

**Agricultural Conservation Easement Program Interim Rule  
Comments from the  
Wetland Conservation Policy Coalition**

Submitted via [www.regulations.gov](http://www.regulations.gov) for Docket ID NRCS-2019-0006, RIN 0578-AA66

The Wetland Conservation Policy Coalition (“Coalition”) is composed of conservation and landowner organizations working to improve wetland conservation policy, primarily in support of the Agricultural Conservation Easement Program. Coalition members include the Association of Fish and Wildlife Agencies, California Waterfowl Association, Ducks Unlimited, Mississippi River Landowners Alliance, Mississippi River Trust, Pheasants Forever, Quail Forever, The Nature Conservancy, and Wildlife Mississippi.

The Coalition appreciates the opportunity to comment and values its ongoing, collaborative partnership with NRCS to enhance wetland conservation across the nation. The Wetland Conservation Policy Coalition respectfully offers the following recommendations and comments regarding the ACEP interim rule.

**Cost Benefit Analysis Summary**

The Coalition strongly supports the exclusion of enrollment requirements and program specific funding allocations between ALE and WRE. We support following historic trends and basing enrollments on state and national priorities, environmental impacts and local landowner demand. We also strongly support obtaining wetland conservation benefits through voluntary incentive programs in lieu of federal or state regulatory requirements.

**1468.2(e) Funding for Easement Management and Monitoring**

The Coalition strongly supports specifically allocating ACEP funds for management and monitoring of existing easements. We recommend program allocations for new enrollment be prioritized over management, while maintaining state level flexibility.

**Section 1468.2(k) Adjusted Gross Income Limitation**

Although the Coalition feels public gains from voluntary conservation by producers should not be restricted by a landowner’s financial status, we support the option to waive the AGI applicability limitation for environmentally sensitive land of special significance. AGI enrollment flexibility provides opportunities to enroll lands of significance and assists with meeting multiple conservation goals, such as state wildlife management action plans.

**1468.3 Definitions – Wetland Restoration**

The Coalition supports the new definition of wetland restoration, including specifically removing the 30% limitation on alternative communities that differ from what existed historically. We also support the flexibility provided by further defining wetland restoration through state-specific criteria and guidelines developed in coordination with state technical committees.

**Section 1468.30(b) Acreage Limitations**

The Coalition strongly supports the increase from 10 to 15 percent of the total cropland acreage within a county that may be enrolled under ACEP-WRE. For future consideration, we recommend eliminating the 15 percent WRE limitation, while maintaining the combined 25% restriction for CRP and ACEP-WRE.

**Section 1468.32(b)(1) Establishing priorities, ranking consideration, and project selection**

The Coalition strongly supports giving priority to obtaining permanent easements over shorter-term easements. We recommend requiring duration of easement as a ranking criterion with priority given to permanent easements, but also desire NRCS state flexibility be retained in consultation with state technical committees.

**Section 1468.35 Wetland Reserve Enhancement Partnerships**

The Coalition strongly supports Wetland Reserve Enhancement Partnership opportunities as a unique way to leverage and target ACEP-WRE funds to achieve high priority protection, restoration and enhancement objectives. We also support maintaining historic levels of partner contributions with a minimum requirement of 25% of restoration costs. The Coalition applauds NRCS for allocating \$48 million for WREP in 2019. We recommend annual WREP allocations of \$50 million throughout the 2018 Farm Bill.

**1468.37(a)(2)(ii) Compatible Uses – Hunting and Fishing**

Undeveloped recreational uses, including hunting and fishing, are specifically listed as one of the five rights reserved by the landowner in the ACEP-WRE Warranty Easement Deed. Therefore, the Coalition recommends removing “hunting and fishing” from the list of activities that can be authorized as a compatible use in Section 1468.37(a)(2)(ii).

**1468.37(a)(2)(ii) Compatible Uses – Water Management**

The Coalition supports specifically listing “water management” as an activity that can be authorized on easements as a compatible use. We recommend the NRCS increase focus on active water level management and strongly support its use in maintaining, enhancing and diversifying wetland habitats provided on easements.