

Kansas NRCS

Conservation Easements

Annual Newsletter | April 2023 | Issue 1

Message from the Acting State Conservationist

Kansas Natural Resources Conservation Service (NRCS) Conservation Easements

Kansas has several types of conservation easements throughout the State. This annual newsletter will address the Agricultural Conservation Easement Program-Wetland Reserve Easements (ACEP-WRE), specifically managed (or stewarded) by NRCS. ACEP-WRE has replaced the earlier Wetland Reserve Program (WRP), which was implemented from 1994-2014.

Together, WRP and ACEP-WRE represent approximately 30,822 acres of acquired, restored, and managed wetlands throughout Kansas. Our 296 wetland conservation easements are found across the State in 63 different counties. Wetlands are one of nature's most productive and threatened ecosystems. They provide many social and economic benefits (including wildlife habitat, groundwater recharge, floodwater storage, carbon sequestration and pollutant filtration for clean water). The ACEP program has been, and will continue to be, a tremendous success as NRCS continues to assist landowners restore Kansas wetlands.

As a landowner with a WRE or WRP easement on your land, you are key to the success of wetlands ecosystems in Kansas. As a valued land steward, we are providing this newsletter to help navigate the often-confusing language associated with USDA conservation programs. Our hope is to provide you with the means to answer any questions or concerns you have, whenever they may arise.

In this year's issue you will find guiding information on the following topics:

1. **Warranty Easement Deed (WED).**
2. **Compatible Use Authorizations (CUAs) what they are and why they are necessary.**
3. **Annual Easement Monitoring and what that means for you.**
4. **An introduction to the Area Easement Specialist (AES), your local contact for all things related to wetland easements.**

Eric A. Allness
Acting State Conservationist

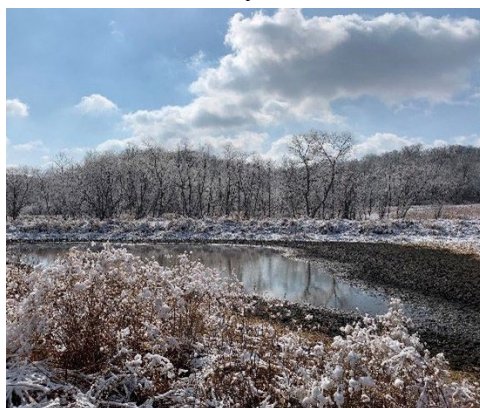


Wetland Reserve Program (WRP) Easement restored in 2005, Neosho County.

Terms of Your Warranty Easement Deed

Most landowners volunteered to enroll their land into a United States Department of Agriculture (USDA) Conservation Easement Program for either 30 years or in perpetuity, while other landowners may have purchased property after a USDA easement had been applied. In either case, the Warranty Easement Deed (WED) on your property is a robust document that secures the USDA's right to manage the easement.

The WED encapsulates important information about the purpose and rights of each party. It also requires the former landowner to provide information about the easement to the buyer.



Wetland Reserve Program (WRP) Easement, Leavenworth County.

As the landowner, you reserve the following rights:

- 1 Ownership with the right to convey or transfer title.
- 2 Right to quiet enjoyment of the property.
- 3 Right to prevent trespass and control access by the general public.
- 4 Right to undeveloped recreational uses that are consistent with the long-term protection and enhancement of the wetland.
- 5 Right to extract subsurface resources if drilling or mining is located outside the easement boundary.
- 6 Right to water uses and water rights as identified in the WED, except for Emergency Watersheds Protection Program Floodplain Easement (EWPP-FPE) deeds, in which water rights are not reserved.

There are numerous activities that are prohibited, and you should be aware of them. Please see page two, Compatible Uses Authorizations (CUA).

To receive a copy of the Warranty Easement Deed for your property, contact your Area Easement Specialist or local Field Office.

Compatible Use Authorizations

What is a Compatible Use Authorization (CUA) and how does it work?

A CUA allows you, the landowner, to manage and maintain your easement property. The CUA is customized to you and your property's needs, then executed by you and NRCS. By initiating a CUA, the expectation is that the landowner has either the resources or access to the resources needed to complete the authorized activity.

If management or maintenance work is needed, and the landowner does not have the funding, contact NRCS for financial assistance. Authorization to conduct the activities listed in the CUA are not permitted until the NRCS Program Manager has approved the document.



Prescribed burn on a Wetland Reserve Program (WRP) easement, Republic County.

CUAs include special instructions for the activity and have limited durations. They can be amended or removed by NRCS when needed if a landowner is not complying with program regulations.

Permitted activities are those determined to protect and enhance the conservation objectives of the easement.

Remember to obtain prior approval to conduct an activity before you start any work.

Common easement management activities in Kansas that may be permitted with a CUA include:

- Prescribed burning.
- Haying, mowing, disking.
- Prescribed grazing.
- Food plots.
- Brush management.
- Selective herbicide use.
- Water level management (may require permits).
- Hunting and observation blinds.
- Dike maintenance.
- Mowed trails.

