

WRE Land Ownership Requirement and 24-Month Waiver Requests

To: Landowners who have applied for enrollment of land into the Agricultural Conservation Easement Program - Wetlands Reserve Easement (ACEP-WRE), but do not meet the 24-month ownership requirement for eligibility.

The 2014 Farm Bill enacted changes to the landowner eligibility requirements for offering land for enrollment into the WRE. For easement applications, you must have owned the offered land for at least 24 months prior to application.

However, a landowner can seek a waiver from the Chief of NRCS for the ownership requirement. Specifically, if the landowner has owned the land for less than 24 months, and he/she can demonstrate the land was acquired under circumstances that give adequate assurances, as determined by NRCS, that such land was not acquired for the purposes of enrolling it in the program, a waiver may be granted.

- For the waiver to be approved, the landowner must provide adequate assurances that the land was not acquired for the purpose of placing it in WRE. The burden of proof is on the landowner.
- You may also be considered for a waiver if you acquired the land by Will or Succession due to the death of the prior landowner, or if you acquired the land by a right of redemption you may have exercised during a foreclosure action, if applicable.
- If you wish to be considered for a waiver, you must submit a letter to the State Conservationist explaining the circumstances and purposes for acquiring and using the land you wish to enroll, including recent and current land use.
- The letter should include the date of purchase, the reasons for purchasing the land, and why you now want to offer the land into WRE. Other disclosures may include:
 - The circumstances under which you came into possession of the land
 - Past and current land use and crop losses due to flooding
 - Any relevant personal or financial circumstances you have at the time of application
 - Any relevant personal or financial circumstances that caused the previous owner to sell.
- You must meet all other landowner eligibility requirements and have on file with the Farm Services Agency:
 - A landowner profile established in the USDA SCIMS database
 - All (Everyone listed on the deed or entity members) landowners meet the Adjusted Gross Income (AGI) limitation of earning less than \$900,000 to be eligible to receive conservation payments (Form CCC-941, NOTE: Not applicable in FY2014)
 - Highly Erodible Land/Wetland Conservation Certification on file (Form AD-1026)
- The waiver request letter should be addressed to: MATTHEW BROWN, Acting State Conservationist, USDA-NRCS, 273 Locust St., Ste. 2D, Dover, NH 03820, and provided to your WRE Team Leader before your application can be considered for funding.
- We will notify you of the NRCS decision on your waiver request as soon as possible. If you have any questions, please contact Brooke Stubbs at 603-868-9931 ext. 106 or brooke.stubbs@usda.gov .