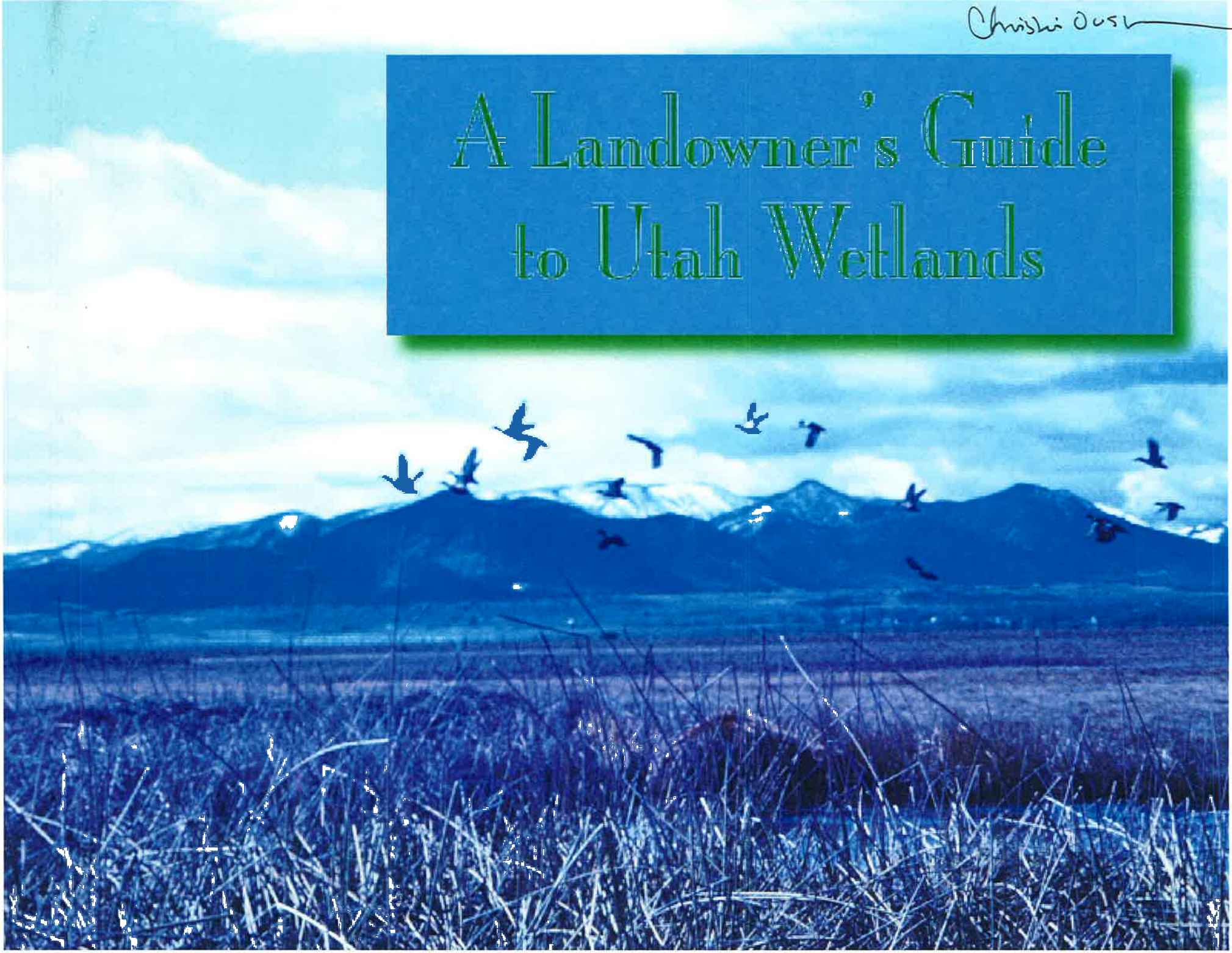
A Landowner's Guide
to Utah Wetlands

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A LANDOWNER'S GUIDE TO UTAH WETLANDS

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INTRODUCTION

The purpose of this guide is to help Utah landowners learn about wetlands and the many benefits that healthy wetlands can provide, and about options for wetlands stewardship on private lands. Growing numbers of landowners view their wetlands as assets because of the benefits they provide, such wildlife habitat, flood control, water purification, and recreational opportunities. This guide describes stewardship options and assistance programs that can help landowners reach their wetlands conservation goals, sustain traditional land uses such as farming and ranching, and, in some cases, reap financial benefits.

Wetlands stewardship can be very rewarding. When landowners choose to protect or restore wetlands on their property, the benefits extend far beyond their property boundaries. Society as a whole benefits from healthy wetlands.

Over the next few decades, Utahns will face the major challenge of sustaining important natural resources while also allowing for growth and development. Areas that have been set aside to protect their natural values, such as state wildlife and waterfowl management areas, national wildlife refuges, and other public lands, will help meet this challenge. However, many critically important habitats, including some of Utah's wetlands and riparian (streamside) habitat, are located on private lands. The land-use choices of private landowners will play a key role in determining the future of these areas. Voluntary stewardship is one of the most beneficial ways to ensure that both current and future generations will be able to enjoy Utah's rich natural heritage.

We hope you will find this guide informative and useful for planning for the stewardship and management of your own wetlands.

What are Wetlands?

Do you have a place on your land where you watch ducks? Or where your tractor always seems to get stuck? Chances are you have a wetland. Utah's wetlands include marshes, wet meadows, riparian wetlands, playas, and springs. In a wetland, water is on or near the ground surface for all or part of the year (including at least part of the growing season); the soil is poorly drained and may smell like rotten eggs and look gray; and water-tolerant plants such as cottonwoods, willows, cattails, rushes, and sedges may be present.

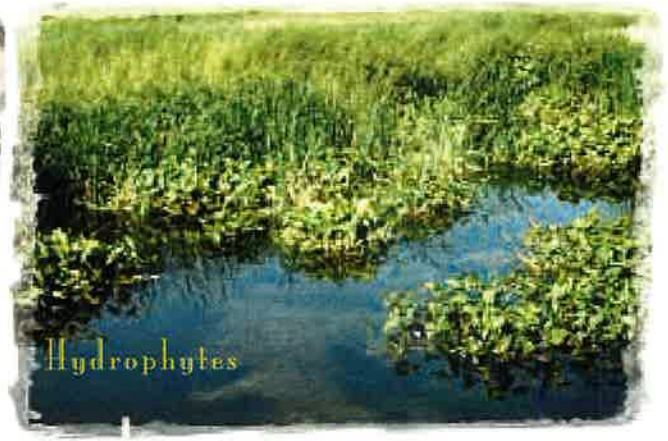
What Do You Look For?

Wetlands have certain characteristics that distinguish them from other ecosystems. Generally, three attributes are present:

Wetland hydrology: water on or near the ground surface, for all or part of the year, including at least part of the growing season.

Hydric soils: soils that are poorly drained and contain little or no oxygen. The presence of water and lack of oxygen creates soil characteristics that can be used to help identify hydric soils.

Hydrophytes: plants adapted to life in hydric soils, such as willows, cattails, rushes, and sedges.



Do You Think You May Have A Wetland?

If you think you have a wetland on your property, answer the following questions. If you answer "yes" to any of them, you may have a wetland.

- Is the ground soggy underfoot in the spring?
- Are there depressions where water pools on the ground surface during the spring?
- Do you avoid the area with heavy equipment for fear of getting stuck?
- Would you need to ditch the site to dry it out?
- Is the site in a depression that has a different plant community than the higher ground around it?
- Are groundwater seeps or springs present?
- Are fallen leaves black or very darkly stained with sediment deposits on their surfaces?
- Dig a hole. Is the soil grey, or does it contain bright mottles (red or orange spots) against a grey background?
- If farmed, is there crop stress due to excess moisture?
- Does the National Wetland Inventory map, U.S. Geological Survey topographical map, or locally produced wetland inventory map show a wetland in the vicinity of the property?
- Does the Natural Resources Conservation Service's (NRCS) soil survey for your county show the soil on the property to be hydric, poorly, or very poorly drained?

How Can You Be Sure You Have A Wetland?

For certain identification of wetlands on agricultural land, contact your local NRCS office. The NRCS is responsible for wetland delineations on agricultural land. For wetland delineations on non-agricultural land, contact your local U.S. Army Corps of Engineers (Corps) office. The Corps can provide a list of consultants who perform wetland delineations. When a wetlands specialist visits your property, be sure to accompany this person so that you can ask questions and understand exactly where the boundaries of the wetland are located.

What Types of Wetlands Occur in Utah?

Utah's wetlands occur in many forms and sizes, and are found in a variety of locations across the landscape. Riparian wetlands are located within the floodplains of rivers and streams. Examples include river and stream margins, sloughs, and abandoned meanders.

Marshes are characterized by areas of emergent vegetation such as cattails and rushes interspersed with areas of open water.

Wet meadows are dominated by vegetation like grasses, sedges, and rushes. The soil in wet meadows generally is saturated, but water may not be visible on the surface for much of the year.

