



**United States Department of Agriculture**  
Natural Resources Conservation Service

# Easement Programs

# Wetlands Reserve Program (WRP)

## Program Purpose

To restore, protect, and enhance wetlands on eligible private or tribal lands while maximizing wildlife habitat benefits

## Program Objectives

- Provide Habitat for migratory birds
- Protect and improve water quality
- Recharge ground water
- Protect and enhance open space and aesthetics
- Protect native plants and animals
- Contribution to educational and scientific scholarship

# Enrollment Options

- **Permanent Easement**
  - Land payment for 100% of established rate (GARC) per acre, OR
  - Voluntary landowner offer at a lower rate
  - 100% of approved restoration costs
  - 10 acre minimum (PA state policy), which includes hydric soils and adjacent land
- **30-Year Easement**
  - Land payment for 75% of established rate (GARC) per acre, OR
  - Voluntary landowner offer at a lower rate
  - 75% of approved restoration costs
  - 10 acre minimum (PA state policy), which includes hydric soils and adjacent land
- **Restoration Only Cost-Share Agreement**
  - No land payment
  - 75% of approved restoration costs, NTE \$50,000 per year
  - Any size restoration
  - Contract maintained for 10 years after the last practice is installed\*\*
    - \*\*If restoration only, no obligation to maintain wetland after 10 years

# Bog Turtle Initiative

- Approved by NHQ
- PA NRCS will work with Partners at the USFWS (Bonnie Dersham and Mark Roberts) utilize WRP funding for Bog Turtle projects
- Special Considerations:
  - The State Conservationist will be able to waive the 1:1 adjacent land limitation policy for Bog Turtle projects based on Bog turtle biological and habitat restoration needs
  - Grazing may be utilized as a management activity for shallow water habitats dominated by herbaceous vegetation – PA NRCS is planning on utilizing the **Reserved Rights Pilot** option for the grazing projects.
  - Vegetation manipulation alone counts for “restoration”
  - The need to utilize special considerations must be carefully documented for each individual project.

# Reserved Rights Pilot (RRP)

- RRP has a separate Warranty Easement Deed that allows grazing
  - Deed Exhibit specifies what grazing activities are allowed.
- Reserves grazing rights on land enrolled in WRP easements.
- Compatible with the Bog Turtle Initiative
- Landowner must develop a Grazing Management Plan to target grazing activities on the WRP enrollment

