



What Wetland Programs Are Available to Private Landowners?

So Many Federal Agencies, So Many Wetland Programs

Wetland-Associated Responsibilities of Select Federal Agencies



CORPS – RESPONSIBLE FOR NAVIGATION AND WATER SUPPLY.



EPA – PROTECT WETLANDS PRIMARILY FOR THEIR CONTRIBUTIONS TO THE CHEMICAL, PHYSICAL, AND BIOLOGICAL INTEGRITY OF THE NATION'S WATERS.



FWS – MANAGING FISH AND WILDLIFE SPECIES AND THREATENED AND ENDANGERED SPECIES.



NOAA – MANAGE THE NATION'S COASTAL RESOURCES.



NRCS – FOCUSES ON WETLANDS AFFECTED BY AGRICULTURAL ACTIVITIES.



A Brief Overview of USDA's Major Wetland Programs

Partial List of USDA Programs

USDA Programs

Natural Resources Conservation Service (NRCS)

- ▶ Agricultural Conservation Easement Program (ACEP)
 - ▶ Agricultural Land Easements (ALE)
 - ▶ Wetland Reserve Easements (WRE)
- ▶ Emergency Watershed Protection Program (EWPP) for Floodplain Easements (FPE)
- ▶ Healthy Forest Reserve Program (HFRP)
- ▶ Wetland Mitigation Banking Program

Farm Services Agency (FSA)

- ▶ Conservation Reserve Program

U.S. Forest Service (USFS)

- ▶ Forest Stewardship Program
- ▶ Forest Land Enhancement Program

USDA Partnership Programs

Fish and Wildlife Service (FWS)

- ▶ Partners for Wildlife
- ▶ North American Waterfowl Management Plan
- ▶ North American Wetlands Conservation Act

Army Corps of Engineers (Corps)

- ▶ Clean Water Act
- ▶ Continuing Authorities (1135)

Environmental Protection Agency (EPA)

- ▶ 5-Star and Urban Waters Restoration Program

NRCS/Corps/FWS/EPA/Louisiana Gov Agencies

- ▶ Coastal Wetlands Planning, Protection and Restoration Act – Louisiana Specific



Agricultural Conservation Easement Program (ACEP):

Agricultural Land Easements (ALE)

Administered by NRCS.

Program Purpose: To protect the long-term viability of the nation's food supply by preventing conversion of productive working lands to non-agricultural uses. Land protected by agricultural land easements provides additional public benefits, including environmental quality, historic preservation, wildlife habitat and protection of open space.

NRCS provides financial assistance to eligible partners for purchasing agricultural easements that protect the agricultural use and conservation values of eligible land.

Partner holds the easement.

Agricultural Conservation Easement Program (ACEP):

Wetland Reserve Easements (WRE) (formerly known as Wetlands Reserve Program)

Administered by NRCS.

Program Purpose: Restore, protect, and enhance wetlands on agricultural lands.

NRCS purchases easements directly from private and Tribal landowners through a reserved interest deed in eligible land to restore, protect, and enhance wetlands and associated uplands.

NRCS responsible for monitoring, management, and enforcement.

US holds the easement.



Emergency Watershed Protection Program (EWPP):

Floodplain Easements (FPE)

Administered by NRCS.

Program Purpose: To prevent future flood damage to infrastructure and investment by restoring the natural functions and values of floodplains.

Easement Program similar to WRE but used as a disaster recovery tool focusing on floodplain restoration.

Not a Farm Bill program, funding provided through disaster appropriations.

Healthy Forest Reserve Program (HFRP)

Administered by NRCS.

Program Purpose: To provide habitat for threatened or endangered species or to increase carbon sequestration by restoring and enhancing forest habitat conditions.

Any endangered species can be targeted by program; wetland dependent species are eligible as long as required habitat includes a forest component.

Non-Farm Bill Program currently funded only through the Regional Conservation Partnership Program (RCPP).

Wetland Mitigation Banking Program

Administered by NRCS.

Program Purpose: To provide agricultural producers with an affordable option to meet their conservation compliance responsibilities.

Wetland Conservation Compliance in the 1985 Farm Bill set eligibility requirements for most USDA programs. To be eligible, producers must certify that:

- They have not planted or produced an agricultural commodity on a converted wetland.
- They have not converted a wetland to make ag production possible.

If these rules are violated, the wetland damages must be mitigated.

- Onsite mitigation is preferable but not always possible – making mitigation banking necessary.

Wetland Mitigation Banking Program

Wetland credits can be hard to come by; producers often compete for 404 wetland credits with developers, Departments of Transportation and other well-funded entities.

The 2014 Farm Bill provided funding for NRCS to operate a program or work with third parties to establish wetland mitigation banks expressly for agricultural producers.

