



Natural Resources Conservation Service
New Hampshire State Office, 273 Locust Street Suite 2D, Dover NH 03820

Re: Application to the Wetland Reserve Easement component of the Agricultural Conservation Easement Program

Dear Interested Applicant,

Thank you for your interest in the Agricultural Conservation Easement Program – Wetland Reserve Easements (ACEP-WRE). Through ACEP-WRE, NRCS provides funding to acquire an easement on eligible private or Tribal lands to restore and protect our Nation’s important wetland resources. We are glad you are interested in this program, and this letter provides some basic information about ACEP-WRE to assist you through the initial application phase. Additionally, attached to this letter are the standard documents that are used to purchase and convey an ACEP-WRE conservation easement. The terms of the purchase agreement and warranty easement deed documents are required and may not be changed; therefore, we encourage you to review these documents in their entirety to ensure you are interested in continuing with the ACEP-WRE application process.

- A. Agreement for the Purchase of a Conservation Easement. If your application is selected for funding, this is the agreement that will be used to obligate the NRCS funds for the purchase of the easement and to allow NRCS to proceed with incurring costs associated with acquiring the easement. If your application is selected for funding, all of the landowners of record will be required to execute the agreement.
- B. Warranty Easement Deed is the legal document used to grant and convey to the United States an easement, which includes rights of access to the easement area, rights the landowner retains, and easement prohibitions. Changes to the ACEP-WRE “Warranty Easement Deed” are not permitted. The “Warranty Easement Deed” also includes standard exhibits that may be added to describe the particular attributes of the easement, such as the easement boundary survey, access, or water rights. At closing, the ACEP-WRE “Warranty Easement Deed” and any associated exhibits will be recorded with the property deed.
- C. Subordination Agreement and the Limited Lien Waiver is used to subordinate mortgages and obtain limited lien waivers, when applicable, to the United States for the duration of the easement. We recommend that you review this document with your mortgage holder and others who have a security interest in the land during the application phase to ensure their willingness to sign.
- D. Example Landowner Disclosure Worksheet is an interview form that will be used to review land and landowner eligibility criteria with you.

Also attached is a checklist of items needed to process your application. As part of the application process, NRCS must ensure that all of the current landowners of record and the land itself are eligible for the program. Eligibility determinations and payments for ACEP-WRE are based on the most current land ownership documents, not the operators or managers of the land.

Please provide information on the attached list and work with the local NRCS and Farm Service Agency (FSA) office to ensure eligibility records are established for each landowner identified on the most current land ownership documents. There is a 24-month ownership requirement for ACEP-WRE. If anyone on the current ownership document has owned the land for less than 24 months from the date on the ACEP-WRE application, please contact **me** for more information on requesting a waiver to this requirement.

Please be aware that it is the landowner's responsibility to provide clear title and sufficient legal and physical access rights to the proposed easement area. If the proposed easement area is only accessible by crossing a third party's property, you must provide documentation to NRCS that sufficient legal access has been or will be secured across the adjacent property before your application may be selected for funding. For example, an executed access right-of-way or an executed agreement for granting an access right-of-way after survey. If water rights are needed to ensure proper function of the restored wetland area, you must provide proof of ownership of sufficient water rights.

Your application will be maintained in a draft or pending status and will not be processed until all of the required application materials are submitted. You may contact me at any time if you have questions regarding any outstanding items needed to complete your application. If you wish to withdraw your original application and submit a new application, you may do so at any time.

If your application is tentatively selected for funding, NRCS will notify you to provide the current direct deposit information (using the SF-1199A, "Direct Deposit Sign-up Form") for each individual or legal entity identified on the evidence of ownership document.

If your application is selected for funding and enrolled in ACEP-WRE, it is not eligible for any other USDA program payment for the life of the easement.

We look forward to working with you. Please contact **me at 603-868-9931 x 106 or by email at brooke.stubbs@usda.gov** if you have any questions.

Sincerely,

Brooke Stubbs
Resource Conservationist for Easement Programs
Natural Resources Conservation Service

Enclosures

- A. Form NRCS-LTP-31, "Agreement for the Purchase of Conservation Easement"
- B. Form NRCS-LTP-30, "Warranty Easement Deed in Perpetuity"
- C. "ACEP-WRE Subordination Agreement and Limited Lien Waiver"
- D. Landowner Disclosure Worksheet
- E. Landowner Application Checklist