# Eligible WRP Practices

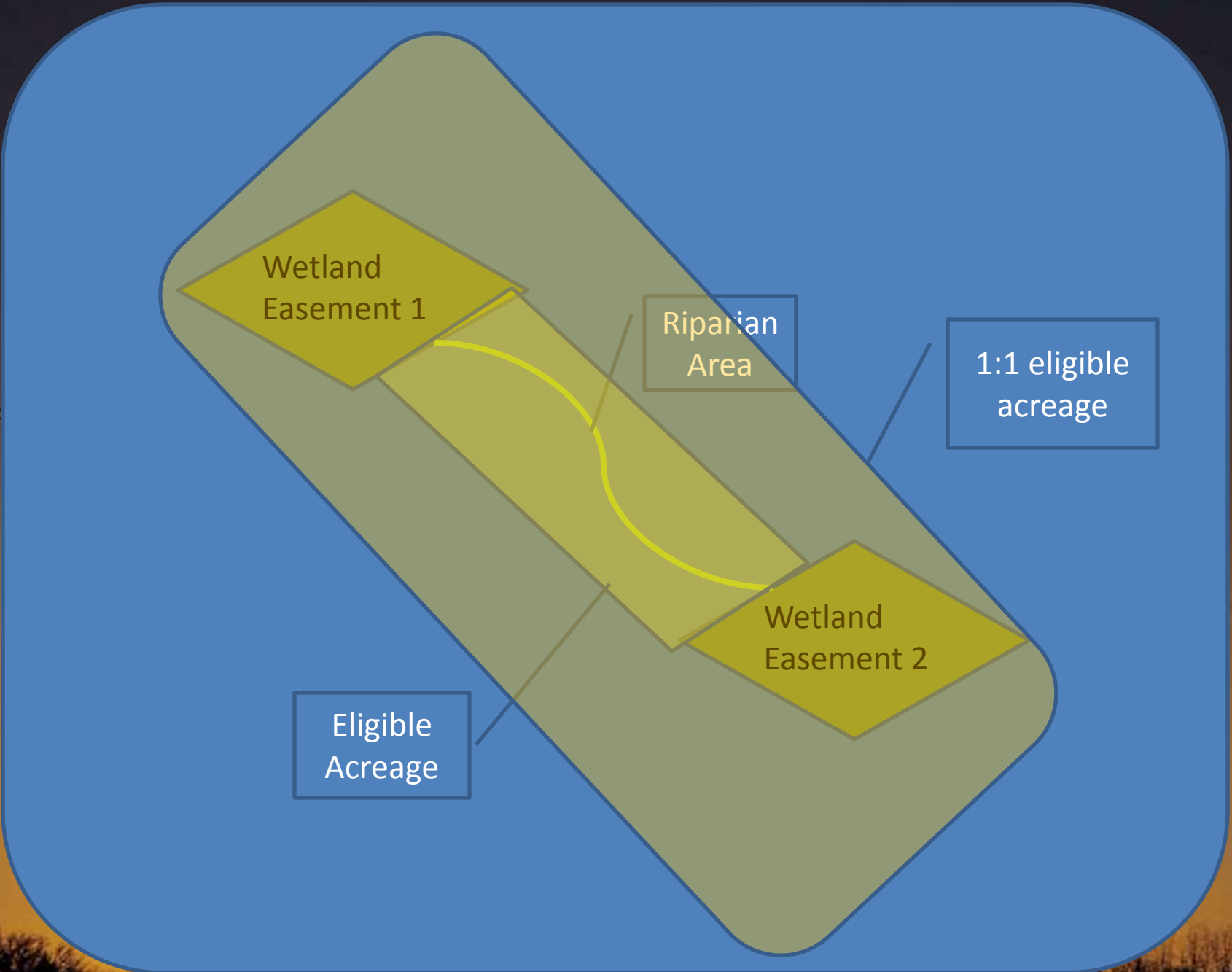
- **Vegetative Practices:**
  - Critical Area Planting, Conservation Cover, Riparian Herbaceous Cover – Bog Turtle Initiative Areas only
- **Habitat Management Practices:**
  - Wetland wildlife habitat management, upland wildlife habitat management
- **Structural Practices:**
  - Wetland restoration, wetland creation, wetland enhancement, structure for water control
  - Fence – boundary fence to keep animals out of restoration area, or for Reserved Rights Pilot
- **Other site specific practices as needed**
  - Any reasonable practice not on the practice list can be installed if it is needed for restoration

# WRP Land Eligibility

- **General Eligible Land Criteria - Focused on Hydric Soils and official designations.**
- **Eligible land includes (Swampbuster):**
  - farmed wetland - FW*
  - farmed wetland pasture – FWP – AUTOMATICALLY ELIGIBLE*
  - converted wetland – CW or CW+Yr*
  - prior converted cropland – PC – AUTOMATICALLY ELIGIBLE*
  - commenced conversion wetlands - CC*
  - wetlands farmed under natural conditions - W*
- **Also Eligible (Program Terminology):**
  - lands substantially altered by flooding*
  - former or degraded wetlands*

# WRP Land Eligibility

- Adjacent or contiguous land is eligible at a maximum ratio of 1:1 (one acre of adjacent land per each acre of wetland)
- Riparian areas that link wetlands protected by an already existing easement, including state, local, or non-profit easements, OR WRP eligible wetlands in the process of becoming easements.
- Riparian areas along streams or waterways
  - Must average no more than 300 feet in width
  - Must connect *eligible areas or areas under easement* that are no more than one mile apart
- Other eligible Land:
  - *Land in the CRP Program* – can be enrolled, CSP contract must be terminated when easement is closed
  - *Wetlands already restored under a Local, State, or Federal Program* – if not already subject to an existing easement of 30 years or greater
  - *Unmapped hydric soil inclusions* – To be determined eligible on a case by case basis by the State Conservationist



