

# Easement Owner Newsletter

## Easements on Easements: Know Your Responsibility

With over 1,600 easements across the state of Iowa, it is inevitable that our conservation easements and human development will overlap at some point. Our modern society has a lot of developed “habitat” requirements- some of which are not compatible with your conservation easement deed terms and conditions.

Many times, easement owners are approached by rural water utilities, county secondary road departments, the Iowa Department of Transportation, energy utilities, or other public services about the possibility crossing our easements with overhead lines or pipelines or expanding/obtaining rights of way (ROW). To some extent, the average landowner can allow or not allow these activities at their own discretion. However, easement landowners are not at liberty to allow new easement or ROW on their property because of our conservation easement partnership.



### Prohibited actions

When you enrolled your land into a conservation easement, the United States of America purchased many of the land rights to your property. As a result, several actions are listed in your easement deed as “prohibited” (Part IIIA). Regrettably, your easement deed doesn’t specifically call out ROW or utility easements. Allowing a new ROW or utility easement for any purpose violates the easement deed prohibitions of:

- altering of grassland, woodland, wildlife habitat or other natural features by burning, digging, plowing, disking, cutting or otherwise destroying vegetative cover;
- building placing, or allowing to be placed structures on, under, or over the easement area;
- disturbing or interfering with the nesting or brood-

- rearing activities of wildlife including migratory birds;
- any activities which adversely impact or degrade wildlife cover or other habitat benefits, water quality benefits, or other wetland functions and values of the easement area.

### Work with NRCS

There are ways NRCS can evaluate, and possibly approve, these potentially needed infrastructure or ROW requests, but if you sign an easement without working with NRCS first you are technically in violation of the terms and conditions of your easement deed. We do not want that. If you have an easement with NRCS, do NOT sign any documents with another entity until you check with your Area Easement Specialist (see map).

Together, we can defend the highly valuable wetland conservation functions for which your easement was originally taken. You are providing great water quality and wildlife habitat benefits by enrolling your land in a conservation easement. Let’s work together to protect what we have worked so hard to accomplish.

# Coping with Change

By Kerri Sorrell and Katy Heggen

Reprinted with permission from Iowa Natural Heritage Foundation. A full-length version of this story is available at [inhf.org/blog](http://inhf.org/blog).

Brian Fankhauser was busy in May 2008, dreaming up visions for the newly-protected, Iowa Natural Heritage Foundation-owned Heritage Valley preserve outside Decorah, which encompasses three miles of the Upper Iowa River. That month, a 120-foot prairie buffer was planted along the river and 31,000 trees were rooted in the floodplain.

Three weeks later, one of the largest floods northeast Iowa had ever seen ripped through Heritage Valley, leveling the new plantings, cutting a new river channel through the floodplain and leaving scour holes big enough to engulf a pickup.

“When the water retreated, it looked like a moonscape,” said Fankhauser, INHF blufflands director.

What happened to Heritage Valley in 2008 may sound familiar to others: That year saw some of the most devastating floods in Iowa history. And in the decade since, the issue of flooding hasn’t seemed to subside.

## A swelling problem

“We’ve seen floods impact our state throughout the last 10 years increasingly more so,” said Larry Weber, co-founder of the Iowa Flood Center (IFC).

The IFC was founded in response to the 2008 floods and has been tracking flooding data and impacts across the state since. In that time, the data they’ve collected is clear: Flooding is getting worse in Iowa, with vast natural and economic impact to Iowa’s communities.

Some of the data is startling. Iowa has racked up 951 presidential disaster declarations due to flooding since just 1991, causing more than \$18 billion in infrastructure, residential and crop damage in that same time. 2018 was Iowa’s second wettest year on record, with statewide average rainfall almost 10 inches above normal, according to the Iowa DNR Water Summary.

The facts bring up pressing questions for Iowa’s future: What’s causing such swell, and how can conservation help address the growing problem?



*Heritage Valley post-flood, pre-restoration*



*Heritage Valley post-restoration*

## Large forces at play

Flooding as a natural phenomenon is normal — rivers and streams adjust their flow and size based on weather patterns and the land around them. But as development and agriculture have expanded into Iowa’s floodplains, land along streams and rivers is increasingly utilized for purposes other than natural water retention, leaving nowhere for waterways to naturally flood.

