



FACT SHEET



Natural Resources Conservation Service's New Landowner Information on Easements

Healthy Forests Reserve Program

Congratulations on your purchase of land with a Healthy Forests Reserve Program conservation easement. You are joining a growing group of individuals who are concerned with protecting Indiana's natural resources for future generations. As of 2013, the HFRP has protected over 1100 acres of land in Indiana, joining over 72,000 acres of NRCS conservation easements statewide protecting wetland, grassland, forest, and floodplain habitat. The Natural Resources Conservation Service is eager to work with you to maintain and enhance the conservation values of your easement.

This Fact Sheet is intended to give you an overview of the purpose and intent of the Healthy Forests Reserve Program, and the regulations governing the easement on your property. At times the easement process can seem overwhelming. This fact sheet is not all encompassing. Please contact your local Natural Resources Conservation Service representative to set up a time to meet and discuss your new easement. There is a District Conservationist that supports every county within the state. You may find the contact information for your county on the Indiana NRCS website: <http://www.nrcs.usda.gov/wps/portal/nrcs/main/in/contact/>

Goals of HFRP

The HFRP program emphasizes the restoration, enhancement, and protection of forestland resources. The primary objectives of the program in Indiana are to promote the recovery of endangered northern copper belly water snake and other threatened and endangered species, improve plant and animal biodiversity, and enhance carbon sequestration. The objectives can be met, while properly managing a forest for timber and other uses. In order to ensure the conservation values of the easement are maintained, while at the same time permitting authorized forestry activities, a forest management plan is required for all landowners.

Conservation Easement Deed

The Conservation Easement Deed is the overarching document governing the rights and prohibitions on the easement property. This document is recorded at the county courthouse, and should have been provided to you, or referenced in title

insurance documentation, at the time you purchased the property. The Conservation Easement Deed remains in effect, despite future changes to program policies and legislation, and should be referenced prior to any action on the property. HFRP easements are all permanent (in perpetuity).

Prohibitions

See the Conservation Easement Deed for a complete list of prohibitions. In general, any action that has the potential or intent to alter vegetation or topography is prohibited on the easement. Prohibited actions include, but are not limited to: plowing, cropping, dumping waste, planting orchards, draining, dredging or filling channels, disturbing or interfering with nesting, recreational vehicle trails. The repair maintenance, or replacement of existing structures necessary for common forestry practices, is permitted within the existing footprint. In some instances, certain prohibited actions may be authorized that will further the forest and conservation values of the easement. The NRCS has the authority to approve certain activities on the easement that will benefit and further the intent of the conservation values of the easement. In such instances, the landowner may request those activities in writing. Such requests are subject to the approval, terms, and conditions stipulated by NRCS, and may be revoked if deemed they impact the intent of the easement.



Photo taken by Beth Warner, The Nature Conservancy



Photo taken by The Nature Conservancy

Rights of the Landowner

The Conservation Easement Deeds have some variability, depending on when the easement was recorded, and the document specific to your property should be referenced for details. In general, rights reserved to the landowner include:

- 1. Forestland Use of the Property:** The Landowner is permitted to conduct routine forestry operations and management, such as timber harvest, consistent with the conservation intent of the program, and in accordance with the management plan. Any changes to the current structure and management of the property must be approved by NRCS and incorporated in the active management plan for the property.
- 2. Quiet Enjoyment:** The landowner reserves the right of quiet use and enjoyment of the property without disturbance from others.
- 3. Recreational Uses:** undeveloped, passive recreational use of the property such as hiking, primitive camping, bird watching, hunting and fishing are permitted.
- 4. Title:** Includes the right to transfer or sell the property. The easement survives transfer. Some versions of the Conservation Easement Deed restrict the subdivision of the easement.
- 5. Control of Access:** The right to control general public access to the land. The land remains in private ownership. It is the Landowner's responsibility to control trespassers. The NRCS or its representative may periodically access the property to monitor the condition of the easement and enforce the terms of the Conservation Easement Deed.
- 6. Subsurface Resources:** The right to oil, gas, mineral, etc. resources underlying the easement area, provided that any drilling or mining activities are located outside the easement. No surface extraction is permitted within the easement area.

Landowner Protections

Landowner Protection is defined as protection and assurances made available by NRCS to HFRP landowners and whose voluntary conservation activities result in a net conservation benefit for endangered or threatened species, and meet other program requirements. Landowner Protections provide a level of confidence to HFRP landowners that are following an approved HFRP restoration/management plan, that their efforts will not result in increased restrictions on how they can use their land due to the presence of an endangered species. The protections are granted through the Secretary of Agriculture through an incidental take authorization received by NRCS through the United States Fish and Wildlife Service (USFWS), or by a Safe Harbor Agreement made directly between the HFRP landowner and USFWS.

Management and Monitoring

The United States, through the Natural Resources Conservation Service, retains the rights to access the easement area for the purposes of monitoring, enforcement, maintenance, and management activities. It is the NRCS's responsibility to ensure the terms and conditions of the easement are being met, and the natural values of the easement are being protected and maintained.

To fulfill its responsibility, the NRCS conducts annual and periodic monitoring activities on the easement. These may include onsite review of the easement. The Landowner will be notified prior to the monitoring activity. This a good opportunity to meet with NRCS to update any management plans, discuss easement concerns, and review the status of the easement.

For More Information and Additional Factsheets

<http://www.nrcs.usda.gov/wps/portal/nrcs/main/in/programs/easements/>