Field Office Responsibilities

- Accept WRP applications (AD 1153). Landowner needs to locate ditches and CI pipes.
- Coordinate initial site visit with landowner and Fish & Wildlife Service. If possible use GPS units for more accurate proposed easements boundaries, ditches and CI pipe locations.
- Prepare GIS maps for site visit (aerial, soil map and soil report).
- Complete Ranking Sheet with U.S. Fish and Wildlife.
- Verify landowner eligibility.
- Verify that the land is not enrolled in the Farmland Preservation Program.
- Verify land eligibility.

Note: The landowner needs to own the land for 12 months before submitting an application, unless:

- the land was acquired by will or succession as a result of the death of the previous owner,
- ownership changed due to foreclosure on the land and the owner exercises a right of redemption from the mortgage holder in accordance with State law, or
- The State Conservationist determines the new owner did not acquire the land for the express purpose of placing it in WRP.

Note: Persons who acquire land after an eligible application to participate has been accepted by NRCS but before the easement is recorded may participate in WRP if a transfer agreement is completed between the seller and buyer and the State Conservationist agrees to work with the new landowner. Transfer agreements include NRCS-LTP-152 or other private agreements.

- clear title to the land and be able to provide consent or subordination agreements from each holder of a security interest in the land, and
- A recorded right of way that provides access to the easement area from a public road.
Land Eligibility - Former or Degraded Wetlands

Former or degraded wetlands occurring on pasture, hayland, and forest production lands that have been used or are currently being used for food or fiber production are eligible when the hydrology:

Has been essentially removed by drainage or diversion to the extent that wetland functions and values have been substantially removed and will be Substantially restored through the implementation of WRP practices.

Example: If the hydrology of a forested wetland was once damaged due to stream channelization but the hydrology has essentially recouped many of the lost wetland functions and values, the site is not eligible for WRP because the site is already restored. The only value added is protection. However, if the hydrology of a forested wetland was once damaged and the functions and values are largely unrestored, and restoration will take place, the site is eligible.

- Send the land owner a letter of Eligibility. The following blank documents should be sent to the landowner:
  1-WRP Warranty Easement Deed (CCC-1255)
  2-Subordination Agreement and Lien Waiver (AD-1158)
  3-Option Agreement to Purchase (AD-1157)

  Note: A sample letter will be provided to the FO
  Note: Land needs to have potential for successful restoration and have sufficient site access.

- Prepare Toolkit Preliminary Restoration Plan.

  Note: The Preliminary Restoration Plan is developed by NRCS with input from landowner, FWS and the SRC. Minimize the time working out the details until funding has been secured for the project.

- The Toolkit Preliminary Restoration Plan shall include:
  - A map which identifies the offered land and the location of all practices required to restore wetland hydrology.
  - Approximate cost for restoration. State office and/or FWS can assist with developing the cost estimate. A WRP cost list will be developed in the near future.
  - CPA-DE 52
  - Land eligibility documentation (deed)
  - Soil Map (highlight the hydric soils)
Complete Preliminary Certificate of Inspection and Possession.
Complete Hazardous Substances Examination Checklist.
Forward application and supporting documentation to the SO (SO keeps all original documents):
- Copy of letter of Eligibility
- Application with original signature
- Preliminary Restoration Plan including estimates
- Maps (Location Maps, Tax Parcel Maps, and Toolkit Restoration Plan Maps)
- Ranking
- Preliminary Certificate of Inspection and Possession
- Hazardous Substances Examination Checklist

**State Office Responsibilities**

- Maintain official WRP files.
- SO sends the Compatible Use Letter. This will be completed prior to ranking the offer.
- SO ranks applications and selects applications for funding.
- SO reviews Preliminary Restoration Plan
- Provide written notification of ineligibility to landowner.
- Send Letter of Tentative Acceptance, the Intent to Continue Letter and Appraiser Permission Letter.

  Note: Landowner is considered enrolled when the Intent to Continue Letter is received and positive.

- SO orders appraisal of proposed easement.
- When the appraisal is received, Technical Review is completed (if needed) and the Administrative review is completed, an Option Agreement to Purchase is delivered to the landowner.

  Note: NRCS offer to the Landowner.

- Upon receiving signed Option Agreement, SO signs it and Financial Management (Eileen Campbell) obligates the funds.

  Note: At this point the Easement Acquisition process begins.

- SO orders Title Commitment services from closing agent.
- Closing agent submits Title Commitment to SO. Not imperative that is submitted at this step.
- Easement Survey conducted, including placement of permanent boundary markers.
- SO, landowner, and engineer verify survey accuracy.
- Note to the file documentation landowner’s acceptance of survey is completed.
Note: If surveyed acreage is not equivalent to initial offer then an Option Agreement to Purchase Amendment 1 (AD-1157 A) is needed. A determination will be made if an out of scope modification is needed. If yes, a different procedure needs to be followed and the modification needs to be approved by the STC. Upon receiving signed Option Agreement to Purchase Amendment then FNM obligate the funds. SO notifies closing agent of change in acreage.

If the surveyed acreage is equivalent to initial offer then the contracting agent will prepare the Warranty Easement Deed. (Doreen Urguhart from Green Mountain and Finger Lakes National Forest in Vermont is our contracting agent).

- A Certificate of Use and Consent is prepared.
- SO provides easement documents to OGC (Office of General Council) for review and issue of Preliminary Title Opinion.
- SO issue closing instruction to closing agent.
- SO order delivery of easement payment and closing cost.