“When we modify the land, we decrease the time water spends on the land, causing the water to get into streams

and rivers much more quickly,” said Peter Levi, assistant professor of environmental science and sustainability at Drake University. The effect, says Levi, is an increase in flooding and pollution from nitrate and phosphorous.

But there are even larger forces at play, ones that come with their own distinct challenges.

“As a composite, on the whole, the intensification of flooding is a definite result of climate change,” Weber says. “As climate scientists predicted, our springs and falls are becoming wetter, our summers cooler, and we’re seeing higher dew points and moisture levels, which are driving these large rain and flood events.”

### Natural solutions

“When we think about conservation’s role in reducing the impacts of flooding and nutrient pollution, we’re thinking from a water retention standpoint and the natural way a floodplain should work,” said Heather Jobst, INHF senior land conservation director. “If you have a natural, functioning river system, it holds more water.”

INHF and NRCS work with landowners across the state to protect land along river corridors and restore it to year-round natural vegetation, like grassland, prairies and wetlands, and utilize conservation-forward land management techniques, like cover crops and managed grazing. This restoration increases the land’s capacity to hold water, creating a high-functioning floodplain, natural habitat for wildlife and opportunities for recreation.

It’s on this idea that Levi has based a majority of his work. Levi has spent three years setting up a network of stream sensors in central Iowa to study the impact of conservation land on water quality and flow. Sensors are installed in streams next to cropland, development and protected land in native vegetation, and are constantly measuring health indicators of the stream system. While still in the early stage of reporting, Levi is already seeing clear signs: Streams are healthier flowing through protected natural land than when they enter.

Levi’s results could mean big news for conservation. “As I analyze these data, I expect we’ll have a quantitative demonstration of the value of conservation land on water quality,” Levi said.

### Flowing toward progress

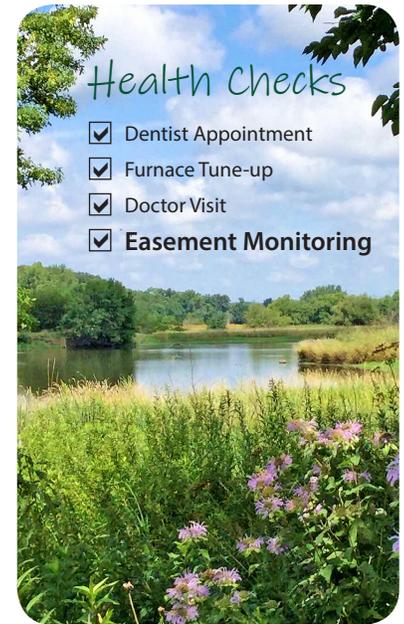
In the years after the 2008 flood, Heritage Valley has recovered. After the initial cleanup, the original floodplain area was planted back to prairie and trees, and more acres have been planted to year-round vegetation since 2012. When floods came again in 2013 and 2016 (the largest flood event the lower Upper Iowa has ever seen), Heritage Valley held. Prairie and tree roots prevented any scouring and the valley’s soil stayed in place.

It’s just one example of what the land, when given a chance, can do.

# Easement Monitoring an Annual ‘Health Check’

Annual easement monitoring is underway across Iowa. What does that mean for you, the landowner?

NRCS is responsible to ensure easement owners meet the terms and conditions of their easement deeds and maintain the natural values for which the easement was purchased and restored. To fulfill our obligation, we conduct annual monitoring. This includes verifying current ownership and documenting site conditions, which can be done in the field (on-site) or using aerial photography (off-site). An on-site event is required at least once every five years, but may occur more frequently.



### On-site visits

During on-site visits, we look for signs of encroachment on easement boundaries, ensure vegetation is adequate and relatively free of noxious weeds, check that wetlands are properly functioning, and document overall easement health—think of it as a check-up for your conservation land. If you have a management plan or compatible use authorization, we also review its relevance and effectiveness.

We encourage landowners to participate in on-site monitoring. It’s a great opportunity to discuss your concerns and celebrate your successes.

If you would like to participate in the monitoring process or have questions, please contact your Area Easement Specialist, as listed in this newsletter, or your local field office. Field office contacts may be found at <http://offices.sc.egov.usda.gov/locator/app?state=ia>.

