



# Agricultural Conservation Easement Program (ACEP)

**Agricultural Land Easements (ACEP-ALE)**

**Wetland Reserve Easements (ACEP-WRE)**



# Agricultural Conservation Easement Program (ACEP) Overview

## Agricultural Land Easement Program (ALE)

- Currently, NRCS works with the DE Dept. of Agriculture (a certified entity) to buy the development rights off farms with prime soils
- Farms will be protected forever but are still privately owned and can be sold or willed to subsequent generations

## Wetland Reserve Easement Program (WRE)

- NRCS pays to restore the hydrology on private property and then pays the property owner for the development rights
- Properties must meet the criteria
- Wetland Restoration Criteria and Guidelines (WRCG)
  - Restoration document open for continual review and input. Copy of full document available upon request



# Wetland Reserve Easement Program (WRE)

## Primary Eligibility - must have one of the following:

- Prior converted cropland, farmed wetland, farmed wetland pasture, and wetlands farmed under natural conditions.
- Former or degraded wetlands occurring on lands that are or have been used for production of food or fiber, where the hydrology has been significantly degraded.
  - These may include lands such as ditched woodland and ditched tidal marsh with evidence of agricultural use.
- Riparian areas along streams or other waterways that link wetlands protected by an easement.



# Wetland Reserve Easement Program (WRE)

## Primary Eligibility (continued):

- Lands substantially altered by flooding due to scouring or broken levees, or lands where off-site effects on hydrology have permanently altered the water table to the extent that the site will develop wetland soil and vegetation characteristics.
  - Typically, the alteration would be sufficient to significantly reduce or limit agricultural production.
- Restored wetlands enrolled in CRP. Upon closing of the easement, the CRP contract must either be terminated or modified to remove the portion being transferred to ACEP-WRE. Refunds of cost-share and annual payments, interest, and liquidated damages will not be required or applied.
- Wetlands restored under a local, state, or federal program (e.g. Partners for Wildlife), or by private individuals, that meet NRCS standards and specifications.



# Wetland Reserve Easement Program (WRE)

## Adjacent Land Eligibility

- Lands with adjacent land eligibility are those adjacent to, or contiguous with lands enrolled with primary eligibility, that will contribute significantly to the wetland functions and values of the restored land.
- Lands offered for enrollment as other land must be configured in a way that when combined with the primary eligible land, provide values and functions for wetlands and wildlife. Adjacent lands include:
  - Natural wetlands not in need of restoration;
  - Restorable wetlands not otherwise eligible; and
  - Non-wetlands either in natural condition or that can be restored to upland buffer.



# Marsh Migration Eligibility (MME) – allows for crop in WRE

- Cropland, active pasture, and forest land below 2-ft above mean sea level (AMSL) may be considered eligible for enrollment when they will facilitate marsh migration.
- The WRPO must include provisions to allow for marsh migration within the areas below 2-ft AMSL and the paired lands above 2-ft AMSL
- The lands above 2-ft AMSL may have primary or adjacent land eligibility.
- Tidal marsh may be considered eligible for enrollment in support of marsh migration when needed for management (e.g. phragmites control) or restoration.
- Cropland, including CRP/CREP land capable of being cropped, and woodland enrolled under MME will have standard GARC rates applied, as applicable.
- Tidal marsh of up to 10 percent of the total easement area will received the woodland rate. If the tidal marsh exceeds 10 percent, an appraisal will be required for the easement.
- Lands enrolled under MME criteria must meet all other program eligibility requirements.



# Types of WRE Enrollment

## Permanent Easements

- Held by federal government
- The landowner retains ownership of the land and reserves the rights to use and lease the property for recreational purposes, and to restrict public access to the property.
- No public access required
- Easement payments – compensation based on a percentage of fair market value (FMV) determined by the State-wide geographic area payment rate caps (GARCs)
- Federal government pays for 100% of restoration costs



# Types of WRE Enrollment

## 30 Year Easements

- Held by federal government
- The landowner retains ownership of the land and reserves the rights to use and lease the property for recreational purposes, and to restrict public access to the property.
- No public access required
- Easement payments – compensation based on a percentage of fair market value (FMV) determined by the State-wide geographic area payment rate caps (GARCs)
  - 30 year easements are paid 75% of what a permanent easement is valued
- Federal government pays for 75% of restoration costs





# Agricultural Conservation Easement Program (ACEP)

- **Currently, we are trying to expand the WRE program!**
- **The easement programs pay private landowners to protect their land from being developed while still allowing for them to own and enjoy their land.**

**For additional ACEP information contact:**

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