



Issue 1  
September 2019

# Easement Owner Newsletter

## A Message From Missouri Program Manager Chris Hamilton

The Agricultural Conservation Easement Program - Wetland Reserve Easement (WRE) (formerly the Wetlands Reserve Program and Emergency Wetland Reserve Program) and the Emergency Watershed Protection Program (EWPP) are USDA Natural Resources Conservation Service programs that help landowners restore and protect wetland ecosystems by compensating landowners for these easements.

These programs have been a huge success, with more than 158,000 acres enrolled in Missouri since 1992! Wetlands are one of nature’s most productive ecosystems, providing many benefits including critical habitat for a wide array of wildlife species. They also store floodwaters, clean and recharge groundwater, sequester carbon, trap sediment, and filter pollutants for clean water.

As a landowner with a WRE or an EWPP easement, you are key to the success of your wetland site. We are providing this newsletter to provide you information that will help continue this success. Thanks for all you do!

## Terms of Warranty Easement Deeds

While some of you may have placed your land into a USDA easement program, others of you may have purchased your property after the wetland conservation easement was placed on the property. The easement deed on your property is a robust document that secures the United States’ right to manage the easement.



You are reserved:

1. ownership with the right to convey or transfer title,
2. the right of quiet enjoyment of the property,
3. the right to prevent trespass and control access by the general public,
4. the right of undeveloped recreational uses that are consistent with the long-term protection and enhancement of the wetland,
5. the right to extract subsurface resources provided that drilling or mining is located outside the boundary of the conservation easement, and
6. the right to water uses and water rights as identified in the warranty easement deed, except for EWP-FPE deeds in which water rights are not reserved.

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## Warranty Deeds Cont...

There are numerous activities that are prohibited that you should be aware of. The following activities are prohibited under the easement deed, except those shown in blue which may be authorized by NRCS in a Compatible Use Agreement (CUA). Authorized activities are approved for a limited time, with specifications for the timing and extent of activities:

- \*Haying and mowing, or seed harvesting.
- \*Altering natural features by burning, digging, plowing, disking, cutting or otherwise destroying vegetative cover.
- \*Diverting or causing or permitting the diversion of surface or underground water 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, as well as altering or tampering with water control structures or devices.
- \*Building, placing, or allowing to place structures on, under or over the easement, except some specified hunting or observation blinds for undeveloped recreational uses.
- \*Grazing or allowing livestock on the easement.
- \*Disturbing or interfering with the nesting or brood-rearing activities of wildlife including migratory birds.
- Use of the easement for developed recreation, which includes and is 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, and release captive raised waterfowl, game birds and other wildlife for hunting or fishing.
- Any activities to be carried out on your land that is immediately adjacent to, and functionally related to, the easement if such activities will alter, degrade, or otherwise diminish the functional 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.

**Note: The prohibitions for an EWP-FPE easement deed are listed above with an \*. An EWP-FPE warranty easement would also prohibit you from receiving any disaster assistance from the Secretary of Agriculture for the area of the property covered by the conservation easement.**

To receive a copy of the warranty easement deed for your property, contact the Wetland Emphasis Team servicing your property.



## Compatible Uses

### How do you get permission to conduct maintenance or management activities on our property?

Contact the Wetland Emphasis Team servicing your property to discuss management on your easement and request a Compatible Use Agreement (CUA). CUAs are customized to your needs and property and executed by you and NRCS. Authorization to conduct the activities listed in the CUA are not sanctioned until the NRCS Program Manager has approved the document. Approved uses have limited durations, and can be amended or removed by NRCS when needed if a landowner is not complying with program regulations. The following are management activities that may be permitted with a CUA: prescribed burning, haying, mowing, disking, food plots, selective herbicide use, pumping to provide pool water, water level management, hunting and observation structures, levee maintenance, trails and timber harvesting (in some circumstances). Permitted activities are those determined to protect and enhance the conservation objectives of the easement. Get approval to conduct an activity before you start it.

