# South Dakota

**Agricultural Conservation Easement Program (ACEP) – Wetland Reserve Easement (WRE)**

Easement Considerations

The ACEP-WRE is a voluntary program that provides financial and technical assistance primarily for restoring and protecting wetland functions and values while providing long-term conservation for wildlife enhancement and protection.

The ACEP-WRE reduces problems associated with farming potentially difficult areas by retiring marginal land from cropland production.

All rights to crop, graze, hay, or harvest are relinquished by the landowner and acquired by the United States Department of Agriculture (USDA). The USDA may authorize compatible uses as management activities for the benefit of wildlife or wetland functions or values.

For the inclusive list of relinquished rights, see Part III and Exhibit D of the Warranty Easement Deed.

Easement value is based on a Geographic Area Rate Cap (GARC) derived from a market analysis, or landowner offer.

Easement payment and reimbursement of restoration costs is 100 percent for perpetual easements and 75 percent for 30-year easements.

The landowner retains ownership of the land including tax liability; controls access by the general public to the easement; retains liability; and retains rights to undeveloped recreational uses, including hunting and fishing. The landowner is responsible for the control of all noxious weeds with no reimbursement from the government.

No permanent building or other structures may be constructed on the easement area. Any blinds or stands used for hunting or bird watching must be portable and removed following each season of use.

If the property is sold, the easement is transferred with the property.

Enrollment option I am interested in (please check the appropriate option; this does not bind you to this option):

* *Permanent Easement:* The conservation easement is perpetual. The easement payment will be based on a GARC derived from a market analysis, or an amount offered by the landowner. The USDA pays 100 percent of the lesser value. The USDA pays 100 percent of the costs for restoring the wetland to Natural Resources Conservation Service standards and specifications.
* *30-Year Easement:* The easement payment is 75 percent of what would be paid for a permanent easement. The USDA pays 75 percent of the restoration costs.
* *30-Year Tribal Contract:* The easement payment is 75 percent of what would be paid for a permanent easement. The USDA pays 75 percent of the restoration costs.

The USDA pays all reasonable costs associated with recording the easement including recording fees, charges for abstracts, survey fees, closing services, and title insurance.

If the landowner decides not to proceed with the easement after an Agreement to Purchase has been accepted, the landowner may be held accountable for costs incurred for the survey and other expenses.

I have reviewed the Easement Considerations and the Warranty Easement Deed.

Landowner Initials Date