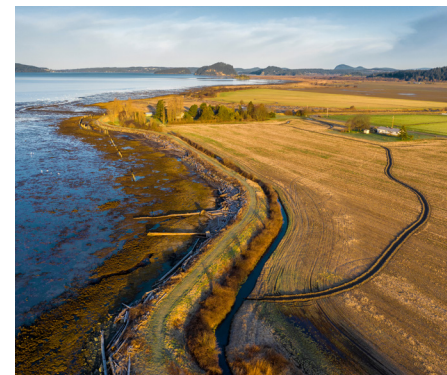




Wetland Reserve Easements

Landowner's Guide





What is WRE ?

Under the Agriculture Conservation Easement Program (**ACEP**), landowners can voluntarily restore, enhance, and protect wetlands on their property by enrolling their land into a Wetland Reserve Easement (**WRE**).

The Natural Resources Conservation Service (**NRCS**) is looking for sites where former wetlands have been drained, altered, or manipulated for agricultural production. The landowner must be interested in restoring the wetland and then protecting the site. Also of interest are lands that have had wetland restoration actions previously conducted, or require minimal restoration efforts to maximize wildlife habitat.

Enrollment Options

Permanent Easement

The most common type of enrollment option is a conservation easement in perpetuity. USDA pays **100%** of the easement value and up to **100%** of the restoration costs.

30-Year Easement

This option expires after 30 years. USDA pays up to **75%** of the easement value and up to **75%** percent of the restoration costs. For both permanent and 30-year easements, USDA pays all costs associated with recording the easement in the local land records office, including recording fees, charges for abstracts, survey and appraisal fees, and title insurance.

30-Year Contracts Indian Lands Easement

USDA pays up to **75%** of the land value and up to **75%** of the restoration costs.

General Landowner Eligibility Criteria

Meet the adjusted gross income limitation and comply with the highly erodible land and wetland conservation provisions.

Demonstrate ownership of the land for the past two years or more for easement applications. Certain exceptions, such as inheritance, may apply.

Have existing water rights adequate for the planned wetlands or be willing to apply for or transfer additional water rights if required for restoration.

Hold clear title to the land or secure a signed subordination agreement from the lien holder.

General Land Eligibility Criteria

Eligibility for the WRE will be determined by a team of NRCS technical specialists during an initial site visit. Examples of eligible land include:

Wetlands cleared and/or drained for farming, pasture, or timber production.

Meadows drained to facilitate haying or grazing

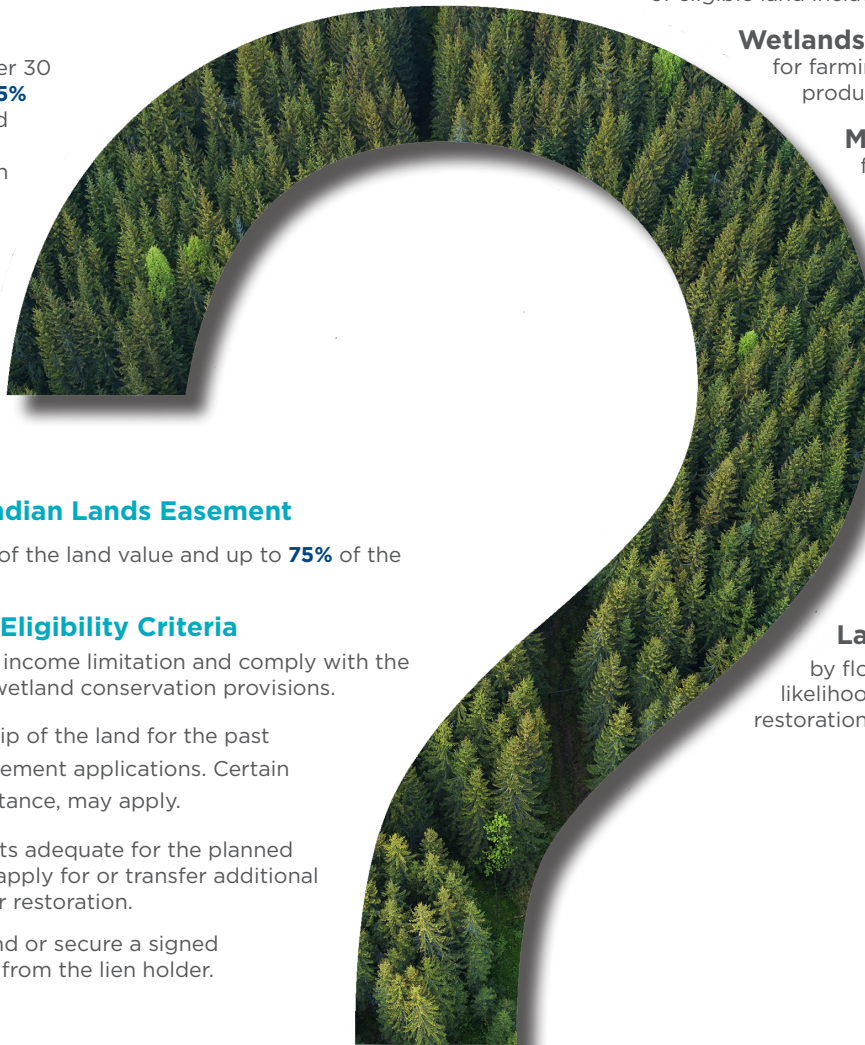
Drained or farmed potholes.