Wetland  
Easement 1

Riparian  
Area

1:1 eligible  
acreage

Wetland  
Easement 2

Eligible  
Acreage

# WRP Landowner Eligibility

- Owners of private land or acreage owned by Indian Tribes
- Applicants must be in compliance with HEL/WC provisions and Adjusted Gross Income (AGI) limits.
- Applicants must have owned the land for at least seven years.
- Landowner must provide documentation for eligibility:
  - Documentation of title to the proposed enrollment area, including legal, written recordable access to the proposed enrollment area.
  - For restoration, land owner needs to provide proof of control of land
  - Proof that the land has been owned by the applicant for at least *7 years* or proof of adequate assurances that the land was not acquired for the purposes of enrolling in WRP
  - Documentation of HEL/WC and AGI compliance
  - Entities must provide to FSA proof that they are legal/valid AND must provide a list of all individuals who have shares in the entity.

# WRP Ineligible Land

- Wetlands converted after December 23, 1985
- Land containing timber established under CRP
- Land that would exceed the County cropland enrollment limitation (a waiver may be issued in some cases)
- Local, State or Federal owned land other than acreage owned by Indian Tribes
- Land subject to an easement or deed restriction providing similar protection of wetlands as provided by WRP
- Land where restoration practices would be futile
- Land where conditions would not meet program objectives

Applicants determined ineligible for WRP will be notified in writing with appeal rights via certified mail by the State Office

# Selection for Enrollment

Once all application materials have been submitted by the field offices, eligible applications will be ranked and listed in rank order based on enrollment type.

Once FA funds are available for the current fiscal year, the State Conservationist will select applications that can be funded based on the available allocation amount.

Applicants not selected will be deferred until the next round of ranking.

# WRP Teams

- **West**
  - Scott Reinhart , technical knowledge (NRCS, 814-226-8160 X123)
  - Chris Clouser, technical knowledge and construction (Conservation Lands LLC, 814- 312-6970)
- **Northeast**
  - Ed Patchcoski, outreach and technical knowledge (NRCS, 570-836-2490 X108)
- **Southeast:**
  - Bonnie Dersham and/or new FWS Bog Turtle dedicated employee (USFWS, 814-234-4090)
    - Sharon Scarborough and Beth Sassaman will assist
  - Mark Roberts and/or new FWS/USDA WRP dedicated employee (USFWS, 814-234-4090)
- **State Office**
  - Marcie Dunn, GIS and mapping support (NRCS, 717-237-2246)
  - Barry Isaacs, technical knowledge (NRCS, 717-237-2219)
  - Hosea Latshaw, engineering/construction (NRCS, 717-237-2212)
  - Hathaway Jones, administrative/management (NRCS, 717-237-2210)
  - Ryan Szuch, soils and wetland technical knowledge (NRCS, 717-237-2207)

An aerial photograph of a vast, dense forest covering rolling hills. The trees are a deep, vibrant green, and the terrain is undulating, with hills and valleys visible. The sky is a clear, pale blue. The text "Healthy Forests Reserve Program (HFRP)" is overlaid in white, sans-serif font in the center of the image.

