

U.S. Fish & Wildlife Service Grassland Easement Program

What is a Grassland Easement?

A grassland easement is a legal agreement signed with the United States of America, through the U.S. Fish and Wildlife Service (Service), that pays you to permanently keep your land in grass. Many landowners never plan on putting their land into crop production and can benefit from the added cash incentive of a grassland easement. Land covered by a grassland easement may not be cultivated. Mowing, haying, and grass seed harvesting must be delayed until after July 15 each year. This restriction is to help grassland nesting species, such as ducks and pheasants, complete their nesting before the grass is disturbed. Grazing is not restricted in any way.

Why protect grasslands?

Vast grasslands once covered much of North America. Settlement, agriculture, and development have reduced prairie habitats to a patchwork of isolated grasslands in a sea of croplands, roads, and cities. Loss of grasslands is detrimental to people as well as to wildlife. Grasslands help reduce soil erosion caused by wind and water. They also filter chemicals, thus protecting our water supplies. Vegetation such as grass, forbs, and shrubs, help trap snow and rain. This allows a more regulated flow of precipitation to seep into the ground, recharging water supplies. Grasslands also provide season-long forage for livestock. Many wildlife species depend on grasslands for food, cover, and nesting sites. Protecting grasslands ensures that wildlife will be there for your grandchildren and future generations to enjoy.

Land Qualifications

Does any land qualify for a grassland easement?

No. The property must lie within an approved county and have potential value to wildlife. Highest priority lands are large tracts of grassland with high wetland densities; and native prairie or soils most likely to be converted to cropland.

What about farm sites, feed lots, etc.?

Existing farm sites are excluded from grassland easements. Future feed lots and other improvements may be allowed, and if approved, will require prior Service approval.

Landowner Use and Other Rights

Will the grassland easement affect my eligibility in USDA farm programs?

The easement may limit participation in USDA programs where base acres of cropland are used to determine program eligibility, such as enrollment in the Conservation Reserve Program. Contact your local Farm Service Agency for information regarding eligibility.

Are grazing and haying permitted?

Yes. Grazing is permitted anytime. Haying is only allowed after July 15 of each year to give wildlife species which nest in grasslands, such as ducks, pheasants, and songbirds, a chance to raise their young.

Who controls noxious weeds and pests?

As the landowner, you are responsible for noxious weed and pest control. Mowing before July 15 to control weeds is prohibited without prior written approval by the Service.

Will my mineral rights be affected?

No. Subsurface rights, such as oil, gas, and mineral, are not affected. However, consult your local Service representative to avoid potential easement violation situations.

Will hunting and trapping rights on my land be affected?

No. You maintain the right to open or close your lands to hunting and trapping.

The Easement Process

How do I apply for the program and begin the process?

Simply call the contact person or office on the back of this brochure. That contact person, a Service realty specialist or field biologist, will further explain the program and answer any questions. A site inspection of your property will be scheduled if you determine that you would like to participate in the easement program.

How long does the easement last?

This is a permanent (perpetual) agreement between the Service and all present and future landowners.

What happens before the easement is accepted?

The Service obtains title information from the abstractor at no cost to you. The title is checked to determine that all owners of record have signed the easement. Service attorneys review the case and furnish an opinion of title. If the opinion indicates any title defects, we will assist you in correcting them before the Service accepts the easement. The process usually takes about 6 to 9 months.

What happens after the easement is accepted?

A letter, sent by certified mail, will inform you that the easement has been accepted and is being recorded at the county courthouse. A copy of the easement will be included with the certified letter.

The Payment Process

How is the payment determined?

A Service realty specialist estimates the value of the easement based on the assessed value of your land.

What is the method of payment?

A single lump-sum payment, in the form of a check from the U.S. Treasury for the full amount specified in the easement, will be sent to the landowner.

When will I be paid?

A payment is usually made within 6 to 9 months after the easement has been signed.

If the Proposed Easement Land is Mortgaged

What if I have a mortgage on the property?

Usually, mortgages do not affect easement transactions. If the mortgage holder needs to consent to the easement, we will ask the mortgage holder for a signed statement known as a subordination agreement, which subordinates the rights of the mortgage to those of the easement.

Who pays for the subordination agreement?

If there is a charge, you will need to pay for it, then file a claim for reimbursement from the Government.

Taxes

What about income taxes?

The Service Finance Center will issue an IRS Form 1099-S at the end of the calendar year. The payment should be reported on your Federal income tax return, but may not be taxable. Consult your tax attorney or accountant for further guidance.

Potential Problems

What if the quality of the grassland easement deteriorates?

A written permit may be obtained from your Service representative to replant or rejuvenate tame grassland habitat. Grasses suitable to your needs and to the long-term benefits of wildlife are encouraged. Cost-sharing or donated seed may be available through Federal, State, or private organizations.

Will the Service be monitoring my land after the agreement is signed?

Although the Service is required to monitor these contracts, unless you are in violation of the agreement, you probably will not see a Service representative on your land. To avoid easement violations, contact your local Service representative before manipulating permanent vegetative cover on easement lands. Violation of easement terms may result in legal prosecution, fines, and restitution.

Additional Information

Equal opportunity to participate in and benefit from programs and activities of the U.S. Fish and Wildlife Service is available to all individuals regardless of physical or mental ability. Dial 711 for a free connection to the State relay service for TTY and voice calls to and from the speech and hearing impaired. For more information or to address accessibility

needs, please contact the staff at your local U.S. Fish and Wildlife Service office, or the U.S. Department of the Interior, Office of Equal Opportunity, 1849 C Street, NW, Washington, D.C. 20240.

Mountain Prairie Region (R6)

Division of Realty

PO Box 25486, DFC

Denver, CO 80225

303 / 236 8130

[http:// www.fws.gov/mountain-prairie/realty/](http://www.fws.gov/mountain-prairie/realty/)

For State relay service

TTY / Voice: 711

U.S. Fish and Wildlife Service

<http://www.fws.gov>

For Refuge Information

1 800 / 344 WILD

July 2010