Conservation Reserve Program (CRP)

- ▶ Administered by the Farm Services Agency and NRCS.
- ▶ Program Purpose: Offers long-term rental payments and cost-share assistance to establish permanent vegetative cover on cropland that is highly erodible or contributing to a serious water quality problem.
- ▶ Environmentally sensitive acres are targeted for assistance.
- ▶ CRP is a contract based program.

CRP Enrollment Options for Wetlands

State Acreage for Wildlife Enhancement (SAFE)

Provides financial and technical assistance to farmers and ranchers who implement a variety of practices that conserve high priority wildlife species.

Clean Lakes, Estuaries, and Rivers (CLEAR) initiative

Targeted to protect and enhance water quality; newly authorized in the 2018 Farm Bill.

Farmable Wetland Program

Helps producers manage certain types of wetlands and install wetland buffer areas.



USFS Wetland Programs

Forest Stewardship Program

Program Purpose: To help landowners develop a forest management plan (Forest Stewardship Plan).

Partnership with state forestry agencies, cooperative extension, and conservation districts to connect private landowners with the information and tools they need to manage their forests and woodlands.

Any variety of production and or conservation goals can be included in the Stewardship plan, including those targeting wetlands/floodplains or riparian areas.

Forest Land Enhancement Program

Program Purpose: To provide up to 75% cost share for non-industrial private forest landowners to implement practices identified in certified Forest Stewardship Plans.

FLEP is used to establish, restore, protect, manage, maintain, and enhance the health and productivity of non-industrial private forest lands in the United States for timber, habitat for flora and fauna, soil, water, and air quality, wetlands, and riparian buffers.



Non-USDA Wetland Programs: U.S. Fish and Wildlife Service

Partners for Wildlife

Program Purpose: Provides technical and financial assistance to private landowners and Tribes who are willing to voluntary basis to help meet the habitat needs of our Federal Trust Species.

The Program can assist with projects in all habitat types which conserve or restore native vegetation, hydrology, and soils associated with imperiled ecosystems such as longleaf pine, bottomland hardwoods, tropical forests, native prairies, marshes, rivers and streams, or otherwise provide an important habitat requisite for a rare, declining or protected species.



Non-USDA Wetland Programs: U.S. Fish and Wildlife Service

North American Waterfowl Management Plan

Administered by US Fish and Wildlife Service and US Geological Survey.

Program Purpose: An international strategy for reversing the decline of migratory waterfowl populations through wetlands protection, restoration, and enhancement. Habitat can be purchased, leased, or protected with conservation easements. Landowners are offered economic incentives for farming practices that benefit waterfowl.



North American Wetlands Conservation Act

Administered by US Fish and Wildlife Service

Program Purpose: An international wetlands conservation program to encourage partnerships among public agencies and other interests to protect, enhance, restore, and manage an appropriate distribution and diversity of wetland ecosystems and other habitats for migratory birds and other wildlife and fish in North America; to maintain current or improved distributions of migratory bird populations; and to sustain an abundance of waterfowl and other migratory birds consistent with the goals of the North American Waterfowl Management Plan. Grant funds are available on a one-to-one matching basis with non-Federal U.S. sources.

Non-USDA Wetland Programs:

U.S. Department of Transportation and Federal Highway Administration
Department of Defense

Intermodal Surface Transportation Efficiency Act

Administered by USDOT and Federal Highway Administration.

Program Purpose: ISTEA is committed to the design and building of transportation facilities that fit harmoniously into communities and the natural environment. Wetland mitigation banking and other measures to offset impacts to wetland resources are eligible for ISTEA funding. These measures may occur in advance of construction and may include direct contributions to statewide regional wetland conservation and mitigation planning efforts.

Legacy Resource Management Program Administered by Department of Defense.

Program Purpose: To promote, manage, research, conserve, and restore biological, geophysical, and historical resources on public lands, facilities, or property held by DOD. It involves other Federal and State agencies, private organizations, and volunteers. Demonstration projects and program development are accomplished at the installation level.



Non-USDA Wetland Programs: U.S. Army Corps of Engineers



Continuing Authorities Program

Program Purpose: To plan and implement water resource projects of limited size, cost, scope and complexity.

Continuing Authorities Program is a group of nine legislative authorities under which the Corps can plan, design, and implement certain types of water resources projects without additional project specific congressional authorization.

Projects begin with feasibility study. The Corps and non-federal sponsor then sign a project partnership agreement (PPA) to beginning implementation.

Non-USDA Wetland Programs: Environmental Protection Agency

Five Star and Urban Waters Restoration Grant Program

Partnership between EWP, FS, FWS, FedEx, Shell Oil Company, Southern Company and BNSF Railway.

Program Purpose: To develop community capacity by providing modest assistance to diverse local partnerships for river, wetland, riparian, forest and coastal restoration, and wildlife conservation.