Lands adjacent to restorable wetlands that contribute significantly to wetland functions and values.

Previously restored wetlands.

Existing or restorable riparian habitat corridors that connect protected wetlands.

Lands substantially altered by flooding where there is a likelihood of successful wetland restoration at a reasonable cost.





Easement Compensation Value

WRE conservation easement values are determined by using Uniform Standards of Professional Appraisal (**USPAP**).

The basis for the compensation offer for an easement or 30-year contract enrollment is the **lowest of the following** determination of the fair market value of the land using either of the following:

1. A Uniform Standards for Professional Appraisal Practices (**USPAP**) appraisal.
2. An areawide market analysis (**AWMA**).
3. The geographic area rate cap (**GARC**).
4. An amount voluntarily offered by the landowner

In Washington, GARCs have been set at **\$5,000/acre** without Threatened and Endangered species, and **\$10,000/acre** with Threatened and Endangered Species present. Although NRCS is acquiring a majority of the property rights associated with the land, the landowner still retains certain reserved rights.

GARCs will always be less than the fair market value of the land as determined by the AWMA or appraisal. The compensation amount provided by NRCS for less-than-permanent enrollments, including easements with durations limited by state law, 30-year easements, or 30-year contracts, must not exceed **75%** of the easement compensation value determined for a permanent easement.

Less-than-permanent enrollments may not be of sufficient duration to achieve full restoration, and do not provide permanent protection of the functions and values obtained.

How to get Started

How do I apply for a Wetland Reserve Easement (WRE)?

You complete a Washington NRCS WRE workbook, which can be obtained from your Area Easement Specialist (**AES**). Prior to applying, it is recommended that you talk to your local NRCS AES to schedule an onsite visit to determine program eligibility.

Your local AES can be contacted by emailing **NRCS.WA.Easements@usda.gov** or calling the NRCS-WA State Office: **(509) 323-2900**

Once I apply, do I have to go through with the easement? What if I change my mind?

You are not considered enrolled into the WRE until you sign the Agreement to Purchase a Conservation Easement (**APCE**). You may withdraw your application at any time without penalty prior to signing APCE. After you sign the APCE, you will be officially enrolled in the WRE and, if your application is withdrawn, NRCS may seek cost recovery. Before signing the APCE, you should have a firm understanding of the easement boundaries, the planned restoration activities, and the provisions of the warranty easement deed.

What if my land is owned by an entity and not an individual?

Entities can enroll their property in WRE; however, these entities have to be privately owned. State and federal agencies are not eligible to enroll in WRE. Entities can include a group of landowners (e.g. family members), nonprofit organizations, foundations, or church organizations.

I am a potential new landowner of an existing easement. What should my first step be?

NRCS recommends obtaining and fully reading and understanding the Warranty Easement Deed (**WED**) terms of the property prior to purchase to understand what actions can and cannot be taken.

I am a new landowner of an existing easement. What should my first step be?

NRCS recommends after fully reading and understanding the Warranty Easement Deed (**WED**) terms, that you contact your local AES to review the previous restoration activities and update the wetland restoration plan of operations (**WRPO**) for the property.

How can I obtain more information or a warranty easement deed of the property without being the legal landowner?

Warranty Easement Deeds can be accessed through the local courthouse of the property. NRCS must protect Personally Identifiable Information, however, may release information pertaining to current wetland easements through a **NRCS-CPA-1270 "Consent to Release or Receive Information for NRCS Program Participation"** that is signed by the current landowner. **Otherwise, interested parties can file a Freedom of Information Act request with USDA to obtain such information.**

More Frequently Asked Questions

Do I have to enroll all my land in the WRE?

No, you do not have to enroll all of your land (or parcel) in the WRE. The easement boundary will be determined by your conservation goals and how well the easement meets the goals of the WRE. The size of the easement boundary is contingent upon how many restorable acres are present. Easement size and boundary will be discussed during a preliminary visit with NRCS.

