



## Relinquishment of Lands Under CREP Conservation Easements

Updated: 1/19/2024 – DATCP



Wisconsin's agreement with USDA for the Conservation Reserve Enhancement Program (CREP) requires land enrolled under a federal CREP contract (CRP1) also be enrolled under a state CREP contract – either a 15-year agreement or a CREP conservation easement. CREP conservation easements run concurrently with the federal CRP1 for up to the first 15 years. Upon termination of the federal CRP1, the CREP conservation easement remains with the land and is unlimited in duration. CREP conservation easements maintain permanent vegetative cover in perpetuity for protecting water quality and wildlife habitat. The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) follows provisions in the CREP easement document in accordance with 700.40, Wis. Stats. when considering requests to relinquish lands, either in full or part, from state held CREP conservation easements.

DATCP will consider relinquishing a state held CREP conservation easement if one of the following apply:

1. While under an active federal CRP1,
  - a. either both:
    - i. USDA - Farm Service Agency (FSA) has determined that land enrolled in CREP was not eligible *and*
    - ii. FSA takes action to remove the land from the federal CRP1.
  - or*
  - b. both
    - i. The boundaries of the easement were misrepresented during easement establishment *and*
    - ii. The landowner requests that the land be removed from the easement within 45 calendar days of the recording of the easement with the county register of deeds office.
2. The federal CRP1 is terminated and, as a contingency of the relinquishment, the land is subsequently enrolled in a federal, state, or county government sponsored conservation easement program that provides the same or more restrictive types of conservation benefits as provided by the CREP easement at the time of recording (i.e. NRCS – Wetland Reserve Easement).
3. The land is purchased through eminent domain.
4. Parcel boundary lines have been more accurately defined on the ground using updated GPS and GIS technology and easement boundaries must be adjusted accordingly, which reduces the area within the CREP conservation easement.

If any of these criteria are met, landowners would be required to reimburse the State in full all payments received for CREP, or an amount equal to the current fair market value of their relative real estate interests according to provisions of the easement.

### How to Request Relinquishments:

Send a written request for relinquishment to: [datcpcrep@wisconsin.gov](mailto:datcpcrep@wisconsin.gov) or CREP Program Manager, DARM, PO BOX 8911, Madison, WI 53708. Requests must include:

- Landowner name(s),
- DATCP CREP ID and parcel number(s),
- Specific relinquishment eligibility from list above,
- Rationale for relinquishment,
- Total acres for which relinquishment is requested,
- Map clearly identifying the easement area requested to be relinquished, and
- Copy of terminated federal CRP1, if applicable.