### Do I have to complete all activities listed in 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.

# Annual Easement Monitoring Underway

As the owner of an easement, you've likely been contacted by NRCS staff or a contractor requesting to "monitor your easement" and wonder what that entails.

Since monitoring season is underway, here's an overview of the "why" and "how" of easement monitoring:

NRCS has a responsibility to ensure the terms and conditions of the easement deed are met, and that 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).

During the on-site visits, staff look for signs of encroachment on easement boundaries, check vegetation to see that it is established and adequate without the presence of noxious weeds, and make sure the wetlands are functioning as designed.

Landowners are always welcome to participate in the monitoring process. In fact, we encourage you to come with us. No one knows the land as well as the landowner. This is a great opportunity to discuss any concerns you may have, as well as jointly evaluate the progress of the easement restoration. If you are interested in participating in the monitoring process or have any concerns or questions, please contact your Wetland Emphasis Team Office.



# Enjoying Your Easement

As you head outdoors to enjoy your easement, here's a brief sampling of some of the recreational activities allowed on your NRCS easement, and a few things that are not:

## Can Do!



**Hunting** – You can hunt on your easement, or lease those rights to others.

**Photography** – Snap some stills of the scenic Missouri landscape or capture a critter in action. If you have a photo you'd like to share, send it in! NRCS would love to hear from you.

**Hiking** – Put on those boots and explore the natural features of your easement.

**Bird-watching/Nature Observation** – Keep an eye out for the wildlife that calls your easement home, especially any Threatened and Endangered species.

**Get Out on the Water** – Kayaking, canoing, and fishing are great ways to enjoy any open water areas you might have on your easement.

## But Don't!



**Build a Cabin or Park a Recreational Vehicle** – Structures for overnight accommodation or that diminish wildlife habitat are prohibited. Contact your Wetland Emphasis Team for information on what types of structures may be allowable. Parking a recreational vehicle for a limited time could be allowed, but only under the authorization of a Compatible Use Agreement.

**Disturb Nesting** – Your easement is intended to protect wildlife habitat, but certain activities such as haying or mowing (including trails) have the potential to be disruptive. Because of this, NRCS requires that you have an approved Management Plan and/or Compatible Use Agreement before beginning any work.

**Pave Trails** – While mowed vegetated trails are generally acceptable with NRCS approval, improving those trails with gravel, asphalt, or other pavement that destroys the natural ground cover is not permitted.

**Alter the Hydrology** – As picturesque as open water may be, it is not suitable in all management scenarios. Any activity to increase, decrease, or adjust the amount and flow of water on your easement must have prior NRCS approval.

# The Meaning of Muddy Water

by Frank Nelson, Missouri Department of Conservation

What comes to mind when you hear “Muddy Water”? It all depends on the context, right? If you are musically inclined and enjoy the soulful sound of the blues, well, the father of modern Chicago blues might come to mind. If it was springtime and we just had a torrential downpour, the sight of sediment laden streams and ditches might flood to the forefront. However, it is in the heart of duck season, and my reference to muddy water refers to ducks foraging in shallow water.

**Dabbling Ducks** – Waterfowl have many adaptations that allow us to categorize them into different groups. Wood ducks are considered perching ducks because they utilize the tops of trees to sit. Ring-necks and scaup are members of the diving duck family because of their underwater activities to find food. Dabbling ducks are in another main group of waterfowl, known for their habit of foraging primarily on the surface of the water or however far down their necks can reach down after they tip their hind-ends up in the air. This group includes teal, shovelers, gadwall, pintail, wigeon, and of course, mallards. Their foraging behavior limits the water depth in which they can successfully reach food. This is why they prefer shallower bodies of water.

