

ACEP-WRE 24-Month Ownership and Waiver Request Information

The Agricultural Conservation Easements Program – Wetlands Reserve Easements (ACEP-WRE) requires that an applicant must have owned the land for at least 24 months prior to application to the program.

If you have owned the land to be offered for enrollment in ACEP-WRE for less than 24 months, you may request a waiver. You should only apply and request a waiver if you can provide adequate assurances, as determined by Natural Resources Conservation Service (NRCS), that:

- (1) The land was acquired by will or succession as a result of the death of the previous landowner;
- (2) The ownership change occurred due to foreclosure on the land, and the owner of the land immediately before the foreclosure exercises a right of redemption from the mortgage holder in accordance with State law; OR
- (3) The land was NOT acquired for the purpose of placing the land in the ACEP-WRE.

This ownership requirement is based on the current legal ownership of the land. Therefore, if there were any changes in the title within the last 24 months, a waiver must be requested and granted by the appropriate NRCS official before you may be determined eligible for ACEP-WRE. The burden of proof in this regard is on the landowner. If the land has been owned less than 24-months from the date of application and no waiver is granted, the application will be determined ineligible. The landowner(s) may submit a new application once they have owned the land for 24 months.

For example, you and your brother owned the land to be offered for enrollment as individuals for 10 years. 18 months ago, you and your brother transferred ownership to an LLC. You and your brother are members of that LLC. This is a change in ownership within the last 24 months; a request for a waiver is required.

For applicants to be considered for a waiver, a letter must be submitted to the State Conservationist. The letter must adequately describe documentation that one of the three above-listed ownership waiver criteria applies. Supporting information could include descriptions of:

- The circumstances of the change in ownership
- The date of purchase or transfer
- The reasons for purchasing the land
- The reasons the current landowner(s) now want to offer the land for enrollment in ACEP-WRE
- The past, current, and intended future land use
- If the land was acquired by will or succession due to death of previous landowner.
- If the land was acquired by right of redemptions exercised during a foreclosure action.
- If the land continues to be owned by people who have been involved with the land for more than 24 months.
- Crop losses due to flooding.
- Any relevant personal or financial circumstances you would like taken into consideration.

All other pertinent eligibility requirements must be met before NRCS will consider waiving the 24-month ownership requirement. The waiver request letter should be addressed to the CO NRCS State

Conservationist with a copy to your local NRCS Field Office and a copy included in the ACEP-WRE application package:

Clinton Evans, State Conservationist
United States Department of Agriculture
Natural Resources Conservation Service
Colorado State Office
Denver Federal Center
PO Box 25426
Denver, CO 80225-0426

Please direct any questions about this waiver process to the Colorado NRCS Easements Coordinator, Heather Foley, at (720) 544-2805 or heather.foley@usda.gov.