



Natural Resources Conservation Service
6013 Lakeside Blvd.
Indianapolis, IN 46278

November 8, 2011

INDIANA BULLETIN NO. 300-12-2

SUBJECT: LTP-Wetlands Reserve Program (WRP) Guidance

Purpose: To provide guidance for implementation of the 2012 WRP program.

Expiration Date: September 30, 2012

The Wetlands Reserve Program (WRP) continues to be popular with Indiana landowners. Since inception in 1994, WRP has closed easements on 57,207 acres of Indiana land for 604 landowners. Fiscal Year 2012 promises to be another big year for participation in the WRP program. This document will serve as guidance for the upcoming year.

District Conservationists and other planners will need to refer to the WRP program manual for complete guidance beyond the content of this bulletin. A copy of the current manual is posted in the WRP folder of the Programs tab on the Indiana SharePoint site. All required forms for easement programs are also posted on the SharePoint Site, and can be found under Programs=> Easements General for those forms applicable to all easement programs or under Programs => WRP for WRP specific forms. This bulletin outlines key changes and highlights key items in regards to program management, and is not all inclusive.

Program Administration:

All correspondence, documentation, and forms previously sent to the Scottsburg Office should be mailed directly to the appropriate Indiana Easement Programs Staff at the State Office effective **November 10, 2011**. Ensure program participants are aware of this change as well. Field offices are required to maintain duplicate copies of documents for reference and program management purposes; however, official copies of easement files are maintained at the State Office. An *Easement Programs Component and Assembly of Field Office Contract File Checklist* is available on the Indiana SharePoint Easements General.

Eligibility (514.11-14): Please refer to the Program Manual for specific landowner and land eligibility requirements. The Seven-Year Ownership and AGI Maximum requirements may be waived in certain circumstances (514.12.B&C). Waiver forms are available on the Indiana Sharepoint under WRP. Waiver requests and support documentation should be forwarded to the Area Easement Program Specialist for review prior to submission to the State Easement Program Specialist.

The Indiana minimum acreage size for 2012 WRP enrollment continues to be 15 acres. The 15 acres is the total acres for the application, including both eligible and other associated acres.

Backlog or currently un-submitted applications less than 15 acres in size are not eligible. For those instances where a site less than 15 acres in size has a unique ecological habitat, such as a fen, or known threatened or endangered species on the site, the U.S. Fish and Wildlife Service and the Area Easement Program Specialist may be consulted to determine possible program enrollment. Written justification should be submitted with the application. **There is no maximum acreage limit for WRP.** Larger applications are encouraged.

Application Materials (514.11): The WRP has a continuous Application Process. The Conservation Program Application NRCS-CPA-1200 will continue to be the application form for WRP program participation.

WRP rankings will be completed by Area Ranking Teams and coordinated through the Area Easement Program Specialist (AEPS). An updated 2012 WRP Ranking Form is available on SharePoint. U.S. Fish and Wildlife Service Biologists will continue to participate in the review process as required by WRP policy. Ranking teams/field offices are also encouraged to use other specialists as needed, including Indiana Division of Fish and Wildlife, Indiana Division of Forestry, The Nature Conservancy, etc.

Field Offices should continue to submit scanned copies of the Application Checklist and documents to the AEPS for review and quality assurance. The WRP Application Checklist has been updated with new form requirements for FY2012. Original copies of all documents should be submitted to the State Easement Program Specialist. A scanned AEPS signature on the Application Checklist is acceptable. **Incomplete application packets will not be processed and will be returned to the Area Easement Program Specialist for resolution.** Copies of all documents should be retained in the field office six-part folder.

The Payment Distribution Form is completed at the time of application and will be used for all payments (easement, restoration, survey, etc.) made to the landowner(s). All landowners on the Deed of Record (including all members of entities) are required to sign the Payment Distribution Form, even those receiving 0% share. Full payment (100%) may be assigned to a single individual. The shares must total 100.0%. Changes may not be made to the Payment Distribution Form after it has been submitted. All requests for payment (**AD-1245**) must reflect this distribution, and be signed by at least one individual on the payment distribution form or their designee.

Preliminary Due Diligence: The Contribution Agreement with the Nature Conservancy for Preliminary Title Work and Environmental Record Searches has been extended through Fiscal Year 2012. Required documentation at this time should continue to be submitted to Chad Watts, NRCS Easement Program Contractor with the Nature Conservancy at the **Winamac Field Office**. A checklist of items to forward to Chad can be found on the Indiana SharePoint.

Geographic Area Rate Cap (GARC)(514.32): Indiana will use the GARC system for land value payments in Fiscal Year 2012. An Area Wide Market Analysis was conducted in the summer of 2011 to determine the fair market value of land eligible for WRP, and the results were used to establish new GARCs. A separate bulletin discussing easement compensation will be transmitted after the 2012 GARC values have been approved and finalized by NRCS National Headquarters. Field offices are reminded to identify the county in which the proposed WRP easement is physically located for GARC calculations. Properties split across county lines should be designated as such.

