

Questions and Answers

April 2007

Wetlands Reserve Program

Q. What is the Wetlands Reserve Program (WRP)?

A. The WRP is a voluntary program offering landowners financial and technical assistance to restore, protect, and enhance wetlands and associated uplands through permanent easements, 30-year easements, and long-term restoration agreements. The program is designed to achieve maximum wetland functions and values while obtaining optimum wildlife habitat.

Eligible land includes wetlands cleared or drained for farming, pasture, or timber production; certain adjacent lands that contribute significantly to wetland functions and values; previously restored wetlands that need long-term protection; upland areas needed to provide an adequate buffer or that contribute to creating a manageable boundary; drained wooded wetlands; existing or restorable riparian habitat corridors that connect protected wetlands; and certain lands substantially altered by flooding. The land must be restorable and be suitable for providing wildlife benefits.

Q. How did the Farm Security and Rural Investment Act of 2002 (Farm Bill) change WRP?

A. The 2002 Farm Bill reauthorized the program through 2007; raised the total acreage enrollment cap to 2,275,000 acres; directed the Secretary to enroll, to the maximum extent practicable, 250,000 acres per calendar year; and added an exemption to the 12-month ownership requirement for landowners who exercised their right to redemption after foreclosure.

Q. Do you have to be a landowner to participate in WRP?

A. Yes. Only landowners can participate in WRP. For easement projects, eligible landowners are those who can provide clear title to the land and, with some exceptions, those who have owned the property for 12 months prior to filing an application. Contact your local Natural Resources Conservation Service (NRCS) office for more information about this provision. To participate in a long-term agreement, landowners must show evidence of ownership since these agreements do not involve the transfer of land rights.

Q. How does a landowner participate in WRP?

A. Applications for WRP are accepted at any time. To participate, landowners submit an application with their local NRCS office or conservation district office. Applications may be obtained through these offices or through USDA's e-gov Internet site at: <http://forms.sc.egov.usda.gov/eforms/formsearchservlet> Enter "Natural Resources Conservation Service" in the Agency field, "Wetlands Reserve Program" in the Program Name field, and "AD-1153" in the Form Number field.

Q. Could the Adjusted Gross Income provision of the 2002 Farm Bill impact my participation in WRP?

A. Yes, if you are an individual or entity that has an average adjusted gross income exceeding \$2.5 million for the three tax years immediately preceding the application

year, you are not eligible to receive program benefits or payments. However, an exemption is provided in cases where 75 percent of the adjusted gross income is derived from farming, ranching, or forestry operations.

Q. How are applicants selected?

A. Applications are ranked and selected at the state level. The ranking and selection criteria are established at the state level within broad national guidelines. Interested persons can obtain ranking and selection criteria through local NRCS offices.

Q. What are a participant's responsibilities and rights under a WRP easement?

A. When a landowner enrolls in one of the WRP easement options, the landowner is selling a real property interest to the United States. After an easement is recorded in the local land records office, the landowner retains ownership and responsibility for the land, including any property taxes. The landowner controls access to the land; has the right to hunt and fish and pursue other undeveloped recreational uses provided such use does not impact other prohibitions listed in the warranty easement deed; and may sell or lease land enrolled in the program. The landowner is responsible for control of noxious weeds and invasive species and emergency control of pests as required by all federal, state, and local laws.

Participating landowners may request other prohibited uses, such as haying, grazing, or harvesting timber under certain conditions. Requests may be approved if NRCS determines that the activity both enhances and protects the purposes for which the easement was acquired. Requests for compatible uses may be made throughout the life of the easement or agreement. NRCS retains the right to

cancel an approved compatible use authorization at any time if it is deemed necessary to protect the functions and values of the easement.

Q. How is an easement value determined?

A. Easement values generally are determined by a professional appraisal of the difference in the appraised fair market value of the larger parcel before the easement is in place and the appraised fair market value of the larger parcel after the easement is in place, a geographical area rate cap established by NRCS at the state level, or an amount offered by the landowner.

Q. Is there a limit on the number of acres a landowner may enroll in the program?

A. There is no national limitation on the amount of land that can be offered for the program. However, a state may establish an acreage enrollment limitation. Contact the local NRCS office to find out whether there are acreage limitations in your state. The total amount of land that can be enrolled nationally is limited each year.

Q. Does the applicant need to hire a closing agent, appraiser, surveyor, or lawyer?

A. No. NRCS makes arrangements for these services.

Q. What is the role of conservation districts?

A. Conservation districts assist NRCS with program implementation through the following activities:

- Identifying priority areas within their district;
- Providing input to the State Technical Committee;
- Assisting with the development of cost-share rates;

- Assisting with the development and implementation of conservation planning;
- Assisting with local outreach and educational efforts.

Q. Who controls access to lands enrolled in a WRP easement?

- A.** The landowner retains complete control of access. However, NRCS retains access rights for the purposes of carrying out restoration, management, and monitoring activities on easement lands.

For More Information

If you need more information about WRP, please contact your local USDA Service Center, listed in the telephone book under U.S. Department of Agriculture, or your local conservation district. Information also is available on the World Wide Web at: <http://www.nrcs.usda.gov/programs/farmbill/2002/>



Visit USDA on the Web at:
<http://www.usda.gov/farmbill>

Note: This is not intended to be a definitive interpretation of farm legislation. Rather, it is preliminary and may change as USDA develops implementing policies and procedures. Please check back for updates.