**Waterfowl Surveys** – During the fall waterfowl season, aerial surveys are performed to monitor waterfowl migrations, distribution and abundance as well as to account for habitat availability and use. Whether the birds are present or not, one of the indicators of dabbling duck use is muddy water. When the birds have found what they like, they create quite a disturbance in the shallows. From the air you can see muddy plumes in areas where puddle ducks have been rooting around searching for seeds and bugs to fill their bellies.



*In the spring as water is drawn down, sometimes you can see scattered pools of water in the mudflats. These are the artifact of foraging waterfowl in shallow water as they work the soil looking for seeds and bugs.*

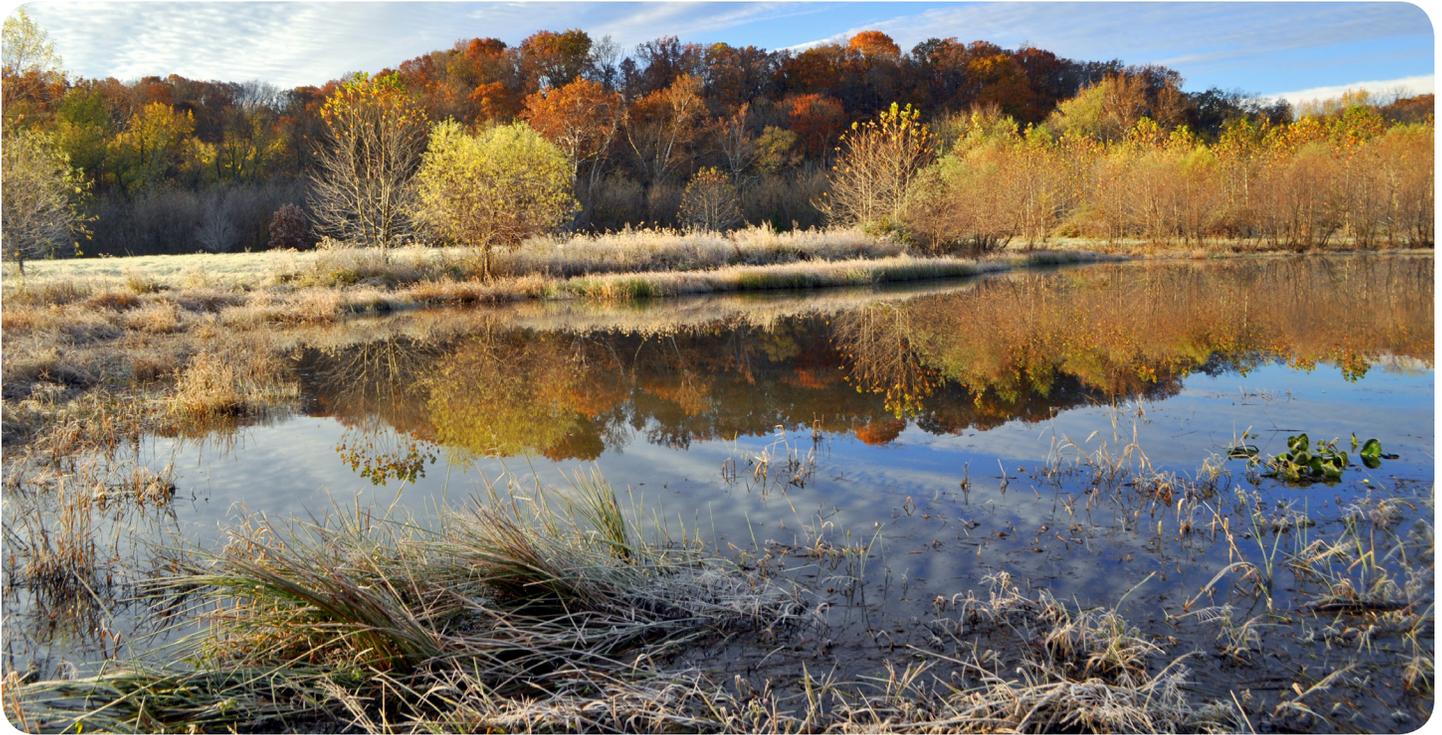


*Duck craters are evidence that the migratory waterfowl found what they needed in the previous season to fuel them on their seasonal trek across the country. Setting the table by providing shallow water depths allows the birds to find the most soil seeds and bugs throughout the entire water column. This helps provide adequate energy and nutrients to be healthy and fly another day.*