Water monitoring, stormwater management, source water protection, urban tree canopy restoration, and projects designed to prevent trash from entering waterways are just some of the types of projects that are awarded grants.



Non-USDA Wetland Programs: Multiple Agencies

Coastal Wetlands Planning, Protection and Restoration Act – Louisiana Specific Partnership of NRCS, Corps, FWS, EPA and Louisiana State Government.

Program Purpose: To plan, design, construct, maintain, & monitor coastal wetlands restoration projects that provide for the long-term conservation of wetlands & their dependent fish & wildlife populations in coastal Louisiana.

Funded by the Sport Fish Restoration & Boating Safety Trust Fund,



You've Identified a Program That Meets Your Needs... Now What?

Wetland planning considerations:

- ▶ Regional issues that might directly impact the success of your project.
- ▶ Think about the future.
- ▶ Personal issues, know your customer and yourself.
- ▶ Know where to get help because wetland projects can be complicated.
- ▶ Terminology – don't confuse your customers or partners.

Regional Issues



Permitting – Some areas are incredibly strict or require long lead time. Some require multiple levels of planning and design from hydrologists, biologists to engineers, just to get a permit.



Are you addressing the cause of degradation or will you project meet the same fate?



Site-specific Conditions

The CPA-52 is a great tool for identifying conditions that could be problematic. Always allocate enough time and resources to do a good job completing it.



Access

To the site, to the right people, to data.



Self sustainability?

Passive restoration techniques may be better.

Anticipate Changes Before Making Plans

- ▶ How changes in climate impact your restoration project in five years? What about 50 years?
- ▶ Will it be wetter or dryer? Will your coastal wetland eventually be an estuary system? Will your large investment be viable for years to come?
- ▶ Be realistic when choosing vegetation for restoration. Many exotic seed mixes are available but are they needed? Are you better off allowing natural regeneration to take place? Natural seedbank provides excellent survival but is there enough variety?

Personal Issues

- ▶ Customer Considerations: Does your customer have realistic expectations? It is very important to ask and answer as many questions as possible.
 - ▶ Why is your customer interest in the project (financial, conservation, protection)?
 - ▶ Project timeline – how long will it take and when will I get paid?
 - ▶ Project results – what will it look like and when can I use it?
- ▶ Planner Considerations: Wetland restoration is not a solo activity! You must be willing and able to work with others. Asking for and utilizing help isn't a weakness, it is a strength and will result in a better finished project.
 - ▶ You should be prepared to admit you can't plan every aspect of a project. You also need to know where to find help with those aspects you aren't familiar with.

Why Terminology is Important?

Wetland laws and regulations are confusing and, with the vast number of programs out there to assist landowners, determining which program to use can be overwhelming and confusing. The language we use to talk about wetland projects can either improve communication or further complicate it.

How do you overcome this confusion and help landowners find the right match between the issues they face and the program to address it?

- ▶ Ask lots of questions.
 - ▶ What motivated their decision to look for assistance?
 - ▶ What are the landowner's goals?
 - ▶ Are there ancillary concerns influencing the landowner?
- ▶ Use language your customer understands.
 - ▶ Don't use professional terminology until you are sure your customer understands.
 - ▶ Examples: 404 Permit, Hydrogeomorphology, TMDL

You Must Know What Help is Available

Why would I need help?

- ▶ Restoration is a complex undertaking integrating a wide range of disciplines such as ecology, aquatic biology, hydrology and hydraulics, geomorphology, engineering, planning, communications and social science. It is important that the planning and implementation of a restoration project involve people with experience in each discipline needed for the particular project. Universities, government agencies and private organizations may be able to provide expertise to help ensure that restoration projects are science-based and well-balanced.
- ▶ Complex restoration projects also require strong leadership skills because you will be coordinating a diverse team each member with their own goals and objectives.

What Assistance Can NRCS Provide

Planning

- Planning is first and foremost NRCS's greatest strength. Natural Resource planning process is drilled into employees from the day they are hired to the day they retire.

Range of Expertise

- NRCS has the full spectrum of technical specialists needed to develop a successful wetland project.
- Soil Scientists, engineers and hydrologists employed by NRCS are some of the most qualified in their respective fields.

Availability

- NRCS employees are available to assist private landowners with natural resource planning even if they aren't utilizing an NRCS program. NRCS receives funding specifically to provide technical assistance to landowners.

Final Summary

Today's Topics:

The Federal Agencies responsible for wetlands.

Some of the major USDA and Federal wetland programs available.

A few of the State/NGO programs available.

The multidisciplinary requirements of wetland restoration.

The types of help you might need for a wetland restoration project and where to find it.

Considerations for wetland restoration planning.

Using the CPA-52 to inform wetland restoration decisions.

Examples of collaboration in wetland restoration.