Playas are seasonal wetlands that form in shallow depressions. When playas dry out, they may look like a salt flat. Some playas are important feeding areas for migratory shorebirds.

Springs are areas where ground water discharges. Springs may have open water and emergent vegetation similar to a marsh.

Artificial wetlands develop where human-related activities create appropriate conditions, such as along irrigation canals.

Wetlands make up about 1.5% of the land surface area of Utah. Approximately half of Utah's wetlands are located around the Great Salt Lake.

Why Are Wetlands Important?

The importance of wetlands has not always been appreciated. Early settlers viewed wetlands as impediments to development, unsuitable for agriculture or settlement. From the 1800s until the 1970s, federal programs encouraged the draining and filling of wetlands so the land could be used for agriculture or other purposes. As a result, wetlands were lost in every state, including about 30% of Utah's historic wetlands. However, as our knowledge of the importance of wetland functions to both human and ecological communities has increased, government policy and programs have shifted to encourage careful management and protection of wetlands. Some of the important functions of wetlands are described below:

Habitat

Wetlands are among the most productive and diverse natural ecosystems Wetlands provide food,

water, shelter, and space for a wide variety animal species, including many threatened and endangered species. Wetlands are especially important to wildlife in an arid state like Utah. The wetlands around the Great Salt Lake are used by millions of birds each year. Wetlands also provide shallow water for freshwater fish to spawn, shelter, and feed. Wetlands and riparian areas are among the essential habitat types identified by the Utah Division of Wildlife Resources, and are among the priority habitat types identified for migratory bird conservation by the Utah Partners in Flight Program.

Flood and Erosion Control

Wetlands are often compared to sponges in terms of their ability to soak up and then slowly release large volumes of water. By storing water, wetlands can help reduce flood damage, and wetland vegetation can help reduce erosion. Gradual release of the stored water helps sustain stream flow during drier times of the year, important for agriculture and fisheries.

Water Purification

Wetlands can help improve water quality by removing pollutants such as sediments and excess nutrients such as nitrogen and phosphorus. However, the capacity of a wetland to remove pollutants can be overwhelmed if pollutant loads are too high.

Groundwater Recharge

Surface water which flows into and is held by a wetland has more time to percolate into the underlying soil where it can help replenish wells and aquifers.

Nutrient Cycling

Wetlands help decompose organic matter and return nutrients to the food chain.

How Do Wetlands Benefit Farmers and Ranchers?

In the arid west, the availability of water directly affects the value of land, especially for those whose livelihoods depend on agricultural production. Wetlands are a source of water that is often overlooked. Wetlands benefit farmers and ranchers because they:

- Help maintain late summer stream flows, which are critical for irrigating crops, watering stock, sustaining fisheries, and recharging aquifers.
- Maintain a higher water table than non-wetland areas, which increases subsurface irrigation and production of forage.
- Filter sediment, which protects water quality, prolongs the life of irrigation pumps, and reduces siltation of ponds and irrigation ditches.
- Reduce the velocity of flood waters and bank erosion, which minimizes property losses.
- Filter out chemicals applied to the land, such as nitrogen, phosphorus, and pesticides, which helps keep them from entering nearby lakes, streams, or ground water.
- Can provide trees and shrubs that shelter livestock.

Although these wetland functions benefit farmers and ranchers, some of these benefits also apply to everyone who lives in Utah. Additional wetland benefits include:

- Recreational opportunities such as hunting, fishing, wildlife viewing, and photography.
- Revenues from fishing, big game, waterfowl, and upland game bird licenses and activities, and from wildlife viewing and photography.
- Educational and research opportunities.
- Waste-water and storm-water treatment from wetlands constructed specifically for this purpose.

What Happens if Wetlands are Destroyed or Degraded?

Destruction of wetlands can create far-reaching impacts. Although alterations to an individual wetland may seem minor, the cumulative effects of many small changes may cause significant harm to our wetland resources. The consequences of wetland loss and degradation include:

- Loss or decreased size of wildlife populations.
- Increased flood damage.
- Increased sediment and nutrients in lakes and streams.
- Contaminated drinking water and irrigation wells.
- Reduced fish productivity due to poor water quality and habitat loss.
- Increased costs of drinking water.
- Reduced recreational opportunities and loss of tourist dollars.
- Lower water tables.
- Reduced production of livestock.

Because destruction of wetlands can have such far-reaching impacts, alterations to wetlands need to be reviewed by the agencies charged with their protection and regulation (see Section 4).

What Types Of Activities Can Harm Wetlands?

Wetlands can be harmed or destroyed by many activities, including some that take place on surrounding uplands.

Wetlands can be destroyed by ditching or draining, or by diversion of their water source. Heavy grazing can cause soil compaction, reduce vegetative cover, and alter the species composition of the plant community.

Dumping of fill or trash can also harm or destroy wetlands. Pollutants such as pesticides, fertilizers, and petroleum compounds can degrade wetland water quality and harm wildlife and plants. Excess sediment can fill in wetlands over time. Domestic pets can harm or kill wetland wildlife.

Changes in the surrounding landscape can also harm wetlands and their associated wildlife. For example, removal of upland vegetation can cause increased inflow of sediment and pollutants, degrade upland habitat needed by wildlife, and create conditions that favor invasion of the wetland by non-native plants with little wildlife value.

How Can I Help Protect Wetlands on My Property?

- Rather than draining or filling wetlands, seek compatible uses which involve minimal wetland impacts.

- Seek upland sites for development projects, and avoid wetland alteration or degradation during construction.
- Maintain buffer strips around wetlands and along streams, which can help filter pollutants in runoff and also contribute to wildlife habitat value.
- Maintain wetlands and adjacent buffer strips as open space.
- Avoid wetlands when they're wet or during nesting seasons.
- Don't dump trash or fill in wetlands.
- Preserve wetland water sources.
- Seek guidance on grazing.
- Remove exotic vegetation and weeds.
- Keep pets out of important wildlife areas, especially during nesting seasons.

Actions like these can help protect wetlands. You can also take steps to restore or enhance wetlands, and to protect them in perpetuity. The next section of this guide profiles some wetland restoration and protection projects carried out by Utah landowners.

Working With Wetlands

In this section, you'll learn about some projects carried out by Utah landowners to protect and restore wetlands. As you read through the project profiles, you will notice a consistent theme: the importance of partnerships involving private landowners, agencies, and conservation organizations. These partnerships are based on mutual understanding, common goals, and shared benefits. Each partner has different strengths and resources to contribute; together the partners combine to produce results none could achieve alone. Ultimately, these projects benefit not only the landowners, their partners, and the wildlife that uses the wetlands, but all Utahns who depend on and value our wetlands.

Preserving Wetlands and Open Space for Current and Future Generations

The Swaner Family
Swaner Nature Preserve
Park City, Utah

The Swaner Nature Preserve protects one of the last large open spaces remaining in the Snyderville Basin in Summit County. The preserve is named for Leland Swaner, who raised Black Angus cattle on part of what is now the preserve.

Swaner's wife and children decided to establish the preserve as a way to honor Swaner after his death in 1992. From its beginnings with 190 acres of Swaner family land, the preserve has grown to include 1,100 acres of wetlands and uplands that will be permanently protected.

Protection of this area will maintain important open space, provide wildlife habitat, and provide opportunities for education and experiencing nature. The Swaner family's goal of protecting open space has been shared by a variety of partners who have helped to acquire, protect, and plan for use of the preserve. The partnerships began with neighboring landowners.

One of Swaner's children, Sumner Swaner, is a landscape architect and planner who encouraged developers of land near the preserve to design their projects so that the open space would border the preserve, protecting open space as a single large area. Since then, a wide variety of agencies, conservation organizations, foundations, and Summit County have helped support the project. The preserve even received support from a group of 4th and 5th graders who applied for and received a $500 grant for signs for the preserve.

The Swaner Memorial Park Foundation, led by another of Swaner's children, Paula Swaner-Sargetakis, continues to work for protection of land in the area and to promote educational and appropriate recreational use of the preserve.

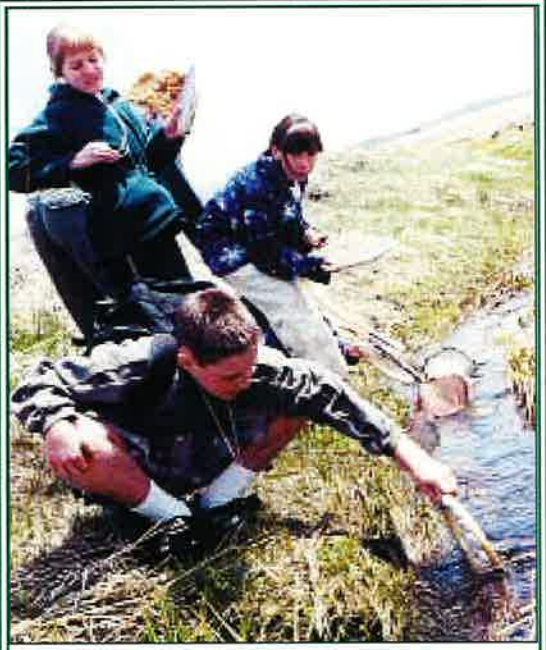
Educational uses have included field trips for 4th and 5th graders, winter animal tracking classes for all age groups, and an annual Sandhill Crane Day. Sessions for educators in Salt Lake and Summit counties are being planned. The preserve also maintains a trail system that is open to the public daily for hiking, cross-country skiing, and snowshoeing.