Activities Requiring a CUA

- Haying and mowing, or seed harvesting.
- Altering natural features via burning, digging, plowing, disking, cutting, or otherwise destroying vegetative cover.
- Diverting surface or groundwater into within or out of the easement.
- Planting or harvesting any crop.
- Harvesting wood or sod products.
- Draining, dredging, channeling, leveling, pumping, diking, impounding, or related activities.
- Tampering with or altering water control structures or devices.
- Specified hunting or observation blinds for undeveloped recreational uses.
- Grazing or allowing livestock on the easement.

Do I have to complete all the activities listed on a CUA?

No. A CUA gives you approval and instructions on how to conduct activities but does not require you to complete all (or any) of the activities.

Please inform your Area Easement Specialist when you have completed a CUA activity.

Do not see an activity listed? Just ask!

Activities Allowed Without a CUA

- Hunting.
- Photography – NRCS would love photos of your easement. If you would like to share, send them to your AES!
- Hiking.
- Bird watching and nature observation.

Prohibited Activities

- Disturbing or interfering with the nesting or brood-rearing activities of wildlife, including migratory birds.
- Any activities carried out on your land immediately adjacent to, and functionally related to the easement if such activities will alter, degrade, or diminish the value of the easement.
- Any activities which adversely impact or degrade wildlife cover or habitat benefits, water quality benefits, or other wetland functions and values of the easement.
- Building, placing, or allowing the placement of structures on, under, or over the easement.
- Parking a recreational vehicle.
- Installing improved trails with gravel, asphalt, or other pavement.
- Altering hydrology.

Easement Monitoring

As the owner of an easement, it is likely you have been contacted by NRCS staff or a contractor requesting to “monitor your easement”. You may wonder what having your easement monitored means.

Easement monitoring is a year-round activity, but NRCS Area Easement Specialist (AES) staff are more likely to complete most site visits between February and July. Here is an overview of the “why” and “how” of easement monitoring:

Why:

NRCS has a responsibility to ensure the terms and conditions of the easement deed are being met and the natural values for which the easement was taken and restored are protected and maintained. To fulfill its responsibility, NRCS

conducts annual and periodic monitoring to verify the condition of its easements. This includes verifying current ownership, and looking at site conditions which can be done utilizing aerial photography (off-site) or in the field (on-site).

How:

For on-site visits, your AES will call you in advance to request you attend. This is your opportunity to get one-on-one time with an easement specialist, ask questions, and share concerns or ideas. However, we understand this is not always feasible, but we will make every effort to accommodate your schedule. While on-site, the AES will look for signs of encroachment on easement boundaries, check vegetation to see what is established, make routine checks for the presence of noxious weeds,



Western meadowlark nest, Rice County.

and make sure the wetlands are functioning as designed. This on-site visit is also a great opportunity to work together to develop a Management Plan for your easement and associated CUA to complete management activities.



Wetland Reserve Program (WRP) Easement, Rooks County

Meet Your Area Easement Specialists (AES)

Kansas NRCS has four administrative areas (see Multi County Management Unit Map on page four). An AES is available for each of these four areas. Their responsibilities include helping applicants through the ACEP process, restoration of newly acquired easements, stewardship, and monitoring of restored easements. If you have not yet talked with your AES, please find some time to say hello!

Area 1 NW Kansas

Dominic Pianalto

Dominic has been in the agriculture business for more than two decades specializing in agronomy. Three years ago, he transitioned his career to NRCS. He is a graduate of Fort Hays State University and an outdoor enthusiast. Dominic is stationed at the Hays NRCS Area Office but spends much of his time in the field with landowners. If you have questions, please first try calling his cell number.

Office: 785-625-2588 ext. 3146

Cell: 785-515-8127

dominic.pianalto@usda.gov

Area 2 SW Kansas

Colton Zink

Colton graduated from Fort Hays State University and continues to pursue a background in natural resource management. Colton has a passion for outdoor pursuits, and when time permits, volunteers as a certified Kansas hunter education instructor. He joined the NRCS AES team in 2021. Colton works in the Hutchinson NRCS Area Office.

Office: 620-663-3501 ext. 3441

Cell: 620-682-3410

colton.zink@usda.gov

Area 3 SE Kansas

Justin Edwards

After graduating with a degree in wildlife management from Lake Superior State University in 2009, Justin began developing a career around conservation management working for State and local non-profit organizations. We are happy he pivoted to NRCS in 2021. Justin works in the Emporia NRCS Area Office.

Office: 620-487-3407

Cell: 620-360-0085

justin.edwards2@usda.gov

Brent Turney

Brent is a lifelong resident of Emporia and graduated from Emporia State University with a Degree in Earth Science. For the past 30 years he has worked for the Kansas Department of Agriculture Division of Water Resources in all things related to water rights and the appropriation of water in the State of Kansas. Brent works in the Emporia NRCS Area Office.

