



Natural Resources Conservation Service

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## SAMPLE LIMITATIONS TO USE OF WRP AREA FOR MITIGATION LETTER

[Date]

[Landowner's Name]

[Street Address]

[City, State, ZIP Code]

Subject: Request to Use WRP Area for Mitigation

Dear [names of landowner or landowners]:

We have received your inquiry about the use of your Wetlands Reserve Program (WRP) easement area for mitigation purposes. WRP provides the authority and is fully funded to achieve a full degree of protection, restoration, enhancement, and improvement to maximize wildlife habitat and other wetland functions and values. It is not permissible for NRCS to enroll land into WRP and not implement, to the maximum extent practicable, all needed land treatment conservation actions. As a result, it is not appropriate for NRCS to allow another entity to expend mitigation funds on any land treatment conservation actions that would be practicable to fund under WRP. Consequently, there are very limited situations under which additional restoration, enhancement, or protection measures would be available for mitigation purposes on WRP project sites.

For such limited situations in which NRCS determines that supplemental activities to be funded by a third party are beyond what is practicable for NRCS to carry out on the WRP land, the proposed mitigation agreements are subject to NRCS review and approval and will require an amendment to your Wetlands Reserve Plan of Operations (WRPO); any management actions may only be authorized through an NRCS-issued compatible use authorization (CUA). CUAs are only authorized annually, up to a maximum of 10 years, and NRCS may modify or revoke them at any time; therefore, any mitigation agreements that require specific, guaranteed performance are not allowable on WRP. NRCS will amend the WRPO and provide CUAs at its sole discretion and only when the amendment or CUA does not infringe on the rights of the United States, and furthers the wetland and wildlife functions and values being achieved on the easement area.

Entering into any outside agreements that would require the exercise of the United States' rights held through the Warranty Easement Deed without first gaining NRCS's approval can result in a violation of your WRP easement. If you would like to request an NRCS review of your proposed mitigation agreement to determine whether or not it is compatible with the WRP easement on your property, please contact [State WRP manager and his or her contact information].

If you have any questions, please contact [contact person and his or her telephone number] or email me at [email address].



Sincerely,

State WRP Manager

cc: District Conservationist

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An Equal Opportunity Provider and Employer