Actions

- Permanently protected 1,100 acres of mixed wetlands and uplands.

Who Helped?

- Dumke Foundation, George S. and Delores Dore Eccles Foundation, Land Trust Alliance, Natural Resources Conservation



Service, Summit County, Trust for Public Land, U. S. Army Corps of Engineers, Utah Division of Wildlife Resources, Utah Museum of Natural History, Utah Open Lands.

Permits Required

- None

Benefits and Rewards

- Knowing that land with important environmental and community values will be protected in perpetuity.
- Knowing that people will always be able to visit and experience this special place.

Advice and Comments

- "Just do it! You can accomplish much more than you ever thought possible. Be patient, too–success doesn't happen overnight."

Protecting Traditional Land Uses and Important Wildlife Habitat

Ed Alder
Miller Springs Ranch
Trout Creek, Utah

Ed Alder is principal of the West Desert High School in Trout Creek, and also a part-time rancher. His ranch contains unique wetlands that support the largest known populations of the spotted frog and least chub in Utah. These two species were being considered for listing as endangered species under the Endangered Species Act; listing would have required designation of critical habitat that could have severely restricted its use by private landowners.

Resource agencies, including the Utah Division of Wildlife Resources and U.S. Fish and Wildlife Service, developed a conservation strategy to protect the two species without requiring them to be listed as endangered species. The conservation strategy included cooperation with private landowners. As part of this cooperative approach, the UDWR, USFS and Ed Alder have collaborated in a project to fence certain pastures on Alder's ranch. The new fence will keep cattle away from spotted frog and least chub breeding areas in the spring, but will allow them to use those areas later in the season.

Actions

- Erected fences and cattle guards to subdivide a 188-acre parcel, allowing spotted frog and least chub breeding areas to be protected during the spring.
- Repaired a dike around a major springhead.

Who Helped?

- U.S. Fish and Wildlife Service (Partners for Fish and Wildlife Program), Utah Division of Wildlife Resources. Volunteers from UDWR's Dedicated Hunter program have helped install the fences.

Permits Required

- None.

Benefits and Rewards

- Important habitat for the spotted frog and least chub was conserved while traditional land uses continued.
- The new fencing system will allow livestock's use of forage to be monitored more closely, improving utilization.

Advice and Comments

- "Take advantage of program flexibility, and work with good people who aren't tied by red tape."

Creating and Enhancing Habitat for Migratory Waterfowl

Ambassador Duck Club
Bear River Duck Club
Chesapeake Duck Club

Wetlands adjacent to the Great Salt Lake are used by millions of shorebirds and waterfowl each year. Some of the wetlands are owned by duck clubs. In addition to providing hunting sites for club members, the property owned by duck clubs protects habitat used by a wide variety of shorebirds and waterfowl. During the 1980s, many of the dikes that protect fresh water wetlands from the saline water of the Great Salt Lake were destroyed when lake levels rose. Several duck clubs formed partnerships with conservation agencies and organizations to obtain the financial and technical assistance needed to repair dikes and create additional wildlife habitat. Thousands of acres of wetlands and adjacent uplands have been enhanced through these partnerships.

Actions

Ambassador Duck Club:

- Repaired dikes destroyed by flooding in the 1980s.
- Installed water control devices to better control flow and manage wetland habitats.
- Built 13 concrete goose nesting boxes.

Bear River and Chesapeake Duck Clubs:

- Repaired a dike shared by the two clubs that has been damaged since it was last repaired in the early 1990s.
- Constructed spurs along the dike to increase shoreline area used for loafing and nesting by waterbirds.
- Installed eight loafing/nesting islands on the Chesapeake side of the dike.
- Aquatic and upland vegetation planting to improve habitat value.

Who Helped?

Ambassador Duck Club:

- Natural Resources Conservation Service (Wetlands Reserve Program), Ducks Unlimited, North American Waterfowl Conservation Act.

Bear River and Chesapeake Duck Clubs:

- Natural Resources Conservation Service (Wetlands Reserve Program), Ducks Unlimited.

Permits Required

- Federal Section 404 permit (both projects).

Benefits and Rewards

- Protected thousands of acres of wetlands used by waterfowl and shorebirds from innundation by the Great Salt Lake.
- Enhanced wildlife habitat by creating additional nesting and loafing areas, and by revegetating aquatic and upland areas.

Advice and Comments

- "Be patient; it takes time to work with the different programs and partners."
- "Don't assume that you don't need a permit."
- "The programs' flexibility is very attractive; participating is a wonderful way to give back to the resource."

Restoring Riparian Habitat

Elwin Rees
Hoytsville, Utah

Elwin Rees' farm in Summit County is bordered in part by the Weber River. Streamside vegetation had been lost in some areas because of grazing and erratic water flows caused by upstream releases from the dam at Rockport Reservoir. Severe erosion of the river bank in one area threatened an adjacent hay field.

Bank erosion and other stream changes had also degraded fish habitat in the river. In this project, the landowner's interest in maintaining the stream in its natural channel and protecting adjacent farmland meshed nicely with conservation agencies' interest in stabilizing the stream and restoring habitat.

To accomplish these common goals, Elwin Rees entered into a cooperative agreement with the Utah Division of Wildlife Resources (UDWR) and the U.S. Fish and Wildlife Service (USFWS). The restoration project included placement of bank stabilization structures, planting and transplantation of native grasses and woody vegetation, and construction of a fence to protect the vegetation.

Mr. Rees also agreed to place the project area in a permanent conservation easement and to allow angler access to the project area.


Before Restoration


After Restoration

The restoration work will reduce sedimentation to the river, increase fish habitat diversity, and restore and protect riparian vegetation which helps stabilize stream banks and contributes to habitat value.

Bank stabilization will protect the adjacent hay field from erosion, and the livestock fencing keeps cows away from the river. This has been especially beneficial because pregnant cows often went down to the river to calve, and sometimes the calves drowned.

Actions

- Stabilized river banks and restored riparian habitat along a 0.6 mile stretch of the Weber River.

Who Helped?

- UDWR, Habitat Authorization Program; USFWS, Partners For Fish and Wildlife.

Permits Required

- Utah Stream Alteration Permit.

Benefits and Rewards

- Bank stabilization helped stop the river from eroding its bank and protects the adjacent hay field. The livestock fencing keeps cows away from the river. Restoration has improved fish and riparian habitat.

Advice and Comments

- "Doing this project on my own would have been a huge task. Together we were able to accomplish a good project."

Wetlands Conservation in Utah

Utahns working together for wetlands conservation have already made considerable strides towards wetlands protection and restoration, as shown by the figures in this table. Efforts like these have helped slow the rate of wetland loss, and are essential to protecting Utah's most important wetland resources.

Program	Time Period	Acres Protected or Restored①
Partners for Fish and Wildlife	1992 - 1999	6,691 8.7 miles of riparian habitat
The Nature Conservancy	1984 - 1999	9,037②
North American Wetlands Conservation Act③	1998 and 1999	16,500
Wetlands Reserve Program	1998 and 1999	11,366

① Wetlands and adjacent uplands.

② Includes 3,000 acres in TNC preserves and 6,037 acres the TNC helped acquire for the Bear River Migratory Bird Refuge.

③ Partner funds were provided by Ducks Unlimited, the Ambassador Duck Club, Davis County, Friends of the Bear River Refuge, New State Incorporated Duck Club, R. Harold Burton Foundation, The Nature Conservancy, U.S. Fish and Wildlife Service, Utah Division of Wildlife Resources, and the Utah Wetlands Foundation.

Getting Help: Who, What, and Where

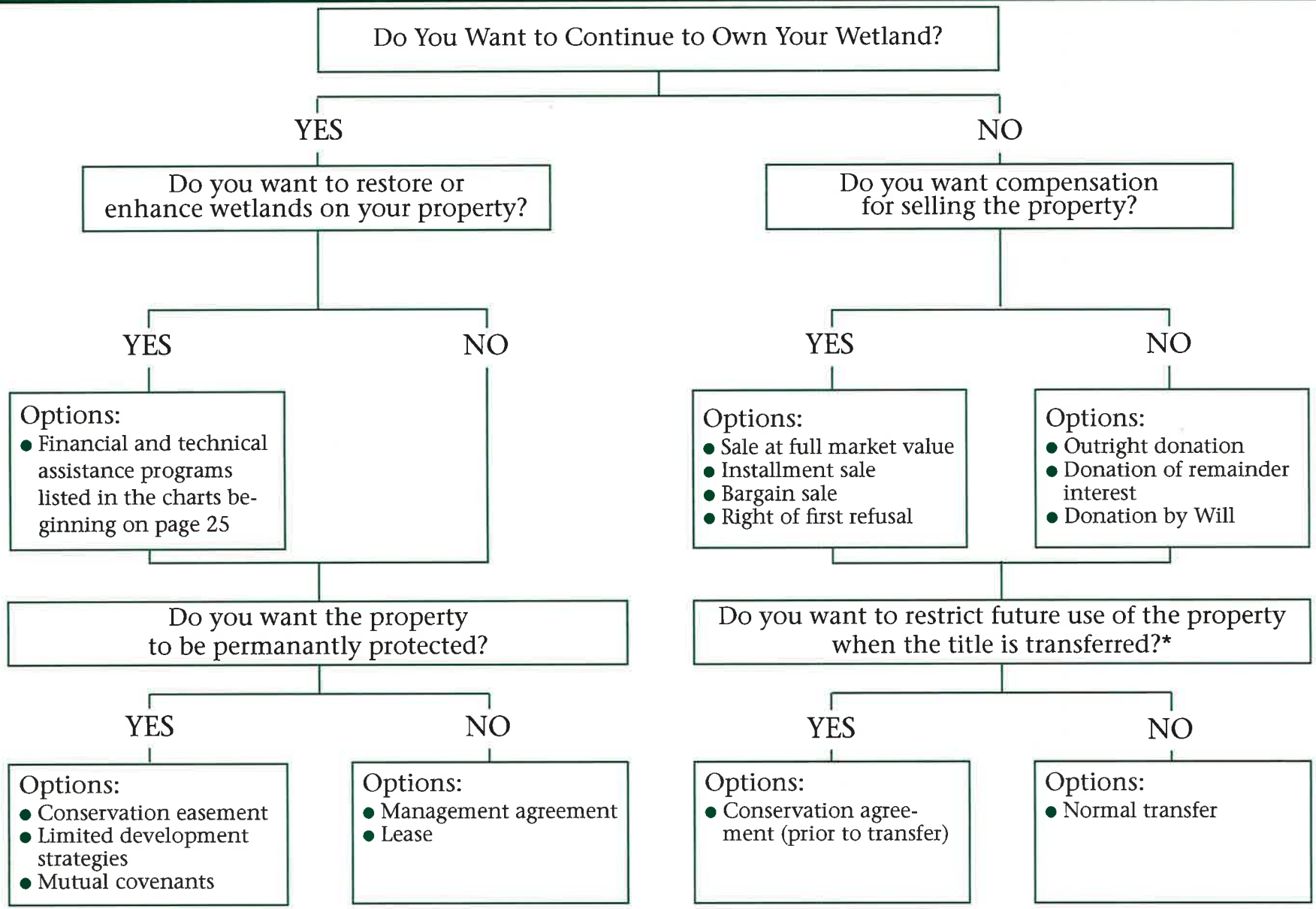
Decisions concerning the future of private land are very personal. Each piece of land and each landowner's situation is different. Landowners who choose to restore or protect their property's natural values do so for a variety of reasons. Some landowners want to provide a home for wildlife. Others seek to prevent flooding and erosion, and improve water quality. Others wish to protect an area's natural beauty, and to ensure that it is passed on for future generations to enjoy. Still others want to restore land that has been degraded by past activities.

This section provides information on different stewardship options and assistance programs that can help you define your goals and design a plan to reach them. As you read through this section, consider which tools may be best suited to you and your land, and think about how they could be combined in a plan that protects your land while meeting personal and financial goals. Different options are available to meet different needs and circumstances, such as whether you want to continue to own the land, whether you want to continue traditional land uses, and whether you want to protect the land in perpetuity.

Some conservation options can result in financial benefits such as reductions in income taxes, capital gains, and estate, gift, and property taxes (particularly for non-agricultural land), while others can give land owners direct monetary compensation for protecting their property.

You can help define your options by using the decision tree on page 18. The major options in the decision tree are described next.

Landowner Decision Tree



* If landowners wish to guide future use of the property through transfer, they should consider donating a conservation easement for the property to another organization before transferring the property in fee through a normal transfer (i.e., sale or donation). If landowners do not wish to restrict future use of the property, they can transfer the property through a normal transfer.

Because this guide provides only a brief overview of different stewardship options, we recommend that landowners seek additional information on options of interest to them. The agencies and organizations listed in the tables on pages 24 and 25 can provide more information about different options. We also recommend that landowners seek professional legal and financial planning assistance to help evaluate the advantages and disadvantages of different options, such as conservation easements.

(1) Options for landowners who wish to retain ownership and guide future use of their property:

A. **Technical and Financial Assistance Programs for Wetlands Protection, Restoration, and Enhancement** offered by conservation agencies and organizations provide a variety of tools to help landowners interested in protecting or restoring wetlands and other types of habitat on their property. Assistance ranges from informal advice to technical and financial assistance involving formal agreements between the landowner and program sponsor. You can use the Quick Reference Guide to Wetlands Assistance on page 25 to help identify programs that match yours needs. More information about each program, including eligibility requirements and types of assistance provided, is found in the Detailed Reference Guide to Wetlands Assistance which begins on page 26. Because these tables provide only a brief overview of each program, you should contact the appropriate agency or organization for more informa-

tion about the programs that interest you.

B. **Conservation Easements** are one of the most effective and commonly used land protection tools available. Conservation easements allow landowners to ensure that their property's important natural values are permanently protected while they retain ownership of the land. A conservation easement is a legal agreement made by a landowner to transfer development rights for a given piece of land to a qualified easement holder, such as a public agency or qualified non-profit conservation organization. The landowner retains fee title to the property, continues to reside on the land, and continues to use the land in ways that will not impair its conservation value.

Every conservation easement is different because each easement is written for a specific piece of land and for an individual landowner. In general, the landowner agrees to restrict use of the land for the purpose of preserving conservation values identified in the easement. For example, a landowner may agree to limit subdivision of the land or to limit the types of land uses that can occur on the property. Like other types of easements, conservation easements are recorded on the deed, and bind future owners of the land. A conservation easement does not have to encompass a landowner's entire property.

Landowners often donate conservation easements to qualified easement holders

to take advantage of the tax savings associated with charitable contributions. To qualify as a charitable donation, a conservation easement must be perpetual (that is, binding both the original and all future landowners), must protect significant conservation values such as wildlife habitat, scenic views, or open space, and must be donated to a qualified easement holder exclusively for conservation purposes.

The organization that holds the conservation easement accepts some significant and continuing responsibility. The easement holder is responsible for annual monitoring to make sure that the conservation values identified in the easement are being protected. The landowner and the organization holding the easement meet annually to review the easement and continue a positive relationship. If the terms of the easement are violated, the easement holder will work with the landowner to correct any problems.

In addition to income tax benefits, donation of a conservation easement may also reduce capital gains, estate, gift, and property taxes. Landowners who practice good stewardship and want to pass their land on to their heirs may reap large benefits from a conservation easement. More information about conservation easements can be obtained from any of the agencies and organizations listed in the table on page 24.

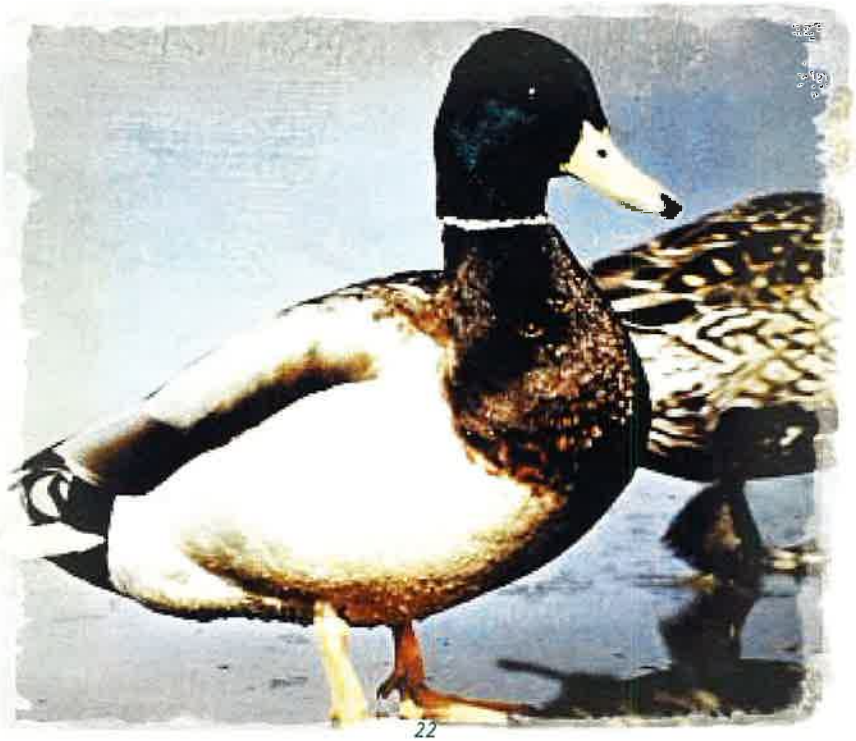
C. **Limited Development Strategies** allow sensitive development of those portions of a piece of property that have the least conservation value, so that remaining areas with higher conservation value can be protected, usually by a conservation easement. Many home buyers are willing to pay more for property with unspoiled views, wildlife habitat, and solitude. Thus a landowner may able to generate as much or more income by selectively developing only a portion of their property, and protecting the area with the highest conservation value. This option can help landowners who would like to stay on their land and protect most of it, but who also need to generate some additional income. Landowners who wish to pursue the limited development option need to understand the laws that regulate subdivision in Utah, which can be obtained by contacting Utah Department of Commerce's Real Estate Division.

D. **Leases** are agreements for the rental of land by a landowner to a conservation organization or agency for a specific time period. The landowner receives periodic

payments for the leased property while the use and protection of the land are in the hands of the organization or agency. Leases provide an alternative if landowners do not wish to transfer development rights to their land to a conservation organization or agency (as through a conservation easement) but would like the land to be used or protected by such a group for a specific time period. Certain restrictions can be incorporated in the lease to guide the activities of the conservation organization or agency.

E. **Management Agreements** are joint agreements between a landowner and a conservation agency. Either the landowner or conservation agency agrees to maintain the property in a manner consistent with the goals of the landowner and the conservation agency. The management plan is tailored to the landowner's needs and goals. The conservancy agency often provides technical assistance in developing the plan, management assistance, and monitors compliance with the terms of the agreement. In some cases, direct payments and other types of cost-share assistance may be available to the landowner.

F. **Mutual Covenants** involve agreements between adjacent or nearby landowners to control future uses of their land through restrictions agreed upon by all participating landowners. Mutual covenants are permanent and can be enforced by any of the landowners or future landowners of the properties involved.



(2) Options for landowners who wish to sell their property:

Several techniques for buying and selling property can help protect wetlands and other natural values of your property. If you wish to guide future use of the property, you should consider donating a conservation easement for the property to a qualified easement holder before fee title transfer of the property.

A. **Sale at Full Market Value** allows a landowner to receive full value for the land. However, most conservation organizations have very limited budgets and cannot afford the full market value for property.

B. **Installment Sale** is a variation on sale at full market value in which land is sold in stages over several years. This option can benefit both the seller and the buyer: the seller enjoys tax savings by spreading income and taxable gains over several years, while the buyer has more time to raise sufficient funds.

C. **Bargain Sale or Sale Below Market Value** is a combination of land sale and land donation that

enables landowners to protect land and receive financial compensation from both the sale proceeds and tax reduction. The landowner agrees to sell land to a qualified conservation organization or governmental entity at a price below appraised fair market value. The difference between appraised fair market value and the selling price can be claimed as a charitable donation on your income taxes. Bargain sales can also lower capital gains taxes. In some cases, the combined capital gains and income tax savings yield nearly the same after-tax financial return as a sale at fair market value.

D. **Right of First Refusal** is a contract between a landowner and a potential buyer, such as a conservation organization or agency, in which the landowner agrees that if he or she puts the designated property on the market and a legitimate offer is received from a third party, the holder of the right of first refusal will have a specified time period in which to match the offer. The holder of the right of first refusal is not obligated to purchase the property, but simply gets to decide whether to exercise the right to buy if another legitimate offer is made. Holding a right of first refusal can help a conservation organization or agency that wishes to purchase a piece of property but currently is unable to do so.

(3) Options for landowners who wish to donate their property for conservation purposes:

A. **Outright Donation** grants full title and ownership to the entity receiving the donated property. Outright donation is an excellent way to provide permanent protection for wetlands and other natural values of your land. Outright donation can grant communities and conservation organizations vital wetland areas they might otherwise have not been able to acquire. Benefits of land donation include income tax deductions, reduction of estate taxes, and avoidance of capital gains tax. To be eligible for income and estate tax savings, land donations must be made to a qualified non-profit organization or public agency.

B. **Donating A Remainder Interest with Reserved Life Estate** allows a landowner to donate property to a conservation organization, receive an income tax deduction for the gift, reduce future estate taxes, and remain on the land as long as desired. The interest donated to a conservation organization is known as a remainder interest, while the right to continue living on the land is known as a reserved life estate. This right can be reserved for a landowner and/or specified family members for their lifetimes or a specified time period. The land donor is usually responsible for land management and property taxes as long as he or she remains in possession of the property. The recipient gains full title and responsibility for the property upon the donor's death or the end of the specified life estate period.

C. **Donation by Will** allows you to continue owning and living on your land while ensuring its future protection. As with all wills, you can revoke or change this decision during your lifetime. Unlike donating a remainder interest, bequeathing a property by will does not entitle you to an income tax deduction. However, since the land will not be part of your taxable estate, your heirs will benefit from reduced estate taxes.

Some Agencies and Organizations That Handle Conservation Easements in Utah

Ducks Unlimited, Inc.
Western Regional Office
3074 Gold Canal Drive
Rancho Cordova, CA 95670
(916) 852-2000
www.ducks.org

Grand Canyon Trust
199 North Main
St. George, UT 84770
(435) 673-8558
www.grandcanyontrust.org

Rocky Mountain Elk Foundation
(800) CALL-ELK
www.rmef.org
The Rocky Mountain Elk Foundation works with the Utah Division of Wildlife Resources (UDWR) on conservation easements; see UDWR listing for additional contact information.

The Nature Conservancy
559 East South Temple
Salt Lake City, UT 84102
(801) 531-0999
email to: info@utahnature.org
www.utahnature.org

Trust for Public Land
Southwest Regional Office
418 Montezuma Avenue
Santa Fe, NM 87501
(505) 988-5922
email to: swro@tpl.org
www.tpl.org

Utah Division of Wildlife Resources
Utah Wildlife Lands Program
Dwight Bunnell
1146 Lampton Rd
South Jordan, UT 84095
(801) 254-1960 or (800) CALL-ELK
www.nr.state.ut.us/dwr/dwr.htm

Utah Division of Forestry, Fire, and State Lands
Forest Legacy Program
1594 W. North Temple
P.O. Box 145703
Salt Lake City, UT 84114
(801) 538-5555
www.nr.state.ut.us/slf/slfhome.htm

Utah Open Lands
1790 S. 1100 E.
Suite 3
Salt Lake City, UT 84105
(801) 463-6156
www.utahopenlands.org

Some organizations focus their efforts in targeted regions or only accept easements that will help achieve their specific goals. If an organization you contact is not interested in a conservation easement in your particular area, they should be able to help you identify other organizations that could accept the easement.

Program	Eligible Lands①	Assistance	Sponsor	Contact②	Phone and E-mail
Challenge Cost-Share Program	Projects must also benefit adjacent BLM lands or be done in connection with BLM lands	Financial	BLM	Local BLM field office	See "A Detailed Guide to Assistance"
Conservation Reserve Program (CRP)	Marginal or highly-erodible lands; cropped wetlands	Financial, Technical	USDA, FSA	NRCS field office, FSA county office, or local conservation district	See "A Detailed Guide to Assistance"
Debt for Nature (Conservation Contract Program)	Highly erodible lands, wetlands, and special kinds of habitat that may support particular wildlife	Financial	USDA, FSA	FSA county office	See "A Detailed Guide to Assistance"
Emergency Watershed Program	Land damaged by a natural disaster such as flooding	Financial	USDA, NRCS	NRCS field office	See "A Detailed Guide to Assistance"
Environmental Quality Incentives Program (EQIP)	Agricultural lands used to produce crops and livestock	Financial, Technical	USDA, NRCS	NRCS field office or local conservation district	See "A Detailed Guide to Assistance"
Farmland Protection Program	Specified types of farmland	Financial, Technical	USDA, NRCS		See "A Detailed Guide to Assistance"
Forest Stewardship Program (FSP)	Forests and associated wetlands and wildlife habitat.	Technical	Utah Division of Forestry, Fire and State Lands	Ut. Division of Forestry, Fire and State Lands	(801) 538-5555
Matching Aid to Restore States Habitat Program (MARSH)	Wetlands	Technical, some Financial	Ducks Unlimited	Mark Biddlecomb	(916) 852-2000
North American Wetland Conservation Act (NAWCA) Grants Program	Wetlands	Financial	USFWS	Jim Cole	(801) 524-5110 jim_cole@mail.fws.gov
Partners for Wildlife	Degraded wildlife habitat, including wetlands	Financial, Technical	USFWS	Karl Fleming	(435) 723-5887 ext. 22 karl_fleming @mail.fws.gov
Wetland Protection Development Grants Program	State, tribal, and local government wetland protection programs	Financial	USEPA	U.S. EPA Region 8	(303) 312-6312
Wetland Development Program	Restorable lands associated with BOR projects	Financial, Technical	BOR	Karen Blakney	(801) 524-3629 kblakney@uc.usbr.gov
Wildlife Habitat Incentives Program (WHIP)	Owned lands that are not in mitigation or federal conservation programs	Financial, Technical	USDA, NRCS	NRCS field office or local conservation district	See "A Detailed Guide to Assistance"
Wetlands Reserve Program (WRP)	Restorable wetlands and associated uplands	Financial, Technical	USDA, NRCS	NRCS field office or local conservation district	See "A Detailed Guide to Assistance"

①. Most programs apply to a variety of lands including wetlands; contact the sponsor for detailed information.
②. Because the contact person for a given program may change, ask for the current contact if the listed contact person no longer is involved.

A DETAILED GUIDE TO WETLANDS ASSISTANCE

Source	Eligibility	Financial Assistance	Contact
Challenge Cost-Share Program provides financial assistance to carry out conservation projects which can benefit fish and wildlife, threatened and endangered species, watersheds, and riparian areas.	A wide variety of conservation projects are potentially eligible for assistance. The project must show some benefit to adjacent BLM land, or be carried out in connection with BLM land.	Financial assistance is provided on a challenge cost-share basis. The program generally requires at least a 1:1 match (which can be made up of money, materials, or labor) from the landowner. Funding for this program has been variable and somewhat limited in recent years, but good projects have a good chance of being funded.	Contact your local BLM field office. Phone numbers and addresses for BLM field offices can be found on the Utah BLM's website at - www.ut.blm.gov or by calling the Utah State Office of the BLM at (801) 539-4001.
Conservation Reserve Program (CRP) offers annual rental payments, cost-share, and technical assistance to encourage farmers to convert highly-erodible cropland or other environmentally-sensitive acreage to resource-conserving vegetative cover. Major conservation goals of CRP include reducing soil erosion and sedimentation, improving water quality, and maintaining fish and wildlife habitat. Participants must retire accepted land from crop production for 10 to 15 years.	1. Traditional CRP - Application takes place during periodic national sign-ups. Eligible lands include marginal or highly erodible land; cropped wetlands or cropland associated with a non-cropped wetland. Croplands must have been planted to an agricultural commodity two of the five most recent crop years. 2. Continuous Signup CRP - So called because of the continuous application period. Eligible lands include any land with a recent cropping history that is judged by the NRCS to be suitable for establishment of certain practices, including filterstrips, riparian buffers, windbreaks, shelterbelts, living snow fences, shallow water areas for wildlife, and wellhead protection areas.	The Commodity Credit Corporation makes annual rental payments for the term of the contract and provides cost-share assistance of up to 50% of the cost of establishing permanent vegetation and other approved conservation practices.	Contact the NRCS field office serving your county, FSA county office, or local conservation district. Phone numbers and addresses for NRCS field offices can be found on the Utah NRCS website at: www.ut.nrcs.usda.gov or by calling the Utah State Office of the NRCS at (801) 524-4564. More information about CRP can be found at: www.nrcs.usda.gov.

Source	Eligibility	Financial Assistance	Contact
Debt for Nature Program (Conservation Contract Program) offers a conservation contract in exchange for reducing a borrower's indebtedness to the Farm Service Agency for USDA Farm Loans. These contracts can be established for conservation, recreation, or wildlife purposes. No agricultural production is permitted on the subject land.	Applies to lands that are used as security for USDA Farm Loans and also suitable for conservation, recreation, or wildlife habitat. Eligible lands include wetlands, special kinds of habitat that may support certain species of wildlife, and highly erodible lands.	Loan adjustments are made according to a formula in exchange for 10, 30, or 50-year conservation contracts. The amount of debt canceled is proportionate to the duration of protection.	Contact your local county FSA office. Phone numbers and addresses for FSA county offices can be found on the FSA website at wwwaix.fsa.usda.gov/cgi-bin/st.exe?49 or by calling the Utah State Office of the FSA at (801) 524-4530.
Emergency Watershed Program (EWP) and Floodplain Easement Program (FEP) address problems related to natural disasters such as flooding. EWP provides funding to project sponsors for projects to restore and stabilize areas damaged by natural disasters. FEP allows agricultural producers to offer their land for a floodplain easement.	Owners, managers, and users of public, private, or tribal lands are eligible for Emergency Watershed Program (EWP) assistance if their watershed area has been damaged by a natural disaster. Each EWP project, with the exception of floodplain easements, requires a sponsor who applies for the assistance. A sponsor can be any legal subdivision of state or local government, tribe, soil conservation district, U.S. Forest Service, or watershed authority.	NRCS provides up to 75% of the funds needed to restore the natural function of a watershed through measures such as restoring vegetation and stabilizing river banks. Owners of agricultural land may offer their land for a floodplain easement. The easements provide permanent restoration of the natural floodplain hydrology as an alterative to traditional attempts to restore damaged lands and structures. The easement lands would be ineligible for future federal disaster assistance.	Contact the NRCS field office serving your county. Phone numbers and addresses for NRCS field offices can be found on the Utah NRCS website at www.ut.nrcs.usda.gov or by calling the Utah State Office of the NRCS at (801) 524-4564. More information about EWP and FEP can be found at www.nrcs.usda.gov.
Environmental Quality Incentives Program (EQIP) provides a voluntary conservation program for farmers and ranchers to address significant natural resource concerns. The program is implemented through Local Working Groups convened by conservation districts, and is targeted to priority resource concern areas.	Eligibility is limited to persons who are engaged in livestock or agricultural production. Eligible lands include cropland, rangeland, forest land, pasture, and other farm and ranch lands on which crops and livestock are produced. All EQIP activities must be carried out according to a conservation plan developed by the landowner with help from NRCS.	EQIP offers 5- to 10-year contracts that provide incentive payments and cost sharing for practices called for in the landowner's conservation plan. Cost sharing may pay up to 75% of the costs of certain conservation practices. Incentive payments may be provided for up to three years to encourage producers to carry out certain land management practices.	Contact the NRCS field office serving your county or local conservation district. Phone numbers and addresses for NRCS field offices can be found on the Utah NRCS website at www.ut.nrcs.usda.gov or by calling the Utah State Office of the NRCS at (801) 524-4564. More information about EQIP can be found at www.nrcs.usda.gov.

Source	Eligibility	Financial Assistance	Contact
Farmland Protection Program helps farmers keep their land in agriculture. The program provides funding to state, local, or tribal entities with existing farmland protection programs to purchase conservation easements. Participating landowners choose to keep their land in agriculture and agree not to convert their land for nonagricultural use. Landowners retain all rights to use the property for agriculture. All lands enrolled must have a conservation plan developed according to the NRCS Field Office Technical Guide.	Qualifying land must be: prime, unique, or other productive soil; part of a pending offer from a state, local, or tribal farmland protection program; privately owned; large enough to sustain agricultural production; accessible to markets for what the land produces and have adequate infrastructure and agricultural support services; and have surrounding parcels of land that can support long-term agricultural production.	USDA joins with state, local, or tribal governments to purchase conservation easements from landowners. Funding for this program is limited.	Contact the NRCS field office serving your county or local conservation district. Phone numbers and addresses for NRCS field offices can be found on the Utah NRCS website at www.ut.nrcs.usda.gov or by calling the Utah State Office of the NRCS at (801) 524-4564. More information about the Farmlands Protection Program can be found at www.nrcs.usda.gov.
Forest Stewardship Program (FSP) assists landowners with the active management of forests and related resources. State Service Foresters prepare a Forest Stewardship Plan for the landowner's property, which helps landowners manage for long-term benefits, including wildlife habitat, water quality, forest productivity, and income.	Participants must be non-industrial private forest landowners, and must own at least 10 acres of forest land. Non-forested land suitable for growing trees may also qualify.	State Service Foresters prepare a Forest Stewardship Plan which identifies goals and objectives, and guides landowners in managing their land.	Utah Division of Forestry, Fire and State Lands 1594 W. North Temple STE 3520 Salt Lake City, UT 84116 (801) 538-5555 www.nr.state.ut.us/slf/slfhome.htm
Matching Aid to Restore States Habitat (MARSH) is a program of Ducks Unlimited to enhance and protect waterfowl habitat.	Proposals are considered from any public agency, private conservation group, or private landowner that can: (1) execute long-term habitat agreements; (2) deliver and manage the projects proposed; and (3) assume all liability associated with the project.	Ducks Unlimited provides technical assistance in project design, engineering, and implementation. Some funding assistance may also be possible. Ducks Unlimited is particularly interested in partnership opportunities that can leverage their contributions to carry out larger projects.	Mark Biddlecomb Ducks Unlimited , Inc. Western Regional Office 3074 Gold Canal Drive Rancho Cordova, CA 95670 (916) 852-2000. More information about Ducks Unlimited can be found at www.ducks.org.

Source	Eligibility	Financial Assistance	Contact
North American Wetland Conservation Act (NAWCA) Grants provide funding to encourage wetlands restoration, management, enhancement, and acquisition. NAWCA was enacted to encourage public-private partnerships to conserve North American wetlands, in part to help reverse declines in North American waterfowl populations.	Any individual or organization who has designed a project which will provide long-term conservation of wetlands and associated uplands through restoration, enhancement, or acquisition. Grant recipients must provide a 1:1 match for grant funds, and demonstrate the ability to implement and administer the project. Proposals are evaluated according to criteria which include the extent to which the project supports the purposes of NAWCA and the North American Waterfowl Management Plan.	Financial assistance is provided through a Small Grants Program and a Standard Grants Program. The Small Grants Program provides grants of up to $50,000. Priority is given to applicants who have never received a NAWCA grant. The Standard Grants Program provides grants of up to $1 million. Proposals for the Standard Grants Program are currently coordinated through the Intermountain West Joint Venture.	Jim Cole Intermountain West Joint Venture Coordinator U.S. Fish and Wildlife Service Utah Field Office Lincoln Plaza 145 East 1300 South, Suite 404 Salt Lake City, UT 84115 (801) 524-5110 email: jim_cole@mail.fws.gov More information about NAWCA grants can be found at northamerican.fws.gov/nawahp.html
Partners for Fish and Wildlife Program (PFW) offers financial and technical assistance to landowners who wish to restore degraded or converted wetlands, riparian areas or streams, or other fish and wildlife habitats. The program emphasizes the reestablishment of native vegetation and ecological communities for the benefit of fish and wildlife in concert with the needs and desires of landowners.	A variety of degraded habitat types are eligible for assistance. Special consideration is given to projects that contribute to the survival of threatened or endangered species, contribute to federal wildlife management goals, or are located in certain priority areas. Priority areas in Utah include areas near the Great Salt Lake and habitats that support threatened and endangered species.	Assistance ranges from informal technical advice on the design and location of potential restoration projects to voluntary cooperative agreements for technical and financial assistance. Landowners entering into a cooperative agreement agree to maintain the restoration project as specified in the agreement for a minimum of 10 years. Cost-sharing on a 1:1 basis is desirable but not required.	Karl Fleming U.S. Fish and Wildlife Service 58 South 950 West Brigham City, UT 84302 (435) 723-5887 ext. 22 email: karl_fleming@mail.fws.gov More information about PFW can be found at partners.fws.gov.
Wetland Development Program provides grants or cooperative agreements to state agencies, counties, and municipalities for conservation activities related to Bureau of Reclamation projects.	State agencies, counties, and municipalities. Approved projects generally involve restoration activities.	The Bureau of Reclamation provides financial and technical assistance through cost-share agreements.	Karen Blakney U.S. Bureau of Reclamation Upper Colorado Regional Office 125 S. State Street Salt Lake City, UT 84138 (801) 524-3629 email: kblakeney@uc.usbr.gov

Source	Eligibility	Financial Assistance	Contact
Wetland Protection Development Grants Program makes grants available to states, tribes, and local governments for development and/or enhancement of wetlands protection programs, and for wetland protection demonstration and restoration projects.	Eligible entities include state agencies, federally-recognized tribes, and local governments.	Grants are awarded on a competitive basis within an EPA region. Recipients must cost-share a minimum of 25% of each award's total project costs. Proposals are submitted annually in late fall. Support is for wetland conservation or program development only; the program does not provide funding for program implementation.	U.S. Environmental Protection Agency Region 8 999 18th Street, Suite 500 Denver, CO 80202 (303) 312-6312 More information about the EPA Wetlands Grants can be found at www.epa.gov/OWOW/wetlands/partners.html
Wetlands Reserve Program (WRP) provides landowners with technical and financial assistance for wetlands restoration and protection. The NRCS works with the landowner to develop a plan for the restoration and maintenance of the wetland. The landowners may sell a conservation easement or enter into a restoration cost-share agreement with the NRCS. Land enrolled in WRP may be sold or leased, and landowners also have the right to fish, trap, hunt, and pursue other uses compatible with wetlands protection.	Easement participants must have owned the land for at least one year (with limited exceptions). Eligible land must be restorable and restoration must produce significant wildlife benefits. Examples of eligible lands include farmed wetlands, prior converted croplands, farmed wetland pasture, riparian areas that link protected wetlands, and uplands adjacent to protected wetlands that contribute significantly to wetland functions and values. Wetlands converted for crop production after December 23, 1985 are ineligible.	WRP offers three options to the landowner. (1) Permanent Conservation Easement: USDA purchases a permanent easement (payment is the lesser of the agricultural land value, established payment cap, or amount offered by the landowner) and pays 100% of the restoration costs. (2) 30-year Conservation Easement: Pays 75% of what would be paid for a permanent easement and 75% of the restoration costs. (3) Restoration Cost-share Agreement: Minimum 10-year agreement to restore degraded or lost wetland habitat. USDA pays 75% of restoration costs.	Contact the NRCS field office serving your county or local conservation district. Phone numbers and addresses for NRCS field offices can be found on the Utah NRCS website at: www.ut.nrcs.usda.gov or by calling the Utah State Office of the NRCS at (801) 524-4564. More information about WRP can be found at www.nrcs.usda.gov.

Source	Eligibility	Financial Assistance	Contact
Wildlife Habitat Incentives Program (WHIP) provides technical assistance and cost-share payments to landowners who want to develop and improve fish and wildlife habitat on their property. Participants work with NRCS and their local conservation district to prepare and implement a wildlife habitat development plan. The plan describes the landowner's goals for improving wildlife habitat, includes a list of practices and a schedule for implementing them, and details the steps necessary to maintain habitat for the life of the agreement.	Individuals must own or have control of the land under consideration. Lands already enrolled in the Conservation Reserve Program, Wetlands Reserve Program, and similar programs are ineligible, as are lands subject to an Emergency Watershed Protection Program floodplain easement. However, WHIP can be combined with Partners for Fish and Wildlife funding or with state and private programs. WHIP funds cannot be used on land designated as converted wetland.	USDA and the landowner enter into a cost-share agreement that generally lasts for 5 to 10 years. The landowner agrees to install and maintain the WHIP practices and to allow NRCS or its agent access to monitor the effectiveness of the practices. USDA provides technical assistance and pays up to 75% of the cost of installing the wildlife practices.	Contact the NRCS field office serving your county or local conservation district. Phone numbers and addresses for NRCS field offices can be found on the Utah NRCS website at: www.ut.nrcs.usda.gov or by calling the Utah State Office of the NRCS at (801) 524-4564. More information about WHIP can be found at: www.nrcs.usda.gov.

Wetland Laws, Permits, and Regulations

During the past 25 years, our scientific understanding of the functions and values of wetlands has increased, and so has society's commitment to protecting wetlands. Our laws express that commitment, and government regulations implement the laws. This section describes the major laws and regulations that govern wetlands protection. There are also charts to help you navigate the maze of permits and regulatory requirements.

Federal Laws and Regulations

The Clean Water Act

The Clean Water Act contains provisions which provide the basis for wetlands regulation in the U.S. Section 404 of the Clean Water Act regulates the placement of dredged and fill materials in waters of the U.S., which include wetlands. The purpose of Section 404 is to protect the nation's waters from unregulated discharges of dredged or fill materials that could permanently alter or destroy these valuable resources.

Landowners must obtain a permit from the U.S. Army Corps of Engineers (Corps) before beginning any non-exempt activity involving the discharge of dredged or fill material into waters of the U.S. The applicant must demonstrate that they have taken steps to avoid and minimize impacts, and applicants normally are required to mitigate any unavoidable impacts by restoring, creating, enhancing, or preserving wetlands.

The Corps issues two main types of permits--individual permits and general permits. General permits, which include nationwide permits and regional permits, are issued for certain types of projects that are expected to have minimal individual and cumulative impacts. The application process for these types of permits may involve little or no paperwork. The processing time for general permits is typically two to six weeks. Projects with larger impacts generally require an individual permit. Individual permits undergo more review, including a full public-interest review. Processing time for individual permits typically ranges from two to six months.

Certain on-going, normal farming practices are exempt from Section 404 and do not require a permit. To be exempt, the activities cannot be associated with bringing a wetland into agricultural production or converting an agricultural wetland to a non-wetland area. Examples of exempt activities include established farming activities (such as plowing, harvesting, and cultivating), maintenance (but not construction) of drainage ditches, and construction and maintenance of irrigation ditches. If you think an activity you plan to conduct may be exempt from reg-

ulation, you should check with the U.S. Army Corps of Engineers or Natural Resources Conservation Service to make sure a permit is not required.

How Are Wetlands Defined For Regulatory Purposes?

The following definition of wetlands, developed by the Corps, is used for regulatory purposes: *"Wetlands are those areas that are innundated or saturated by surface or ground water at a frequency and duration to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas."*

This definition is based on hydrology, hydric soils, and hydrophytic vegetation (see also page 4). Only areas that meet all three criteria are defined as jurisdictional wetlands that are subject to federal regulation.

Additional provisions which apply to wetlands and other waters of the U.S. are found in Section 401 of the Clean Water Act. Section 401 requires that federal permits (including Section 404 permits) or licenses that authorize discharges (including dredged and fill material) to waters of the U.S. receive state certification that the discharges will not violate state water quality standards. The Utah Division of Water Quality grants 401 certification. Currently there is a combined application that allows an applicant to apply simultaneously for a Section 404 permit and 401 certification.

Swampbuster Provisions of the National Food Security Act (Farm Bill)

The National Food Security Act (Farm Bill) also contains provisions for wetlands protection, known as Swampbuster. Swampbuster is not a regulatory program—it does not prohibit anyone from modifying a wetland—but it does encourage wetlands protection on agricultural lands by denying certain farm program benefits to agricultural producers who convert wetlands for the purpose of crop production. Producers can be denied benefits if they plant commodity crops on a wetland converted for agricultural production after December 23, 1985 (the date the Swampbuster provisions were enacted) or convert a wetland for the purpose of commodity crop production after November 28, 1990. Benefits which may be denied include any type of price support or payment, crop insurance, agricultural disaster payments, and certain agricultural insured or guaranteed loans. Swampbuster exempts a number of activities related to agriculture; for details, you should contact the NRCS.

Swampbuster applies to all sites that meet the definition of a wetland (see "How are Wetlands Defined for Regulatory Purposes?"). Staff from the NRCS determine whether a particular site is a wetland. Swampbuster defines four types of wetlands:

(1) **Wetland:** an area of predominantly hydric soil that can support a prevalence of water-loving plants (hydrophytes). May be used to produce commodities, if wetland hydrology is not altered. No removal of woody vegetation is allowed. No additional drainage is allowed, but existing drainage for adjacent farmed wetland pastures, farmed wetlands, or prior converted croplands that existed prior to 12/23/85 may be maintained.

(2) **Converted Wetland:** a wetland or farmed wetland that was drained or altered after 12/23/85 to enable production of an agricultural commodity. If drained or altered before 11/28/90, plant-

ing a commodity crop will cause a producer to lose eligibility for farm program benefits. Any alteration or drainage after 11/28/90 that makes production of a commodity crop possible will cause a producer to lose eligibility for farm program benefits. No additional drainage and no drainage maintenance is allowed.

(3) **Farmed Wetland:** a wetland that was partially drained or altered to produce crops prior to 12/23/85, but still exhibit some wetland values. May be farmed as it was prior to 12/23/85. No additional drainage is permitted; existing drainage may be maintained but not improved.

(4) **Prior Converted Cropland** (also known as prior converted wetland): a wetland converted to crop use prior to December 23, 1985 that no longer meets the definition of a wetland. Production of commodity crops is permitted. Additional drainage and drainage maintenance are allowed without restriction.

If you have questions regarding how the NRCS would define the wetlands found on your property, or want to see if a planned activity would affect your eligibility for farm program benefits, contact your local NRCS office.

What About Artificial Wetlands?

The NRCS defines an artificial wetland as land that was not a wetland under natural conditions, but now exhibits wetland characteristics due to human activity. Human-induced wetlands, like those under irrigation, may meet the definition of wetlands by possessing wetland hydrology, soils, and vegetation but not be subject to the Corps' regulatory authority. It is also possible that the artificial wetland may not be subject to regulation in the NRCS Swampbuster Program but can be regulated by the Corps under the Section 404 Program. The Corps decides, on a case-by-case basis, if a human-induced wetland is subject to protection.

State Laws and Regulations

Utah Stream Alteration Act

Utah's Stream Alteration Act requires that a permit be obtained from the Utah Division of Water Rights for any activity that will change the course, current, or cross-section of a stream channel. Examples of activities requiring a stream alteration permit include dredging or excavation in or adjacent to a stream channel; placing riprap or concrete retaining walls; realigning channels; and construction adjacent to and impacting the channel or its banks. The purpose of the law is to maintain streams and rivers in their natural or existing state, and to protect fish and wildlife resources. Applicants may use the same application which is needed for a Section 404 permit. Both the Utah Division of Water Rights and the Corps will review the application.

Charts on the following pages summarize the laws and regulations applying to wetlands, and provide an overview of the permitting process.

SUMMARY OF LAWS AND REGULATIONS

Law or Regulation	Purpose	Examples of Activities Regulated or Affected	Permit	Agency/Contact
Clean Water Act: Section 404	To restore and maintain the chemical, physical, and biological integrity of the nation's waters, including wetlands, by regulating the discharge of dredged and fill material.	Any activity that will result in the discharge or placement of dredged or fill material into waters of the U.S., including wetlands. Examples include discharge of fill for building pads, bank stabilization, road construction, culverts or bridges across wetlands, and utility line crossings.	404 Permit	For Daggett, Grand, San Juan and Uintah counties: U.S. Army Corps of Engineers (970) 243-1199 For the rest of Utah: U.S. Army Corps of Engineers (801) 295-8380
Clean Water Act: Section 401	Ensures that actions related to any federal permit (including Section 404 permits) or license are consistent with the state's water quality standards.	Any activity that will result in the discharge or placement of material into state waters, including wetlands.	401 Certification (combined application covers both 404 and 401)	Utah Division of Water Quality (801) 538-6146
Utah Stream Alteration Act	To protect Utah's resources by regulating activities in the state's natural streams.	Any activity that will result in changing the course, current, or cross section of a stream channel in Utah.	Utah State Stream Alteration Permit	Utah Division of Water Rights (801) 538-7375
Endangered Species Act and Fish and Wildlife Coordination Act	The Endangered Species Act provides a means to protect threatened and endangered species and their habitat. The Fish and Wildlife Coordination Act ensures that wildlife conservation will receive equal consideration during the permitting process.	Actions which impact wildlife habitat.	Review and commenting on permit applications by the U.S. Fish and Wildlife Service and Utah Division of Wildlife Resources	U.S. Fish and Wildlife Service (801) 524-5001 Utah Division of Wildlife Resources (801) 538-4864
National Food Security Act, Swampbuster Provision	Protection of wetlands on agricultural lands.	Conversion of wetlands for production of commodity crops.	None	Natural Resources Conservation Service; contact your local field office

NAVIGATING THE PERMIT MAZE

Typical Question	Answer	Permit #	Agency	Contact	Waiting Period
"I want to build an access road across the wetland to get to my new house. Do I need a permit?"	Yes	404 and 401 (water quality certification) combined application	Corps, or Utah Division of Water Quality may be contacted regarding water quality issues	For Daggett, Grand, San Juan, and Uintah counties: U.S. Army Corps of Engineers 402 Rood Avenue, Room 142 Grand Junction, CO 81501 (970) 243-1199 For the rest of Utah: U.S. Army Corps of Engineers 1403 South 600 West, Suite A Bountiful, UT 84010 (801) 295-8380	Usually 2 to 6 weeks for projects with minimal environmental impacts, and 60-120 days for projects with larger impacts.
"I want to clear away some shrubs and brush on my wetland. Can I use a bulldozer and grader?"	Heavy equipment requires a permit. Hand-held equipment, such as chainsaws and shovels, may be used without a permit.				
"I want to build a pond. Do I need a permit?"	Yes. You need a permit to use heavy equipment in a wetland or drainage area to excavate, or to build an impoundment or berm.				
"I want to build a gravel bar to direct the flow of stream water into an irrigation ditch. Do I need a permit?"	Yes	Utah Stream Alteration Permit	Utah Division of Water Rights	Utah Division of Water Rights 1594 W. North Temple P.O. Box 146300 Salt Lake City, UT 84114 (801) 538-7375	Usually 30 days.
"Do I have a wetland? I need to know for a building project."	Find out from a consultant or the NRCS, who will locate your land on a soil map. (You must have a legal description of the property in writing). If your land contains hydric soil, NRCS will refer you to a list of wetlands consultants for a wetland delineation. If discharge of dredged or fill material is needed, the Corps must be consulted.	Possibly 404	NRCS, Corps	Local NRCS field office; Corps contacts as listed above	Time required to obtain a wetland delineation depends on the consultant's schedule and the size and nature of the wetland. If a 404 permit is required, waiting periods are as stated above.

APPENDIX 1—ACRONYMS

We hope this guide has helped you learn more about the benefits of voluntary land stewardship, and about different stewardship options. Most importantly, we hope you have learned that many partners and programs are available to help you meet your stewardship goals. Together we can and will make a difference!

Acronyms in This Guide

BLM—Bureau of Land Management
BOR—Bureau of Reclamation
CRP—Conservation Reserve Program
EPA—Environmental Protection Agency
EQIP—Environmental Quality Incentives Program
FSA—Farm Service Agency
FSP—Forest Stewardship Program
MARSH—Matching Aid to Restore States Habitat
NAWCA—North American Wetlands Conservation Act
NAWMP—North American Waterfowl Management Plan
NRCS—Natural Resources Conservation Service
PFW—Partners for Fish and Wildlife
SIP—Stewardship Incentive Program
UDWQ—Utah Division of Water Quality
USDA—United States Department of Agriculture
USFWS—United States Fish and Wildlife Service
WHIP—Wildlife Habitat Incentives Program
WRP—Wetlands Reserve Program