

# Grand River Partners, Inc.

Rec'd  
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March 12, 2009

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WRP-Easements Programs Division  
Wetlands Reserve Program Comments  
Natural Resource Conservation Service  
P O. 2890, Room 6819-S  
Washington, DC 20013

## Re: Wetlands Reserve Program Comments

To whom it may concern:

Thank you for allowing comments on the proposed revision to the Wetland Reserve Program (WRP) which as you know is implemented in Ohio by the Natural Resource Conservation Service (NRCS) for the United States Department of Agriculture (USDA). On behalf of Grand River Partners, Inc., a 501(c)(3) nonprofit conservation organization in Northeast Ohio, I would like to submit for your review the following comments to the WRP program:

In Northeast Ohio, the WRP program has been a very successful conservation tool for private landowners as well as several conservation organizations including watershed protection groups, land trusts, conservation districts and park districts. Thousands of acres of critical wetland and riparian habitat have been protected to date with the WRP program in Ohio alone.

### Riparian Program

One of the key successes to the WRP program in Northeast Ohio has been the ability to use this program to connect existing riparian wetlands through qualifying stream corridors. This has been typically done by allowing landowners to be paid the appraised value for conservation easements within 300 feet of any USGS designated perennial stream that connects existing protected wetlands. The WRP conservation easements in Northeast Ohio are in perpetuity and often leverage larger anchor easements which protect the majority of the remaining parcel.

Unfortunately the proposed changes to the program requirements have removed the natural stream corridor component from the land eligibility criteria in **Section 1467.4(e)(3)(ii)**. Under the proposed requirements, the riparian component is placed in **Section 1467.4(e)(6)(ii)** but only as a *subcomponent* of **Section 1467.4(e)(3)(ii)**. Under these guidelines a project must *first* qualify as a "farmed wetland or converted wetland" or "cropland or grassland" that was in place prior to a flooding event from a "closed basin lake or pothole" and *then* can only be considered for eligibility for the program. Neither of these qualifying criteria allow for the protection of critical natural riparian corridors and wetlands without first having an agricultural component.

This critical riparian protection component of the WRP has leveraged the protection of thousands of acres of floodplain wetlands for stormwater storage

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and filtering, vernal pools, seeps, and critical groundwater recharge areas in addition to incidentally connecting natural stream & river corridors and the larger tracks of habitat protected via the anchor easement. Additionally, this sort of protection adds critical pollutant and sediment buffers to our tributaries, rivers, and wetlands which is, of course, the intent of the program in the first place. It should also be noted that many of the WRP projects that have been successfully funded in Northeast Ohio via the riparian component, would not have qualified for any other funding sources and therefore would never have been protected.

## 7-Year Ownership Period

In **Section 1467.4(c)(2)** the proposed regulations call for any landowner who is applying for the WRP program to have held ownership to the land for seven (7) years prior to submitting an application. Exceptions to this rule currently include ownership changes due to (i) inheritance, (ii) foreclosure, or (iii) any reason that gives the NRCS assurance that the "such property was not acquired for the purposes of placing it in the program."

It becomes difficult to understand what purpose **Section 1467.4(c)(2)(iii)** accomplishes with respect to conservation. This organization can find no reason why the amount of time a landowner owns a particular piece of property has any bearing on the ability for that particular landowner to protect the natural resources of his/her property. It can even be said that conservation minded people who are looking to acquire property often seek out properties that have WRP potential so they can buy larger tracks of land for the sole purpose of conservation and/or restoration of the natural resources.

Isn't the protection and/or restoration of natural resources the very intent of the WRP program? A seven (7) year waiting period often makes it impossible for a potential conservation minded farmer or property buyer to purchase properties that have restorable wetlands on marginal farmland or protecting riparian wetland habitat. This rule works against the intent of the WRP program and detracts from the goal promoting on-the-land conservation practices. This rule alone has caused four (4) landowners in the Grand River Watershed to be ineligible for the WRP program in 2008 leaving natural resources unprotected.

## Exclusion of Public Conservation Organizations

Under the *Land eligible* criteria in **Section 1467.4(e)(1)** the proposed regulations state that "only private land or land owned by Indian Tribes may be considered for enrollment into WRP." Although this restriction is most likely necessary to prevent some state and federal organizations from competing with private landowners for WRP funds, this restriction also unfortunately restricts qualified conservation organizations such as conservation districts and local park systems from applying for these funds.

In Northeast Ohio these organizations have purchased and protected thousands of acres by enrolling many of them into the WRP program. The WRP program has added conservation easements to many of these properties as another layer of protection and has also assisted in the restoration of prior

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converted wetlands. More importantly, the actual funding awarded through these programs has almost always been rolled back into these land protection efforts and the ongoing conservation programs of these organizations. As with the private conservation landowner, the WRP program often makes it possible for conservation districts and park systems to recoup a portion of the funding from expense land purchases for public parks, nature preserves, and critically threatened properties.

## Proposed Changes to the WRP Regulations to Consider

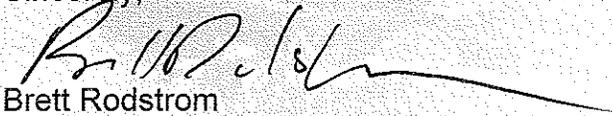
- Remove the *riparian protection component* of the proposed changes to the WRP regulations from **Section 1467.4(e)(6)(ii)** and reinstates them into **Section 1467.4(e)(3)** to continue to allow existing riparian wetlands and their hydrologically connected stream corridors to be eligible for this program.
- Reduce the ownership period (**Section 1467.4(c)(2)(iii)**) requirement for a landowner applying for the WRP program from 7-years to **1-year** to allow private individuals and eligible non-profit conservation organizations to purchase, restore, and protect critical natural resources and roll the funding awarded from successful WRP easements back into other conservation practices and programs.
- Make WRP eligibility exceptions in **Section 1467.4(e)(1)** for conservation districts, park systems, and qualified conservation minded units of government so they can continue to use the WRP program to restore and protect critical natural wetland areas and the riparian corridors that connect them.

There are currently over 8 million dollars of WRP funds in Ohio slated for 2009 projects. Without the above modifications and reinstatements to the proposed WRP regulations, almost all proposed WRP projects in Northeast Ohio will no longer qualify for this program.

Grand River Partners, Inc. thanks the USDA and the NRCS for its time and consideration of the proposed regulation changes for the WRP program which has served as a cornerstone of conservation in Northeast Ohio for the last few decades.

If you have any questions, comments, or would like to engage in any further discussion please feel free to contact me anytime at (440) 375-7313 or by email at [brett@grandriverpartners.org](mailto:brett@grandriverpartners.org).

Sincerely,

  
Brett Rodstrom  
Land Protection Coordinator  
Grand River Partners, Inc.

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