Can I prevent people from trespassing or accessing the WRE easement on my property?

Yes, you reserve the right to prevent the general public from trespassing or accessing the WRE on your property. However, the landowner must be willing and able to grant NRCS or its designee unencumbered, unrestricted, transferable, and otherwise sufficient physical and legal access from an identified Federal, State, or local public right-of-way to the entire enrolled area for the term of the enrollment for restoration, management, maintenance, monitoring, and enforcement purposes.





Can I lease the WRE for hunting or fishing?

Yes, you reserve the right to lease your land for hunting and fishing. Hunting and fishing are considered “undeveloped” recreation activities. Temporary structures, such as tree stands and duck blinds, are permitted within the WRE. In order to install a semi-permanent structure for the purposes of hunting, you will need to secure permission from NRCS prior to installation through a Compatible Use Authorization (CUA).

Can I use the WRE for developed recreation?

While you reserve the right to lease your land for undeveloped recreation, you cannot use the easement area for developed recreation. Examples of developed recreation include, but are not limited to, camping facilities; recreational vehicle trails and tracks; sporting clay operations; skeet shooting operations; firearm range operations; and the infrastructure to raise, stock, or release captive raised waterfowl, game birds, or other wildlife for hunting or fishing.

Can I plant or harvest any crop on the WRE?

No, planting or harvesting of any crop is prohibited on all WREs. Food plots may be planted to improve wildlife habitat through a CUA.

Can I graze within the WRE?

Grazing within a WRE is not guaranteed nor should it be expected. The intent of the wetland easement, as stated in the recorded deed, is for wildlife purposes. Livestock can be appropriate tools to meet the wildlife purposes in specific scenarios. Limited grazing may be allowed only through a compatible use authorization (CUA) request approved by the NRCS State Conservationist. Grazing will only be allowed to improve or enhance wetland quality and wildlife habitat for Threatened and Endangered species or other technically adequate reasons as confirmed by NRCS.

Can I hay or mow the WRE?

Haying or mowing within a WRE is not guaranteed nor should it be expected. The intent of the wetland easement, as stated in the recorded deed, is for wildlife purposes. Haying or mowing can be appropriate tools to meet the wildlife purposes in specific scenarios. Limited haying or mowing may be allowed only through a compatible use authorization (CUA) request approved by the NRCS State Conservationist. Haying or mowing will only be allowed to improve or enhance wetland quality and wildlife habitat.

Can I build a house or other structure on the WRE?

No, building or placing structures on, under, or over the easement area is prohibited. Temporary structures for recreational use (i.e. hunting) are allowed if allowed by NRCS through a CUA.

Do I lose the water rights associated with the WRE?

You reserve the right to water uses and water rights identified as “reserved” to the landowner in the warranty easement deed. Some water rights may have to be encumbered to the warranty easement deed to ensure that the wetland continues to function following restoration. Water rights will be discussed during the planning stages of easement acquisition.

Do I still need to pay taxes on the WRE?

Yes, because you retain the title and ownership of the land that is placed in the WRE, you must pay scheduled taxes.

Do I have a say in what restoration actions will occur on my property?

Yes, you will work closely with NRCS throughout the WRE process although NRCS retains the right to complete restoration as they deem fit since it is a U.S. held easement. This includes participating in the design of the wetland restoration project. The restoration project must fit the goals of the WRE and the goals of the landowner. If a mutually agreed preliminary restoration plan cannot be developed, the program application will be cancelled.

After the WRE is closed and the wetland restoration is completed, what are my responsibilities as a landowner?

Once the planned restoration activities are completed, the landowner is responsible for maintenance of the WRE. This would apply to activities such as controlling noxious weeds, maintaining structures (fences, water control, etc.) and taking emergency measures to control pests as required by State and Federal laws.

How long does it typically take to secure the easement and restore the site?

Securing an easement is a long process, so you should not expect immediate compensation for your WRE. NRCS’s objective is to acquire and record the WRE easement within 2 years of application batching. Restoration must be completed within 3 years of closing the WRE in accordance with Policy.

How do I get more information on the WRE?

More information is available on the NRCS Washington Web site at www.nrcs.usda.gov/programs-initiatives/wre-wetland-reserve-easements/washington/wetland-reserve-easement-washington. Visit with your local NRCS AES for more specific information on WRE.

Scan the QR code with your mobile device to be directed to the WRE webpage. You may also direct any questions or requests for additional information to:

NRCS.WA.Easements@usda.gov
NRCS-WA State Office: (509) 323-2900

