

**BOARD OF WATER AND SOIL RESOURCES  
520 LAFAYETTE ROAD NORTH  
ST. PAUL, MN 55155  
THURSDAY, DECEMBER 14, 2023**

**AGENDA**

**9:00 AM CALL MEETING TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ADOPTION OF AGENDA**

**MINUTES OF OCTOBER 25, 2023 BOARD MEETING**

**PUBLIC ACCESS FORUM** (10-minute agenda time, two-minute limit/person)

**INTRODUCTION OF NEW STAFF**

- Eric Forward, Easement Acquisition Specialist
- Jen Swartz, Easement Acquisition Specialist
- Kristina Geiger, Program Analyst
- Sumbal Rana, Assistant Program Analyst
- Kevin Roth, Easement Programs Coordinator
- Sara Reagan, Easement Programs Coordinator
- Don Bajumpaa, PRAP Coordinator

**CONFLICT OF INTEREST DECLARATION**

*A conflict of interest, whether actual, potential, or perceived, occurs when someone in a position of trust has competing professional or personal interests, and these competing interests make it difficult to fulfill professional duties impartially. At this time, members are requested to declare conflicts of interest they may have regarding today's business. Any member who declares an actual conflict of interest must not vote on that agenda item. All actual, potential, and perceived conflicts of interest will be announced to the board by members or staff before any vote.*

**REPORTS**

- Chair & Administrative Advisory Committee – Todd Holman
- Executive Director – John Jaschke
- Audit & Oversight Committee – Joe Collins
- Dispute Resolution and Compliance Report – Travis Germundson/Rich Sve
- Grants Program & Policy Committee – Mark Zabel
- RIM Reserve Committee – Jayne Hager Dee
- Water Management & Strategic Planning Committee – Joe Collins
- Wetland Conservation Committee – Jill Crafton
- Buffers, Soils & Drainage Committee – LeRoy Ose
- Drainage Work Group – Neil Peterson/Tom Gile

## AGENCY REPORTS

- Minnesota Department of Agriculture – Thom Petersen
- Minnesota Department of Health – Steve Robertson
- Minnesota Department of Natural Resources – Sarah Strommen
- Minnesota Extension – Joel Larson
- Minnesota Pollution Control Agency – Katrina Kessler

## ADVISORY COMMENTS

- Association of Minnesota Counties – Brian Martinson
- Minnesota Association of Conservation District Employees – Mike Schultz
- Minnesota Association of Soil & Water Conservation Districts – LeAnn Buck
- Minnesota Association of Townships – Eunice Biel
- Minnesota Watersheds – Jan Voit
- Natural Resources Conservation Service – Troy Daniell

## COMMITTEE RECOMMENDATIONS

### ***Grants Program and Policy Committee***

1. CWF FY 24 competitive grant application recommendations – Annie Felix-Gerth – ***DECISION ITEM***

### ***Water Management and Strategic Planning Committee***

1. Nonpoint Priority Funding Plan Revision – Julie Westerlund – ***DECISION ITEM***

### ***Northern Region Committee***

1. Mississippi River – Brainerd Comprehensive Watershed Management Plan – Todd Holman, Steve Barrows, Ryan Hughes, and Darren Mayers – ***DECISION ITEM***

### ***Wetland Conservation Committee***

1. Local Government Roads Wetland Replacement Program Easement Acquisition Payment Rate – Les Lemm and Dennis Rodacker – ***DECISION ITEM***

### ***RIM Reserve Committee***

1. Reinvest in Minnesota (RIM) Easement Enhancement Program – Sharon Doucette – ***DECISION ITEM***
2. RIM Easement Alteration Request for MnDOT Highway 93 Improvements – Easement #72-01-17-01 – Karli Swenson – ***DECISION ITEM***
3. RIM Easement Alteration Request for MnDOT Highway 93 Improvements – Easement #72-04-93-01 – Karli Swenson – ***DECISION ITEM***
4. Reinvest in Minnesota (RIM) Reserve Critical Shorelands Program – