Kentucky Wetland Restoration Criteria and Guidelines

The purpose of the Wetland Restoration Criteria and Guidelines (WRCG) is to document the technical considerations and parameters used to support decision-making related to the restoration of wetlands and associated habitats through NRCS conservation easement programs in Kentucky. In the context of this document, the technical decisions and determinations that must be made to achieve the successful restoration of wetlands and associated habitats span the lifespan of the project. A life span is considered from the initial site assessment to determine eligibility and prioritization of projects for enrollment, through the preliminary and final restoration planning on selected projects, and on to the long-term management, enhancement, and repairs. This State-specific wetland restoration criteria and guidelines set forth in this document are intended to provide a transparent set of technical considerations and parameters to be applied to the activities and under the conditions described herein.

Although intended directly for ACEP-WRE, the described guidance can be utilized for other wetland restoration practices established through other USDA – Natural Resources Conservation Service (NRCS) programs and technical assistance.

Technical determinations are made by state Easement Team staff and supporting documentation provided the State Conservationist or Assistant State Conservationist – Programs/Easements where appropriate for approval. Restoration plans follow the listed historic wetlands. Existing habitats will be included in the same management goals as restored wetland habitats to meet the historic conditions.

Wetland Restoration

ACEP-WRE Wetland restoration definition

(1) For the purposes of ACEP-WRE, wetland restoration is defined as the rehabilitation of degraded or lost wetland and associated habitats pursuant to this WRCG that are developed in coordination with the State technical committee in a manner such that:
(i) The original, native vegetative plant community and hydrology are, to the extent practicable, reestablished; or
(ii) A hydrologic regime and native vegetative community different from what likely existed prior to degradation of the site is established that will:
• Substantially replace the original habitat functions and values while providing significant support or benefit for migratory waterfowl or other wetland-dependent wildlife; or
• Address local resource concerns or needs for the restoration of wetland functions and values for wetland-dependent wildlife as identified in an approved State wildlife action plan or NRCS national initiative.
(2) The principles set forth in the definition of wetland restoration:
(i) Are applicable to the entire easement area, including all of the wetlands and any associated habitats in the easement area; and
(ii) Guide decision making for the duration of the enrollment from initial eligibility determinations, through development and implementation of the Wetland Restoration Plan of Operations (WRPO), and on through the long-term management of the easement or 30-year contract area including WRPO revisions and the issuance of compatible use authorizations (CUAs).
(3) Under ACEP-WRE, the primary objective is the restoration of wetland functions and values through the reestablishment of the hydrology and native vegetative communities that would have been found

on the enrollment area prior to its manipulation or degradation. However, under certain conditions, wetland restoration under ACEP-WRE may include the establishment of hydrologic regimes or native plant communities that were not historically present on the enrollment area itself, consistent with the State-specific wetland restoration criteria and guidelines. These are also known as an alternative community and are more fully described in section 528.132D of the ACEP-WRE Program Manual.
(4) The definition of wetland restoration for ACEP-WRE is intended to facilitate the following:
(i) Enabling NRCS to ensure that cost-effective restoration and maximization of wildlife benefits and wetland functions and values result.
(ii) Enabling NRCS to assist landowners with meeting their wetland and wildlife habitat goals.
(iii) Providing for a full array of varying wetland conditions that existed in the local area, even if they cannot be shown to have existed on a particular site.
(iv) Conducting restoration activities that provide valuable wildlife habitat and wetland functions in locations where it is impossible to reestablish the original community or hydrologic regime.

In Kentucky, wetlands will be restored through the ACEP-WRE Program for the purposes of restoring the eight (8) wetland functions that are listed below:

(1) Temporarily Store Surface Water
(2) Maintain Characteristic Subsurface Hydrology
(3) Cycle Nutrients
(4) Remove and Sequester Elements and Compounds
(5) Retain Particulates
(6) Export Organic Carbon
(7) Maintain Characteristic Plant Community
(8) Provide Habitat for Wildlife

The application of the WRCG are to be applied to the entire easement area, including adjacent lands a part of the wetland habitat restoration.

[528.131 B (2)(i)] **Historic Wetlands within Kentucky**

The historic conditions to serve as a reference point for restoration would be the onsite conditions and habitat prior to conversion. Regional aspects and flood regimes will be considered for most of the state of Kentucky including the Ohio River and Mississippi River drainage. A small portion of the state cannot be recreated due to the installation of the Mississippi River levees in the lower bottoms of Fulton County in the late 1800s. The goal will be to restore wetland functions and values throughout the entire state of Kentucky. Historic wetlands in Kentucky include shallow marshes, swamps, seasonally flooded wetlands, and floodplain forests.

Shallow Marshes

Shallow marshes are water-filled basins, at can be a marsh or open water sub types, with a mix of open water and emergent and submergent vegetation, provide food and resting areas for migratory birds and many species of wildlife. In the Pennyryle Region of Kentucky these wetlands are often associated with sink holes, but they can be found in other parts of the state as well.

Shallow Marshes

- Soil/Hydrology: Mineral soil, usually waterlogged and often covered with 6-inches or more of water.
- Vegetation: Grasses; bulrush; spikerush; and marsh plants such as cattail, arrowhead, pickerelweed and smartweed.
- Common sites: May fill shallow lake basins, sloughs or sink holes; may border lakes and river backwaters on landward side.
- Classifications:
    - Circular 39: Type 3
    - NWI (Cowardin) Symbols: PEMC and PEMF, PSSH, PUBA and PUBC
    - Eggers and Reed: Shallow Marsh

Shallow Open Water

This wetland type includes shallow man-made ponds, lakes and reservoirs.

- Soil/Hydrology: Mineral soil, usually with 3- to 10-foot deep water.
- Vegetation: Fringe of emergent and floating leaf vegetation similar to marshes; submergent vegetation such as pondweed, naiad, and watermilfoil.
- Common sites: Shallow lake basins and may border large open water basins.
- Classifications:
    - Circular 39: Type 5
    - NWI (Cowardin) Symbols: PUBG, PUBH, and POW
    - Eggers and Reed: Shallow Open Water:

Swamps

Shrub and wooded swamp wetlands are found along the edges of beaver ponds, lakes, rivers and streams. Shrub swamps are common throughout the state.

Shrub Swamp

- Soil/Hydrology: Mineral soil. The water table is at or near the surface and may be covered with as much as six inches of water.
- Vegetation: Includes green ash, willow, sweetgum, red maple, and cottonwood.
- Common sites: Along sluggish streams, drainage depressions and occasionally on floodplains.
- Classifications:
    - Circular 39: Type 6
    - NWI (Cowardin) Symbols: PSSA, PSSC, PSSF, PSSG, PSS1, and PSS5
    - Eggers and Reed: Shrub-Shrub Thicket3

Seasonally Flooded Wetland

These wetlands generally contain water for relatively short periods to extremely long periods, primarily in winter and spring or after heavy rains. They include small, shallow basins supporting annual plants and floodplain forests. Because they are dry for much of the year, seasonally flooded wetlands are often farmed. They are valuable food sources in the spring for migrating waterfowl and shorebirds. When left

intact, these wetlands provide breeding habitat for amphibians. Floodplain forests help protect and maintain the water quality of their associated rivers and streams.

Seasonally Flooded Basins

- Soil/Hydrology: Mineral soils, usually well-drained during much of the year but waterlogged or inundated during variable seasonal periods, especially in the spring. Many are cropped and considered as Farmed Wetlands
- Vegetation: Grasses, sedges and annual plants such as smartweeds, beggar ticks and wild millet.
- Common sites: Upland depressions, floodplain swales and depressions
- Classifications:
    - Circular 39: Type 1
    - NWI (Cowardin) Symbols: PEM1A and PEM1C
    - Eggers and Reed: Seasonally Flooded Basins

Floodplain Forests

- Soil/Hydrology: Mineral soils, usually well-drained during much of the year but waterlogged or inundated during variable seasonal periods, especially in the spring.
- Vegetation: Flood-tolerant tree species such as Bald Cypress, Overcup Oak, Bur Oak, Swamp Chestnut Oak, Swamp White Oak, Cherry Bark Oak, Pin Oak, Shumard Oak, Pecan, Black Walnut, Shellbark Hickory, Shagbark Hickory, Red Maple, Silver Maple, Cottonwood, Green Ash, Sweetgum, and American elm; often sparse understory but includes jewelweed, clearweed and nettles.
- Common sites: Along rivers and streams.
- Classifications:
    - Circular 39: Type 1
    - NWI (Cowardin) Symbols: PFO1A and PFO1C
    - Eggers and Reed: Floodplain Forest

[528.131 B (2)(ii)] **Alternative Communities that may be established within Kentucky**

Mixed Hardwood Timber (marginal or upland). – Support bottomland wetlands through filtering of overland flow runoff across the offered easement property.

Early Successional Habitat (marginal or upland). – Support other wildlife such as Threatened and Endangered (T&E) species or state designated species of special concern, where not directly related to wetland dependent wildlife.

Native Warm Season Grass Habitat (marginal or upland). – Support other wildlife such as T&E species or state designated species of special concern, where not directly related to wetland dependent wildlife.

Pollinator Habitat (marginal or upland). – Support other wildlife such as T&E species or state designated species of special concern, where not directly related to wetland dependent wildlife.

Oak-Savanna Habitat (marginal or upland). – Support other wildlife such as T&E species or state designated species of special concern, where not directly related to wetland dependent wildlife.

[528.131 B (2)(iii)] **Adjacent Land Eligibility for Kentucky**

Adjacent lands can only be enrolled as depicted in 528.105 I (1). These include but are not limited to:

- Include associated habitats listed as historic or alternative within this document.
- To include dispersed wetlands within a single offer adjoining the restoration site.
- To include existing wetland areas within a single offer where removing adjacent lands would not be proper and are considered part of the functions of the wetland complex. Any interior wetland interior to the offer would be allowed as adjacent property.
- Include areas that will connect to other easements, easement access, or to fill holes surrounded by permanently protected properties with similar conservation functions as ACEP-WRE allowing for corridor management and habitat connectivity.
- Major river will not be considered adjacent lands regardless of legal ownership by landowner.
- Other lands as authorized by the State Conservationist

When exceeding the ratio of adjacent to eligible land within the offer, the State Conservationist has the authority to approve additional adjacent lands over the eligible acres not exceed five (5) times the eligible acres in the CREP Priority Area for technical reasons. Adjacent lands may be accepted on a limited basis up to two (2) acres of adjacent lands to every one (1) acre of eligible lands to straighten boundary lines of offers or administrative reasons to create a manageable easement with approval of the State Conservationist.

Waivers are authorized on a case by case situation, but in general, an application will be ranked as presented or offered and must rank high enough to be selected for funding prior to the State Conservationist's approval of an adjacent land's ratio waiver. Properties of special significance as selected by the state conservationist may be selected regardless of ranking score as per 128.121 A. (3.) and 128.113 B. of the ACEP=WRE Manual and can be included in the adjacent land's waiver approvals. Waivers of the adjacent lands to eligible ratio will not be allowed in Kentucky for thirty-year easement enrollments.

[528.131 B (3)(i)] **Technical Criteria and Thresholds Specific to the Individual Land Eligibility**

528.105 C. (2)(i) Farmed or Converted Wetlands – In Kentucky lands eligible in this category must have a NRCS 180-NFSAM determination using the Kentucky Wetland Mapping Conventions of the following: Prior Converted Cropland (PC), Farmed Wetlands (FW), or Farmed Wetland Pasture (FWP).

528.105 C. (2) (ii) Former or Degraded Wetlands – In Kentucky lands eligible in this category will be assessed by the easement team on a case by case basis for approval by the State Conservationist.

528.105 C. (2) (iii) Lands Substantially Altered by Flooding – In Kentucky lands eligible in this category will be assessed by the easement team on a case by case basis for approval by the State Conservationist.

