months, you are not eligible to proceed with an application at this time. You may request a waiver under one of these three conditions:
- a) The land was acquired by will or succession as a result of the death of the previous landowner; or
  - b) Ownership change occurred due to foreclosure and the owner of the land immediately before foreclosure exercised a right of redemption in accordance with Michigan Law; or
  - c) The landowner provides adequate assurances that the land was not acquired for the express purpose of enrolling in ACEP-WRE.

All waiver requests must be submitted in writing with supporting documentation to the State Conservationist. All other eligibility requirements must be met before requesting a waiver.

The purpose of ACEP-WRE is to restore,\* protect and enhance\* wetlands on eligible private or Tribal lands while maximizing wildlife habitat benefits. These activities will help to attain habitat for migratory birds and other wetland-dependent wildlife, including threatened and endangered species and species of concern, protect and improve water quality, reduce flooding, recharge groundwater, protect and enhance open space, protect native flora and fauna, and contribute to education and scientific study.

\*Note: According to the ACEP-WRE Manual (CPM 514.41 a-c), 70% of easement must be restored to natural/native communities (in accordance with NRCS Standard 657 Wetland Restoration) and no more than 30% of the easement may be restored to an "other"/alternative native community type (in accordance with NRCS Standard 659 Wetland Enhancement). See your local District Conservationist for more information.

5. Does everyone on the deed agree to enrolling the land in ACEP-WRE?

**Yes.** Proceed to Box 6.

**No.** Application is ineligible for ACEP-WRE.

6. Does everyone on the deed understand the intent of ACEP-WRE?

**Yes.** Proceed to next section.

**No.** See your local District Conservationist.

When a ACEP-WRE easement is placed on the land, the landowner retains only those rights specifically reserved to them in the easement deed, which are listed below:

**Reserved Rights:**

**Title.** Record titles, along with the Landowner's right to convey, transfer, and otherwise alienate title to these reserved rights.

**Quiet Enjoyment.** The right of quiet enjoyment of the rights reserved on the easement area.

**Control of Access.** The right to prevent trespass and control access by the general public, subject to the operation of State and Federal law.

**Recreation Uses.** The right to undeveloped and recreation uses, including hunting and fishing, and including leasing of such rights for economic gain, pursuant to applicable State and Federal regulations that may be in effect at the time.

**Subsurface Resources.** The right to oil, gas, minerals, and geothermal resources underlying the easement area, provided that any drilling or mining activities are to be located outside the boundaries of the easement area, unless activities within the boundaries are specified in accordance with the terms and conditions determined by the Natural Resources Conservation Service (NRCS).

These activities are specifically prohibited on the easement unless authorized by NRCS through a compatible use authorization.

**Prohibitions:**

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 or placing buildings or structures on the easement area including the placement of **permanent hunting blinds (as determined by NRCS)**;
8. planting or harvesting any crop;
9. grazing or allowing livestock on the easement area; and
10. disturbing or interfering with the nesting or brood-rearing activities of migratory birds.

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| <p><b>7.</b> Have you read and do you understand the provisions listed above?</p>                                                                                                                                                                                                                                                                                                                                  | <p>_____</p> <p><b>Yes.</b> Initial and proceed to Box 8.</p> <p><b>No.</b> See your local District Conservationist.</p>  |
| <p><b>8. For 30-year Easements only:</b> State and Federal laws consider most wetlands restored under ACEP-WRE to be regulated wetlands even after the terms and conditions of the easement have expired. Do you understand that after the easement or restoration agreement has expired, a State and/or Federal permit may be required to alter the site in any way? <i>Contact DEQ for more information.</i></p> | <p>_____</p> <p><b>Yes.</b> Initial and proceed to Box 9.</p> <p><b>No.</b> See your local District Conservationist.</p>  |
| <p><b>9.</b> Do you understand that a transfer tax fee assessed by the State of Michigan will be required to be paid in full by the landowner before easement compensation is made? <i>Contact your County Clerk for more information on transfer tax fees.</i></p>                                                                                                                                                | <p>_____</p> <p><b>Yes.</b> Initial and proceed to Box 10.</p> <p><b>No.</b> See your local District Conservationist.</p> |

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| <p><b>10.</b> Do you understand that compensation for easements will be based on a qualified appraisal, Geographic Area Rate Cap (GARC) or landowner offer (whichever is less)?</p>                                                          | <p>_____</p> <p><b>Yes.</b> Initial and proceed to Box 11.</p> <p><b>No.</b> See your local District Conservationist.</p>                                                                                                    |
| <p><b>11.</b> Do you understand that, if the offered area is selected for enrollment, any refuse, waste, debris, and structures on the offered area must be removed before an Agreement for Purchase of Conservation Easement is signed?</p> | <p>_____</p> <p><b>Yes.</b> Initial and proceed to Box 12.</p> <p><b>No.</b> Application is ineligible for ACEP-WRE.</p>                                                                                                     |
| <p><b>12.</b> Are there any known potential environmentally hazardous or contaminated sites on the property (dumps, trash piles, above ground or below ground storage tanks, fertilizer/chemical storage or mixing areas, etc.)?</p>         | <p><b>Yes.</b> Provide locations on plan map of any potential environmentally hazardous or contaminated sites on the property. Proceed to Landowner Certification.</p> <p><b>No.</b> Proceed to Landowner Certification.</p> |
| <p><b>Landowner Certification:</b></p> <p>Signature: _____ Date: _____</p>                                                                                                                                                                   |                                                                                                                                                                                                                              |