



United States Department of Agriculture

Agricultural Conservation Easement Program



Wetland Reserve Easement



What is the Wetland Reserve Easement (WRE)?

- A voluntary program that provides technical and financial assistance to private landowners to protect, restore and enhance wetlands on their property in exchange for retiring eligible land from agriculture
- Pays up to 100% reimbursement for costs of conservation practices that will restore the wetland and improve wildlife habitat
- Pays for the closing costs associated with acquiring the easement (i.e., title search, appraisal, boundary survey, closing attorney)

WRE Enrollment Options

► Permanent Easements

- ✓ A conservation easement in perpetuity
- ✓ Easement payment will be the lesser of:
 - 1) the fair market value of the land per USPAP appraisal
 - 2) an established payment cap (MA FY2016 active cranberry bog cap = 90% of appraised value NTE \$8400/acre)
 - 3) an amount offered by the landowner

► 30-year Easements

- ✓ A conservation easement lasting 30 years
- ✓ Easement payment will be 75% of what would be paid for a permanent easement

► 30-year Contracts

- ✓ A 30 year contract eligible only on acreage owned by Indian tribes
- ✓ Payment rates are commensurate with 30-year easements

What Land is Eligible Under WRE?

- Must be privately owned
- Historic wetlands that were altered for agricultural production
- Adjacent lands (upland and/or wetland) and riparian areas are eligible with restrictions
- Land must be capable of having wetland hydrology restored
- No on-site or off-site legal or physical issues that would preclude successful conveyance or restoration of the enrolled area

Eligible Landowners

- ▶ Applicant must have owned the land for at least 24 months prior to application
 - ✓ (some waivers are possible such as land acquired by will or succession)
- ▶ Landowner must meet HEL/WC requirements
- ▶ Landowner must meet AGI requirements

Federal, State, or local governments are not eligible to enroll lands in ACEP-WRE



Warranty Easement Deed

- ▶ Lists the specific rights and responsibilities that are reserved by landowner after the WRE is recorded
 - ▶ USDA-NRCS will not modify the language of the Warranty Easement Deed
 - ▶ Easements are not influenced by changes in land ownership
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Warranty Easement Deed

Landowners' Retained Rights

- ▶ Landowner retains ownership and pays taxes. The property can be sold but the easement deed transfers with the land
- ▶ The right to control access – public access is not required
- ▶ The right to quiet enjoyment and undeveloped recreation uses such as hunting, fishing, birding, etc.
- ▶ The right to subsurface resources provided no drilling or mining takes place within the easement boundaries



Warranty Easement Deed

Landowner Prohibitions (partial list)

- Haying, mowing or harvesting seed
- Altering the site by burning, digging, plowing, disking, cutting or otherwise destroying vegetation
- Dumping refuse, waste, etc.
- Harvesting wood products
- Draining, dredging, channeling, filling, leveling, pumping, diking, impounding water
- Diverting ground or surface water into or out of the easement
- Building or placing buildings or structures on the easement
- Planting or harvesting of any crop
- Grazing or allowing livestock on the easement
- Disturbing or interfering with the nesting or brood rearing activities of migratory birds



Compatible Use Agreements

- ▶ Landowners may request from NRCS
- ▶ Must be consistent with long-term protection & enhancement of easement
- ▶ CUA's granted for limited time periods & reviewed annually
- ▶ Most Typical CUA's in Massachusetts
 - ✓ Trail mowing
 - ✓ Signage
- ▶ Additional CUA examples
 - ✓ Timber harvest
 - ✓ Late haying or mowing to retain early successional habitat



WRE Enrollment Process

- ▶ WRE is a real estate transaction and can take up to a year to complete
- ▶ WRE funding is limited and applications are ranked competitively
- ▶ All application paperwork and documentation must be complete before NRCS will begin processing an application
- ▶ WRE is a long term commitment that places significant restrictions on the land – it's important landowners fully understand the implications
- ▶ If accepted into the program, landowners' are responsible for providing clear title and paying any costs for doing so (example, removing property from Ch. 61A, paying off mortgages, etc.)



QUESTIONS?