528.105 D. Croplands or Grasslands Flooded by Overflow of a Closed Basin Lake or Pothole - In Kentucky lands eligible in this category will be assessed by the easement team on a case by case basis after the State or other entity is willing to provide 50% of the cost of the easement and forward for approval by the State Conservationist.

528.105 E. Riparian Areas - In Kentucky lands eligible in this category must meet the following requirements:

(1) Riparian areas along streams or other waterways are eligible, provided that the offered riparian area directly links wetlands less than 1 mile apart and that those wetlands are currently protected or will be protected under the same ACEP-WRE easement transaction. Protected wetlands include areas currently enrolled under an existing easement or other resource protection device or circumstance that achieves the same objectives as an easement, such as a State or Federal wildlife management area.
(2) If the riparian area will link already-protected wetland areas, then no additional wetland acres are required to enroll the riparian acres.
(3) If the riparian area will link two or more wetland areas that are not yet protected but would be protected under the same ACEP-WRE easement action, then both the riparian area and wetland areas are eligible for enrollment and must be enrolled under the same or a concurrent easement transaction. The wetland areas to be enrolled must not meet any of the land ineligibility criteria under section 528.106 below.
(4) Eligible riparian areas should average no more than 300 feet in width, measured from the top of bank on one side, or 600 feet in width, if both sides of the river, stream, channel, or water body are offered for enrollment.
(5) Larger widths or linkages of wetland areas greater than 1 mile apart should be considered if the riparian zone and its associated wildlife or ecological values so warrant; waivers for additional width or for eligible wetland areas more than 1 mile apart may be granted by the State conservationist.
(6) The riparian areas, including the linking wetlands if enrolled under the same easement transaction, are considered to be a part of the eligible acres to which additional adjacent lands may be added.

528.105 F. Lands in the Conservation Reserve Program - In Kentucky lands eligible in this category must meet the following requirements:

(1) Eligible CRP lands include farmed wetlands and adjoining lands that meet all of the following criteria:
    (i) Are subject to an existing CRP contract.
    (ii) Have already been restored to or under ACEP-WRE will be restored to a condition that maximizes the highest wetland functions and values.
    (iii) Are likely to return to production after the land leaves the CRP.
(2) Such lands may be enrolled in the ACEP-WRE only if the land and landowner meet the eligibility requirements of this subpart and if the enrollment is requested by the landowner and agreed to by NRCS. Upon closing of the easement, the CRP contract for the property will be terminated or otherwise modified, subject to such terms and conditions as are mutually agreed upon by FSA and the landowner.
(3) Lands established to trees under CRP are ineligible for enrollment unless they meet the requirements identified in section 528.106B(2) of the ACEP-WRE Manual.

528.105 G. Wetlands Restored or Protected Under Private, State, or Federal Program - In Kentucky lands eligible in this category must meet the following requirements:

(1) Eligible land types previously restored privately or under a local, State, or Federal restoration program, on which the restored wetland areas meet or are capable of meeting NRCS restoration standards and specifications are eligible. These may include but are not limited to wetlands restored under the restoration cost-share agreement enrollment option of the former Wetlands Reserve Program (WRP), the former NRCS Wildlife Habitat Incentives Program (WHIP), or another similar restoration program, such as the FWS Partners for Fish and Wildlife Program, and may during the agreement period or after, be enrolled in ACEP-WRE. Such wetlands that have already been restored but are not fully protected will be considered a positive attribute in ranking.

Note: Lands that have been entered into the ACEP-WRE (including WRP) 30-year easement or contract option may, during the easement or contract period, be enrolled in the permanent easement option. Compensation for the permanent easement will not exceed 25 percent of the applicable geographic area rate cap (GARC) being offered at the time the land is offered for permanent enrollment (see subpart O, section 528.148, "Converting a 30-Year Easement to a Permanent Easement").