Office: 620-487-3413

Cell: 620-682-3538

brent.turney@usda.gov

Alexander Lyon

Alex has worked for the Kansas Department of Wildlife and Parks for over a decade in various positions, spending the last six years as the Area Wildlife Biologist stationed out of the Emporia NRCS Area Office. He received a bachelor's degree in wildlife biology from Kansas State University and a master's degree in environmental biology from Emporia State University.

Office: 620-487-3414

Cell: 620-450-7202

alex.lyon@usda.gov

Area 4 NE Kansas

Alan Tajchman

Alan is a Kansas native that has settled down in Manhattan. He graduated from Kansas State University with his M.S. degree in 2015 and brings more than a decade of rangeland research and field ecology experience to NRCS. Alan works in the Manhattan NRCS Area Office. His cell phone or email is the best way to reach him.

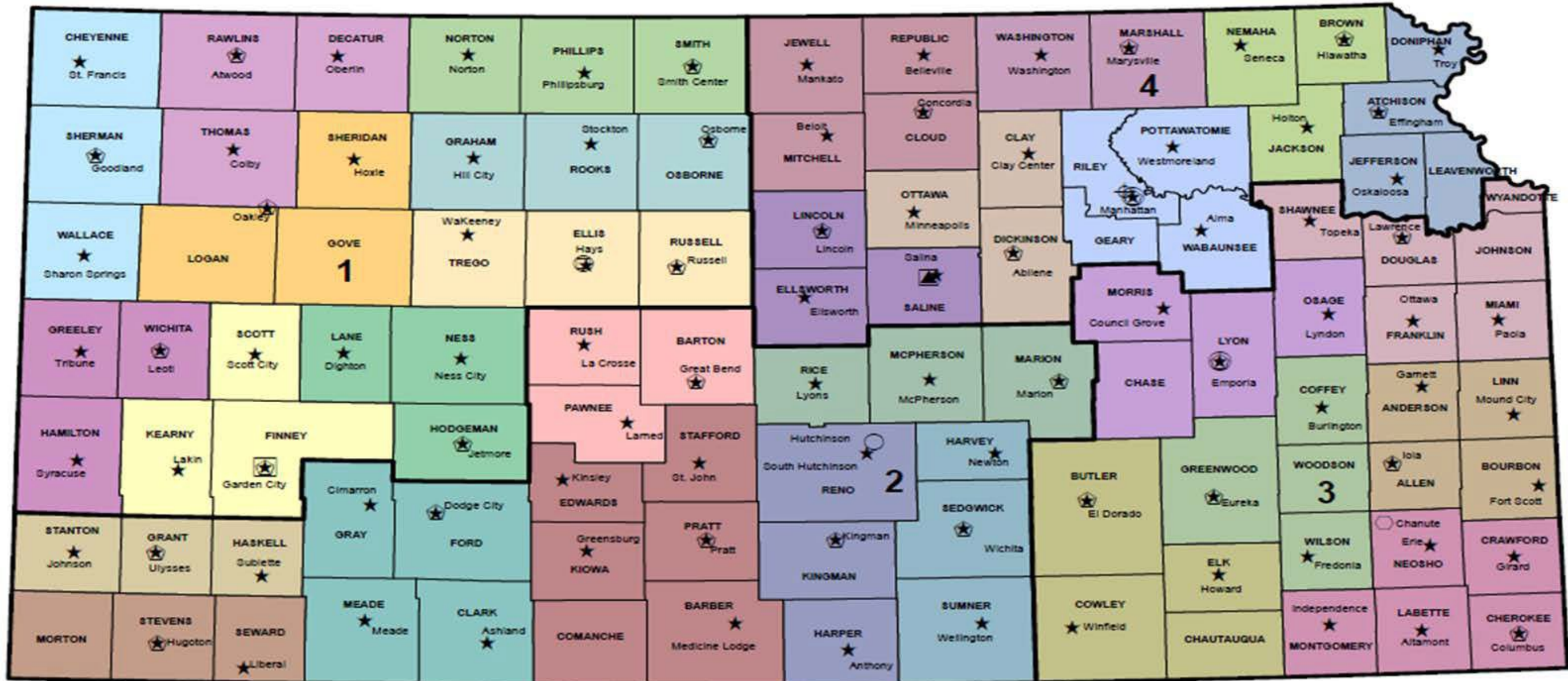
Office: 785-560-3971

Cell: 785-991-1477

alan.tajchman@usda.gov

Kansas

Natural Resources Conservation Service Multi-County Management Units*



NRCS Administrative Area

* Matched colored counties = Management Unit

- ▲ State Office, Salina
- Area Office
- ★ Field Office
- Supervisory District Conservationist Headquarters
- MLRA Soil Survey Office
- Technical Office
- ⊕ Plant Materials Center

Area Office
 Area 1 - Hays Area 2 - Hutchinson
 Area 3 - Emporia Area 4 - Manhattan
 State Office - Salina