

NRCS Easement Guide

What are NRCS Conservation Easements?

NRCS conservation easements are rights purchased through various voluntary programs to protect or restore the ecological and social functions and values of the land. The easement period may range from 30 years to perpetuity depending on the program requirements and the desires of the landowner.

What are Infrastructure Projects?

Infrastructure projects are planned undertakings that establish or expand the underlying framework for transportation or utility systems, and generally require rights-of-way (ROW) across public and/or private land.

Infrastructure projects include, but are not limited to:

- Roadways
- Rail lines
- Electrical transmission lines (including wind generator farms)
- Airports
- Pipelines



What are the limits of NRCS Authority?

NRCS has no authority to modify the warranty easement deeds purchased for any easement programs, except for Wetland Reserve Program (WRP) easements. WRP easements will be subordinated only in extreme, limited circumstances and require approval by the Chief of NRCS.

Information for Landowners

What are my legal rights?

Generally, under the terms of the Warranty Easement Deed, all rights are granted and conveyed to the UNITED STATES OF AMERICA, except for those expressly reserved.

Reserved rights of the landowner include:

- Title
- Quiet Enjoyment
- Control of Access
- Recreational Uses
- Subsurface Resources

Additional rights may be reserved depending on the program. Landowners should review their Warranty Easement Deed to verify their legal obligations.

If contacted by infrastructure ROW companies or contractors:

Landowners should inform them of the presence of a Federal conservation easement and refer them to NRCS. Landowners should not sign any agreements, or allow any on-site reconnaissance or construction to any proposed ROW without the written consent of NRCS.

For Additional Information:

Contact the NRCS State Conservationist.



Information for Infrastructure Companies & Contractors

How can the presence of an NRCS easement be identified?

NRCS easements are recorded in the County/Parish in which the property resides or as otherwise prescribed by State law. Property title searches should reveal the presence of all NRCS easements.

NRCS State offices can also provide information on the location of conservation easements.

It is the responsibility of the project proponent to check courthouse records for the presence of Federally-owned easements.

What if a proposed ROW crosses a NRCS easement?

The project should be re-routed to avoid the NRCS easement. If the easement is WRP and avoidance is not possible, a complete National Environmental Policy Act (NEPA) analysis (including an extensive investigation of alternatives considered and justification documenting why the alternative routes are not feasible) will be required.

For Additional Information:

For single state projects, contact the NRCS State Conservationist

For multi-state projects, contact the USDA-NRCS Easement Programs Division Director, 14th and Independence Ave., SW. Room 6819-S, Washington, DC 20250, Phone: 202-720-1854 Fax: 202-720-9689.

Information for Agencies

Proposed Federal Projects:

The project should be re-routed to avoid the NRCS easement. If the easement is WRP and avoidance is not possible, the lead Federal agency is encouraged to invite NRCS to serve as a “cooperating agency” in their NEPA analysis.

Proposed Non-Federal Projects:

The project should be re-routed to avoid the NRCS easement. If the easement is WRP and avoidance is not possible, a complete NEPA analysis (including an extensive investigation of alternatives considered and justification documenting why the alternative routes are not feasible) will be required.

Contact for Additional Information:

For single state projects, contact the NRCS State Conservationist.

For multi-state projects, contact:

USDA-NRCS

Easement Programs Division Director

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Washington, DC 20250

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Helping People Help the Land

Information for NRCS Employees

What if contacted by landowner?

NRCS should verify with the landowner that they understand the terms of the warranty easement deed. NRCS should inform the landowner that they should sign no agreements prior to completion of NRCS’s negotiations with involved parties. When NRCS negotiations are complete, landowners are free to negotiate terms and compensation for damages to the land infrastructure, such as fences and access roads, within the terms of the easement.

What if contacted by infrastructure ROW companies or contractors?

NRCS should inform the parties that the project should be re-routed to avoid the NRCS easement. If the easement is WRP and avoidance is not possible, a complete NEPA analysis will be required.

What if pre-existing rights are present?

NRCS shall honor those rights to the extent of the existing ROW. NRCS should communicate any identified resource concerns and needed conservation measures associated with the action.

What is a complete NEPA analysis?

An analysis in the form of a formal Environmental Assessment or Environmental Impact Statement. Complete requirements are found in 440 Programs, part 514.37 Easement Modifications.

For Additional Information:

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**for
Proposed Infrastructure
Projects Potentially Affecting
NRCS Conservation
Easements**