(2) Land subject to an easement or deed restriction that, as determined by NRCS, provides similar restoration and protection of wetland functions and values as would be provided by enrollment in ACEP-WRE, may still be considered eligible subject to the following requirements:

(i) Such lands may be eligible if NRCS determines that the existing easement or deed restriction terms will not restrict or interfere with NRCS in its exercise of the rights to be acquired under the ACEP-WRE easement or the easement or deed restriction can be removed or subordinated to the ACEP-WRE easement.

(ii) If the deed restriction or other interest is held by another Federal agency, a satisfactory agreement as to the respective rights of each agency must be reached and documented to the satisfaction of NRCS and OGC before NRCS may proceed.

(iii) At least one of the following must apply, as determined by NRCS:

- ACEP-WRE enrollment would provide significant additional resource protection, such as additional cropping restrictions.
- The additional restoration and protection would provide critical habitat for targeted threatened or endangered species.
- The existing easement or deed restrictions do not provide for full restoration of the wetland functions and values.

(3) Examples

(i) An area subject to an FWS "no drain, burn, level, or fill" easement, which prohibits further drainage but does not restrict cropping. Because the FWS easement does not provide "comparable" conservation benefits, the ACEP-WRE easement would be conservation value added.

(ii) A site may be eligible for a 30-year easement if the current deed restrictions would last for 10 years or less from the date of application.

(iii) A site may be eligible for a permanent easement if the current deed restriction was for a term less than 30 years.

Note: Lands with a deed restriction similar to ACEP-WRE that is 99 years in duration are not eligible for ACEP-WRE enrollment.

528.105 H. Hydric Soil Minor Components (Inclusions) and Problematic Hydric Soils (Atypical Situations) - In Kentucky lands eligible in this category must meet the following requirements:

(1) Often, there are minor components (small inclusions) of hydric soils in map units of nonhydric soils. These hydric soils are relevant in determining eligibility for ACEP- WRE if hydrology and hydrophytic vegetation can be restored.

(2) Some soils that meet the hydric soil definition may not exhibit typical hydric soil morphology. These problematic hydric soils exist for a number of reasons, and their proper identification requires additional information, such as landscape position and presence or absence of restrictive soil layers, or information about hydrology.

(3) In some cases, problematic hydric soils may appear to be nonhydric due to the color of the parent material from which the soils developed. In others, the lack of hydric soil indicators is due to conditions that inhibit the development of redoximorphic features despite prolonged soil saturation and anaerobic conditions. In addition, recently developed wetlands may lack hydric soil indicators because insufficient time has passed for their development, such as an agriculturally induced wet area created through compaction in a pasture. Sometimes, site disturbance, such as plowing, may obscure the evidence of hydric characteristics. For these situations, if site assessment and evaluation of the soils verifies that restoration of hydrology and hydrophytic vegetation is feasible, the areas may be considered eligible for enrollment in ACEP- WRE.

(4) When hydric soil minor components (inclusions) or problematic hydric soils occur, the land proposed for enrollment could be considered eligible land if it otherwise meets one of the eligible land types listed in this section. The decision to use this land eligibility criterion must be made by the State conservationist and be based on the restorability and ecological merits of the site.

(5) The decision to enroll such areas in ACEP-WRE only applies to ACEP-WRE and its authorities and has no bearing on the manner in which these soils are handled under the wetland identification process for wetland compliance purposes (see 180-NFSAM). The State Conservationist must specifically consider the wildlife benefits and overall need to facilitate effective program implementation.

(6) Additional criteria developed by the State Conservationist in Kentucky, confides that all of the somewhat poorly drained drainage class of soils in Kentucky have hydric soil minor components (inclusions) that are problematic in nature. For Example, the McGary Soils series in Hopkins County is a somewhat poorly drained soil with hydric inclusions, but the typic profile in the published soil survey of Hopkins County clearly shows that the upper two profiles meet hydric soil criteria. Therefore, these somewhat poorly drained soils have the restorability of wetland functions and values and ecological merit to consider them as eligible land for the ACEP-WRE program.