# Healthy Forests Reserve Program (HFRP)

# The Indiana Bat

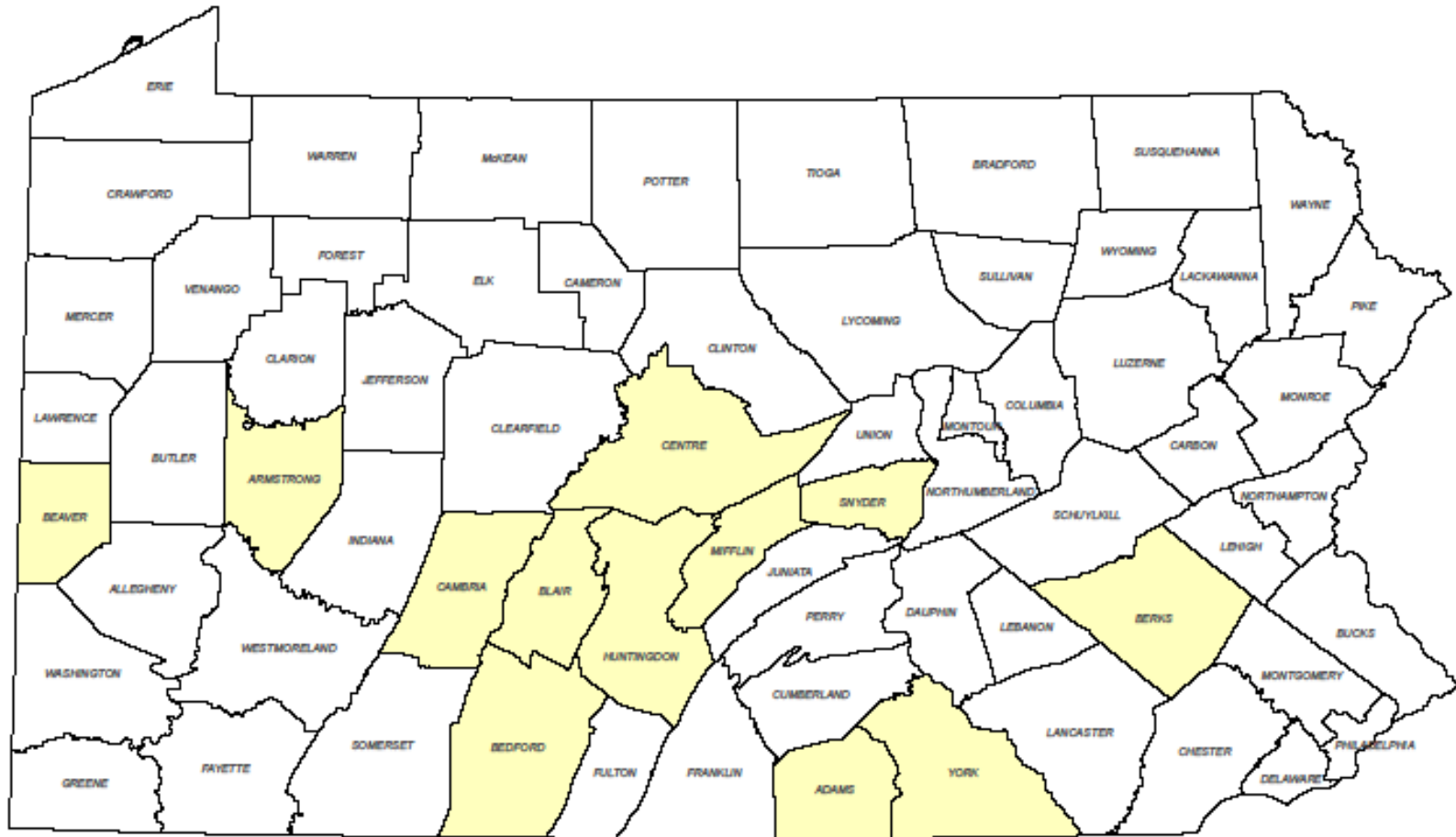
- In Pennsylvania, HFRP funding will be utilized to protect and improve critical habitat for the Indiana bat (*Myotis sodalis*).
- Indiana bats frequent wooded areas near streams, roosting in crevices under tree bark or in hollow trees.
- This species is protected under the U.S. Endangered Species Act.