Easement Acquisition Offer (514.31): NRCS-LTP-31 Agreement for the Purchase of Conservation Easement (APCE) will be the document used to make offers to funded WRP landowners. These agreements will be mailed directly to the applicant from the Easement Acquisition Specialist. All individuals on the deed of record (or entity members) must sign the APCE. *Power of Attorney is not acceptable on the APCE.* The field will receive a carbon copy of the APCE for the local record. The State Conservationist must sign the APCE after the applicant returns the signed document before funds are obligated for easement purchase.

Legal survey (514.33): All funded WRP applications will be required to have a legal boundary survey completed. This work will be done through the landowner. Once a landowner has accepted a WRP offer, notification and survey guidance will be sent to the landowner indicating that a legal survey is to be completed. An *APCE supplement for Landowner to Procure Easement Boundary Survey* will be sent to the landowner based on the survey quote provided by the landowner, along with the Survey Guidance and Specifications (available on the SharePoint under WRP). Surveyors are required to place sign posts and easement signs during the survey process. AEPS may contact the State Easement Program Specialist to order additional signs for their area.

Deed recorded access is a requirement for WRP participation. There may be instances in which a WRP easement cannot be accessed directly off of a public road. In those instances, the access route will need to be included with the legal survey, and will describe the ingress/egress route.

Payment for survey work is made through the landowner or by an assignment (CCC-36) from the landowner to the contractor. The District Conservationist must review the legal survey and visit the easement to ensure signs and posts are placed according to specifications, and document in the case file. Surveys must not be certified for payment prior to confirming and documenting the presence and proper placement of boundary markers. The District Conservationist Signature on the AD-1245 is indication that the signage and posts have been verified.

Easement offers will be adjusted based on final survey acreage and a letter sent to the applicant regarding the new value. There is not an amendment to the APCE for easement offer based on changes in acreages (514.32.G).

Easement Recording (514.35): NRCS-LTP-30 Warranty Easement Deed in Perpetuity and NRCS-LTP-32 Warranty Easement Deed for a Period of 30 Years (Exhibits 514.102.A&B) will be the deed documents used when recording an easement. These documents are the primary legal document regulating the easement, supersede any other program rules or guidance, and should be referenced regarding any easement question.

Restoration Plans (514.53): WRP restoration plans are required to be completed in Toolkit. The NRCS-CPA-1202 and associated appendix (available on the SharePoint), as well as the AD-1155 Restoration Schedule of Operations are the documents used to obligate restoration dollars for WRP. It is the discretion of the local Area Conservationist as to whether engineering plans are surveyed, designed and completed prior to the recording of the WRP easement. At least one practice must commence in the first year of the contract. The restoration contract must be completed within the first three years after closing. Practices that are delayed beyond the three year period of performance will require a contract modification. Modifications to the WRPO Schedule of Operations will be generated out of Toolkit using an AD1156. Contracts with practices not completed in the scheduled year must undergo a modification (AD-1156) to reschedule the practice

with appropriate justification. Plans where natural regeneration will be 100% of the restoration also require an AD-1155 signed by the landowner designating no cost-share. Natural regeneration is a component of the cost list.

Restoration Payments on WRP easements will be based on actual costs with not to exceed caps. Restoration Cost Lists for Fiscal Year 2012 are available in the WRP SharePoint folder. Payment requests will be submitted on an AD-1245 Practice Approval and Payment Application.

Once restoration is completed, funds should be deobligated promptly. The AEPS will notify the State Budget Officer and State Easement Program Specialist when the final payments are being made on a contract, or when the Restoration Plan of Operations has been modified to remove all remaining practices and/or practice changes to natural regeneration (AD1156).

WRP Operation and Maintenance (O&M): O&M should be a component of any engineering plans completed for WRP from this point forward. O&M cost-shareable activities necessary during the first three years of the easement should be included as part of the AD1155. A blanket O&M agreement is available on the Indiana SharePoint and should be included with all engineering and vegetation plans per IB 300-11-4.

Compatible Use Agreements (514.62): All activities, except for those six reserved rights retained on the Warranty Easement Deed, require a Compatible Use Agreement. *This includes those management activities recommended or required by NRCS. A CPA-52 must accompany each Compatible Use Application (AD-1160).* Additional guidance will be provided on Compatible Use Agreements in a future bulletin. Compatible Use Agreement applications will continue to be submitted to Dave Stratman, State Biologist.

Monitoring and Status Reviews (514.55 & Circular 21): All Stewardship Land held by NRCS is required to have annual monitoring completed and reported. Indiana FY12 Monitoring Guidance will follow National Circular 21 and IB 300-11-35.

In addition, all active WRPO restoration contracts require an annual Contract Review (NRCS-CPA-13). This may be completed in conjunction with the Annual Monitoring Review and submitted simultaneously.

The Easement Monitoring Folder on SharePoint has been moved to the Easements General folder.

If you have questions concerning this bulletin please contact Teresah P. Caire, Assistant State Conservationist-Farm Bill Programs at 317-290-3200, ext. 320 or Brianne Lowe, State Easement Program Specialist at 317-290-3200, ext 334.

/s/

JANE E. HARDISTY
State Conservationist

cc: Jeff Kiefer, USFWS, Bloomington, IN
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