[528.131 B (3)(ii)] **Technical Considerations and Parameters that will be used for Waiver Determinations**

(528.105(E) Waiver for Larger widths for riparian eligibility – In Kentucky, the State Conservationist has granted a waiver for larger widths of riparian land eligibility in the Green River CREP Area only. In the Green River CREP area the width of the riparian eligible lands can be any acreage inside the 100 year flood plain for any applications inside or touching the Green River CREP Priority Area.

(528.106 (B)(2) Waiver Eligibility Criteria for Trees Established by the CRP

In general, lands established to trees under a CRP contract are not eligible, whether the contract is active or not. The State Conservationist of Kentucky determines if the enrollment of such lands would further the purposes of the program and the application meets all other ACEP-WRE eligibility criteria and one of the following two conditions are met:

(i) Tree establishment has not been completed, a planted stand failed to become established, or a stand that was determined to be established subsequently failed. NRCS Easement Team will determine and document if plantings failed or were established and failed.
(ii) The State conservationist determines and documents that the enrollment of such lands would further the purposes of the program based on all of the following criteria being met:
• The established cover conforms to ACEP-WRE restoration requirements.
• If the CRP contract is active, upon closing of the ACEP-WRE easement, the CRP contract for the property will be terminated or otherwise modified, subject to such terms and conditions as are mutually agreed upon by FSA and the landowner.
• Additional criteria developed by the State Conservationist of Kentucky

a) The CRP acres make up an inholding of an eligible ACEP-WRE application, with at least a one-to-one match of eligible non-CRP acres. The entire offer, CRP and non-CRP, must meet all eligibility criteria and will be ranked as a single offer for enrollment; and/or,
b) The CRP acres are immediately adjacent to (boundary to boundary) an existing permanently protected wetland area, such as ACEP or WRP easements, NWRs, WMAs, National Forests, State Parks, FMHA easements, Mitigation Banks, etc. The CRP tract must be determined by NRCS to add to the existing wetland functions and values of the adjacent protected area, either through existing features or additional restoration and enhancement.
c) Eligible CRP acres will not have a priority over other ACEP-WRE offers. Eligible ACEP-WRE offers including CRP acres will be ranked and considered for funding on a competitive basis.

(528.106 (B)(8) Excessive restoration costs – In Kentucky excessive restoration costs are rare and any applications would be evaluated by the Easement Team and forwarded to the State Conservationist for approval on a situational basis.

[528.131 B (3)(iii)] **Technical Considerations that may be used in Kentucky to develop ranking factors, special ranking considerations, or ranking pols used to prioritize projects for selection**

Ranking priority as determined by the State Technical Committee will be the majority of each land use in the following order - Cropland, Pasture, existing woodlands, existing CRP Tree Establishment. This priority is reflected in the ranking form.

Water quality benefits utilize cropping cessation, source water and use protection, water body adjacency, and overland filtering criteria.

[528.131 B (3)(iv)] **Practices and Activities Eligible for ACEP-WRE Funding**

Eligible Practices for Habitat Creation.

Practice Name	Code	Short Description
Brush Management	314	For management of brush within shallow water units
Herbaceous Weed Treatment	315	For control of invasive or noxious weeds and plants. For use in site preparation or repair and maintenance.
Conservation Cover	327	Native/naturalized species establishment
Prescribed burning	338	For site preparation or management of vegetation.
Critical Area Planting	342	Slope or recent dirt work erosion prevention.
Well Decommissioning	351	Removal of existing wells
Dike	356	Utilized to retain water
Firebreak	394	For containment when planned with 338 or protection of newly established trees through 612.
Stream Habitat Improvement	395	As needed for stream/floodplain management and restoration
Land clearing	460	For structure repair or establishment
Mulching	484	For structure repair or establishment or shallow water reclamation.
Forest Site Preparation	490	Prepare the field for tree establishment
Access Road	560	Mapped as permanent travel access
Stream Crossing	578	Structured/hardened spillway
Structure for water control	587	Manage water levels and duration
Tree/Shrub Establishment	612	Restoration of historic vegetation or alternative communities.
Water well	642	When existing or installed by landowner for onsite water management only.
Wetland Wildlife Habitat Mgt	644	Manage shallow water areas and maintenance
Upland Wildlife Habitat Mgt	645	Adjacent lands management and Food plot establishment
Shallow Water Development	646	Manage for moist soil plants
Constructed Wetland	656	Macro/Micro habitat creation without water control structure
Wetland Restoration	657	Follow purposes of easement.
Forest Stand Improvement	666	Management of existing or established stands
Any other practice as determined by NRCS.		Easement staff determination if practice or activity is needed to accomplish the restoration.