**Lunar Landscape** – Granted, with time the muddiness clears up and the birds move on, but the effect of their activity leaves a literal impression. As spring and summer roll around and the water levels recede, you can occasionally see the imprint of a thousand hungry birds left in the drying mud. The drying ground is left undulating and swollen in places with a range of 1 to 5 inches to form a shallow landscape of “duck craters”. During the fall and spring, the probing and grubbing beaks of waterfowl sift through the soft saturated soils and essentially turn the earth to create these craters during dinnertime.

**Natural Disturbance** – In this way, dabbling ducks and other waterfowl, such as snow geese, seasonally pass through wetland habitats and can set back succession just by using an area. By tilling the earth with their beaks the soil is cleared and ready for annual plants to respond the following spring, setting the table once again for the upcoming fall. Wetland managers mimic this natural process by disking, but if the conditions are right and the birds are plenty, the work can be done for the price of a meal set aside for some willing travelers.

So, if you’re wading in the marsh this December and happen to come upon a spot with muddy water, perhaps you’ll start humming the old, Muddy Waters’ tune, “Got My Mojo Working” as you’re setting out your decoys to prepare for a successful hunt. Undoubtedly, the ducks have already been working, which is good for you and will also pay off in the year to come. Good luck and safe hunting.



*Rick Hansen provided many of the images for this edition of the newsletter.*

## Wetland Management Calendar

### Mid to late August

- Make sure all water control structures are closed to begin catching fall rains.

### September

- Mow or disk openings/pioneering areas.

### October

- Last minute preparations for waterfowl season – late mowing or disking.
- Pump, if you have the capability.

### November

- Monitor water levels – maintain or slowly increase if you have the capability.
- Monitor waterfowl use and keep notes of use vs. water level vs. habitat type.

### December

- Continue to monitor water levels and bird use.

### January

- Begin planning for this year's management activities – burn schedules, drawdown schedules, etc.

### February

- If you have pool/infrastructure maintenance or a repair, begin drawdown. Follow guidance by your Wetland Emphasis Team. (Typical pool drawdown takes place in March and April.)
- If you have them, make sure Canada Goose nest tubs are ready.
- Prepare fire lines if you are burning wet prairies or wetland units.
- Enjoy spring migration.

## Trouble with Damaged Easement?

With the recent flooding events across the state there may be damage that has occurred on your easement. As the floodwaters recede, our Wetlands Teams have begun heading out to the easements to survey for damage. With over 1100 easements across the state,

that is a lot property to look over. If you observe flood damage on your property, please contact the Wetland Emphasis Team servicing your property to let them know the details of what you have found.

*If you are receiving this mailing and no longer own the conservation easement, please inform the Wetland Emphasis Team in order for NRCS to update our ownership information.*

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## Missouri NRCS Wetland Emphasis Team Offices

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 Warrensburg, MO 64093  
 (660) 747-8400, Ext 6

**Chillicothe Service Center**  
 1100 Morton Parkway  
 Chillicothe, MO 64601  
 (660) 646-6220, Ext 6

**Jackson Service Center**  
 480 W. Jackson Trail  
 Jackson, MO 63755-2665  
 (573) 243-1467, Ext 5

**Fulton Service Center**  
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 Fulton, MO 65251-5465  
 (573) 592-1400, Ext 6

MDC Wetland Biologists work collaboratively with the Wetland Emphasis teams to provide wetland design and restoration expertise and planning assistance to landowners.

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