# HFRP Program Eligibility

- **Owners of private forest land are eligible to enroll. The land must be:**
  - Capable of supporting Indiana bat habitat
  - Located in a county where known Indiana bat hibernacula and maternity colonies exist:  
**Adams, Armstrong, Beaver, Bedford, Berks, Blair, Cambria, Centre, Huntingdon, Mifflin, Snyder and York**
- **Easement applicants must be able to convey clear title to the land.**
  - Copy of deed or other documentation must be provided showing that the landowner has title to the land.
- **Documentation from the Farm Services Agency that all individuals listed on the deed have filed for Adjusted Gross Income (AGI) and for HEL/WC compliance.**

# *HFRP 2010 Priority Counties*



HFRP 2010 Priority Counties

# Funding/Enrollment Options

- **Permanent easements:**
  - Landowners will receive 100% of the easement value of enrolled land\*\*
  - Landowners will receive 100% of the average cost for approved HFRP practices
- **30-Year easements:**
  - Landowners will receive 75% of the easement value of enrolled land\*\*
  - Landowners will receive 75% of the average cost for approved HFRP practices
- **10-Year restoration agreements:**
  - Landowners will receive 50% of the average cost for approved HFRP p

*\*\*Easement price will be determined using an appraisal of the acres offered for enrollment*

# Ranking

- Application cut-off will be the end of each month throughout FY2010
- Rankings will be due one month after the cut-off date for that round of applications.
- Rankings will be completed with the assistance of Department of Conservation and Natural Resources (DCNR) foresters.
- To limit the amount of low-priority signups, the first question of the ranking tool is a screening question
- NRCS and a DCNR Forester will organize and plan appointments to meet with landowners in the field to discuss the ranking.

Healthy Forest Reserve Program for Indiana Bat Habitat  
Pennsylvania Screening and Ranking Form (May 2010)

**GENERAL INFORMATION**

County: \_\_\_\_\_ Date: \_\_\_\_\_  
Name: \_\_\_\_\_ Farm No: \_\_\_\_\_  
Address: \_\_\_\_\_ Tract No: \_\_\_\_\_  
\_\_\_\_\_

Type of Offer: (Check One)  
 \_\_\_\_\_  30-Year Easement  10-Year Restoration

**SUMMARY OF RANKING FACTOR SCORES**

Screening..... Eligible YES NO

1. Proximity..... (max 40) pts.  
2. Easement or Agreement..... (max 40) pts.  
3. Fragmentation..... (max 10) pts.  
4. Size..... (max 10) pts.  
5. Riparian Areas..... (max 10) pts.  
6. Connectivity..... (max 10) pts.  
7. Soils..... (max 10) pts.  
8. Biodiversity and Invasive Species..... (max 40) pts.

TOTAL SCORE: (max 170) pts.

**SIGNATURES**

Landowner (required) \_\_\_\_\_ Date \_\_\_\_\_ FWS (required) \_\_\_\_\_ Date \_\_\_\_\_  
District Conservationist (required) \_\_\_\_\_ Date \_\_\_\_\_ DCNR, Bureau of Forestry (optional) \_\_\_\_\_ Date \_\_\_\_\_  
PA Game Commission (optional) \_\_\_\_\_ Date \_\_\_\_\_

# Restoration/Management Plan

- **At the time of ranking NRCS and the DCNR Forester will discuss HFRP practices with the landowner .**
- **The NRCS field office will complete a toolkit plan and schedule of operations/contract based on the Forester's recommendations.**
- **Practices include:**
  - **Riparian forest buffer – tree planting**
  - **Early successional habitat management**
  - **Use exclusion – gating caves or mines**
  - **Restoration of rare and declining habitat**

# Grassland Reserve Program (GRP)



## Program Purpose/Objective

- Provide assistance to landowners and operators to protect grazing uses and related conservation values on eligible private lands. GRP supports grazing operations, maintaining and improving plant and animal biodiversity, and protecting grasslands from the threat of conversion to other uses.