The final Wetland Restoration Plan of Operations (WRPO) can also include other practice(s) as determined by easement team, state agency forester or biologist, or registered forester for review and approval by NRCS for the restoration of the alternative community.

Practices and activities eligible for financial assistance (528.133) are listed within the Historic and Alternative Wetland Communities description above. Other practices available through USDA-NRCS will be available as needed for the restoration process.

[528.131 B (3) (v)] **Additional Items or Requirements in Kentucky that must be included in WRPO**

Currently there are no additional items or requirements except those listed above. Any additional requirements will be incorporated on an as-needed basis

[528.131 B (3) (vi)] **Technical Considerations and parameters used in prescribing CUA's in Kentucky**

The NRCS Kentucky State Conservationist, in consultation with the WRE/WRP subcommittee of the State Technical Committee (STC), have developed Compatible Use Agreement guidelines to determine when a compatible use is acceptable. Agencies and organizations represented on the WRE/WRP subcommittee include Kentucky Department of Fish and Wildlife Resources (KDFWR), Kentucky Division of Forestry (KDF), United States Fish and Wildlife Service (USFWS), Conservation District (CD) and The Nature Conservancy (TNC).

Compatible Use Authorizations can share common language but are still always site specific in nature. The common CUA language used on CUAs issued to all landowners are as follows:
"NRCS retains the right to modify or cancel this compatible use authorization at any time if the NRCS determines that such activities do not further the protection and enhancement objectives of the easement, or that the landowner has failed to comply with specified terms and conditions. The landowner engages in such activities at his or her own risk. This authorization does not vest any right of any kind in the landowner. This authorization is null and void after the expiration date specified above. By signing this document, the landowner agrees to the terms described above and on referenced documents."

The Kentucky Guidelines contain CUA templates for nine of the most commonly used CUA's in Kentucky which include the following:

1. Native Grass Management thru Mowing, Haying, Chemical Use, Prescribed Burning, and Strip Mowing.
2. Mowing of Access Roads and Embankments
3. Management of Shallow Water Areas.
4. Wildlife Food Plots.
5. Early Successional Habit Management.
6. Development, Use, Maintenance, and Operation of Water Wells.
7. Use and Maintenance of Existing Hunting Blinds
8. Use and Maintenance of Temporary Hunting Blinds
9. Control of Noxious/Invasive or Problem Plant Species

The subcommittee will be given the opportunity to review and comment on all compatible use requests that are outside of the Compatible Use Guidelines however the NRCS State Conservationist retains the final authority to grant a compatible use authorization.

[528.131 B (3) (vii)] Grazing Rights on WRE Easements in KY

Currently, no grazing rights reserved options are utilized in Kentucky. Each application including a request for reserving grazing rights will be assessed by the easement team on a case by case basis for approval by the State Conservationist.

[528.131 B (4)] **WRCG Policy Statement**

The State-specific WRCG does not supersede the policy set forth in this part, and in the event of a conflict, the policy set forth in this part prevails. The primary function of the State-specific WRCG document is to serve as a decision-making aid for various technical determinations as described above. The Kentucky State Conservationists may also use the State-specific WRCG to supplement the policy set forth for the purposes of ACEP-WRE administration and implementation in the State, provided the intended applicability of such provisions are made clear in the WRCG document and any such State-level supplements are developed, reviewed, approved, and published in accordance with Title 120, National Directives Management Manual (NDMM), Part 503

All the above information remains in effect until replacement by an updated version.

Reviewed and Accepted by State Technical Committee on ***[Month Day, Year]***.

State Conservationist Approval on ***[Month Day, Year] [Signature]***