**After this point Field Office responsibilities are:**

- Final Certificate of Inspection and Possession (NRCS-LTP-22) is completed.
- Final Restoration Plan - This will be developed with SO assistance.

Note: The Final Restoration Plan will be reviewed and approved by the SRC, FWS and the State Conservation Engineer. Add signature boxes to the toolkit final page to include the SRC, FWS and State Engineer signatures. The Final Restoration Plan can be a combination of Auto Cad drawings, Toolkit Plan, Maps, pictures and or GPS data. Customize the toolkit template to name the plan Final WRP Restoration Plan and add/ remove text boxes as needed to include all necessary information. The Restoration Plan will be a supporting document of the Conservation Plan also developed in Toolkit. A copy of the Conservation Plan as well as the Restoration Plan will be delivered and discussed with the Landowner.

- The Final Restoration Plan shall consist of the following:
  1- Objectives of the restoration. (Standard narratives will be provided, customize as needed).
  2- Description of habitat types and functions being restored.
  3- Description of practices required for restoration and management of the site.
  4- Schedule of dates for implementing practices and measures.

Note: The first practice should begin within one year of easement recording and completed within three years.
5- Cost share rates, practice costs, and partner contributions if applicable.

6- Restoration Plan Map including:
   a- Field numbers (e.g. W1, W2 for wood segments if area not contiguous)
   b- Boundaries of the easement or agreement area.
   c- Practice location
   d- Access routes
   e- Utility locations
   f- Cultural resources locations
   g- Acres of the easement agreement area.

   Photographs that document site conditions before, during and after restoration.
   Documentation required for application of the required practice including job sheets and engineer designs. **State office will provide copies of engineer designs for the Final Restoration Plan.**

   Note: Before final design is completed and implementation of the WRP project, NRCS must ensure that all requirements will be met, and permits obtained, to comply with federal, and state laws, including NEPA (Environmental Evaluation), Endangered Species Act, Cultural Resources, Nationwide Permit 27 (section 514.62), Clean Water Act (section 404 and 401B) and other applicable state laws.

   Management and Maintenance. The Management and Maintenance Plan can be a note on the engineering plan or in the Final Restoration Plan (Toolkit Plan).

   Note: Definitions:
   
   **Management** is defined as those activities necessary to achieve and maintain the wetland functions and values for which the easement was established.

   **Maintenance**: Maintenance is defined as replacement or repair of structures due to normal wear and tear or due to events beyond the control of the landowner.

   Note: Landowner is responsible for noxious weeds and invasive species control and emergency control of pest as required by all Federal State. and Local laws. NRCS, as a Federal land manager, must develop a management plan. Management plan must be site specific and should be considered “living documents” that are subject to change over time in order to continue the agency efforts to maximize wetland functions and values.
Sites will be visited annually until practices are successfully established. After establishment, the sites will be monitored annually with an onsite visit or remote sensing. Onsite visits will occur at least once every 3 years. Frequent monitoring will allow NRCS to adjust restoration plans to address program objectives. A WRP Monitoring Checklist is required to be completed each year. Suspected violations should be immediately reported to the SO.

Note: NRCS is generally responsible for maintenance and management on easements.

NRCS IS CONSIDERED THE “CLIENT” OR “LANDOWNER” FOR CONSERVATION PLANNING PURPOSES ON EASEMENT PROJECTS. NRCS IS THE LANDOWNER FOR CONSERVATION PLANNING PURPOSES ONCE THE EASEMENT IS RECORDED. THEREFORE, IT IS NOT NECESSARY TO OBTAIN THE FEE TITLE LANDOWNER’S SIGNATURE ON THE FINAL RESTORATION PLAN FOR EASEMENT PROJECTS. (Part 514.16 part d WRP Manual)

Continuation of State Office Responsibilities:

- SO notifies the FO that the easement has been recorded.
- Execute final Certificate of Inspection and Possession,
- Order payment to closing agent for closing activities.
- Contracting agent will send to OGC for Final Title Opinion:
  - Recorded Easement Deed Document
  - Final Title Insurance
  - Final Certificate of Inspection and Possession

Note: At this point the Easement Acquisition Process is completed. SO will instruct the FO to provide local FSA office with aerial photo showing location and acreage of recorded easement. (Only if cropland is part of the easement).

- Final Title opinion will be sent to the FO
- Restoration activities occur.
- SO develop and submit signed application for payment (AD- 1161) with supporting documentation (e.g. invoices, worksheets, payment assignments)

State Office will also:

- Ensure restoration is completed.
- Maintain official program records and documentation.
- Track progress and accomplishment in the WRP database.
- Enforce easement or restoration agreement provisions.
Track financial outlays and provide financial reports.

**U.S. Fish and Wildlife Service Responsibility:**

- Assist NRCS with land eligibility determinations after applications have been received and with completing the ranking.
- Provide the biological information for determining environmental benefits (e.g., maximizing wildlife benefits in cost-effective restoration effort) for ranking applications.
- Incorporate its Section 7 responsibilities under the Endangered Species Act with its WRP consultation actions.
- Assists NRCS in restoration planning such that easement lands achieve maximum wildlife benefits and wetland values and functions.
- In conjunction with NRCS informs the FO of the need of GPS or other type of surveys needed in order to determine the area that will be restored.