# Enrollment Options

- Rental Contract
  - 10, 15, or 20 year duration
  - Private Landowners and/or Operators are eligible
  - County Rental Rates per acre provided by FSA
- Permanent Easement
  - Private Landowners only
  - Utilizes Geographic Area Rate Caps (GARCs) to determine easement value
- Restoration Only – Not Available in Pennsylvania at this time

# Eligibility

- Privately owned land or Tribal Land
- Acreage must be grassland where grazing is the predominant use, or;
- Land that is located in an area historically dominated by grassland and is compatible with grazing uses, or;
- Land that has the potential to provide habitat for animal or plant populations of significant ecological value, or;
- Land that contains historical or archeological properties.
- Eligible Expiring CRP acres
- Eligible CRP lands whose contracts are nearing expiration will be given priority through the ranking process
- Incidental Land
  - Must not exceed 10% of total enrollment acres
  - Small areas needed to facilitate management of the easement or rental area

# Enrollment Process



- Rankings completed
- Highest ranking rental and easement contracts funded
- FSA manages funding and payments to landowners
- NRCS manages title search, survey and closing completion

# Management Plan

- Needed for all rental contracts and easements
- Describes the management of GRP enrolled acres
- Developed at the field office with NRCS and the landowner
- GRP easement deed references the management plan

# Permitted Uses

- Haying, Mowing, Seed Production
- Fire Pre-Suppression
- Recreation
- Subsurface Resources (oil, gas)
- Renewable energy (power generation – must be consistent with GRP grazing uses and conservation values)

# Prohibited Activities

- Production of crops other than hay
- Development
- Mining
- Trash Dumping
- Hazardous Waste
- Other activities adversely impacting grassland functions and values

# Wildlife Requirement

- All GRP rental and easement enrollments are required to set aside/maintain part of the land for wildlife
  - Ground Nesting Birds
- FY2010 enrollment wildlife requirement:
  - A minimum of 10 contiguous acres or 20% of enrollment acres, whichever is greater
  - No mowing or harvesting of hay between April 15<sup>th</sup> and August 1st
  - Grazing to 6" allowed.
- Currently developing FY2011 GRP wildlife policy for Pennsylvania in cooperation with USFWS, PAGC, FSA and other partners

# Farm and Ranch Lands Protection Program (FRPP)

## Program Purpose

- To protect agricultural use and related conservation values of eligible land by limiting non-agricultural uses of the land.

## Objective

- To protect valuable farm and ranch lands for future generations by working in partnership with State, Tribal, and local governments and non-governmental organizations (Entities)

# Enrollment Options

- Permanent Easement is the only enrollment option

## Eligibility

- Privately owned land on a farm or ranch that contains one of the following:
  - Prime, Unique or Statewide or Locally important soil (50% or greater)
  - Land that contains historical or archeological resources
  - Land that furthers a state or local policy consistent with the purposes of FRPP
  - Be subject to a pending offer by an eligible entity
  - Land already protected under another easement is NOT eligible
  - Forest land must not exceed 2/3 of the easement acreage

# Application Process

A large white barn with three cupolas and a green field in front of a forested hill. The barn is white with dark shutters and a grey roof. The field is green and appears to be a cornfield. The background is a dense forest of green trees on a hillside.

- The Entity selects landowners already in agreement to enter ag preservation
- Eligible Entities submit applications to NRCS
- The Cooperating Entity submits
  - 1200 application form
  - Entity Deed
  - Ensures that each landowner is HEL/AGI compliant
  - Soils map and descriptions
  - Property and Tax parcel maps
  - Estimated Fair Market Value, entity contribution, FRPP requested contribution

# Enrollment Process



- NRCS checks:
  - AGI and HEL compliance for landowner eligibility
  - completes due diligence checks
  - ensures at least 50% of prime unique, local or statewide soil
  - Funding requested does not exceed 50% of FMV
- NRCS drafts the cooperative agreement listing all parcels that will be funded.
- The entity agrees to and signs the cooperative agreement
- Funds are obligated for each parcel in the cooperative agreement.

# Reimbursement Process

A large white barn with three cupolas and a green field in the foreground, with a forested hill in the background.

- Title Search
- Office of General Counsel (OGC) Review
- Appraisal completed to NRCS standards
- Appraisal reviewed by technical review and approved
- Misc forms (Title Insurance, Exhibit K, SF270)
- Payment is made for reimbursement/easement acquisition

<http://www.pa.nrcs.usda.gov/programs/>

# Questions/Discussion

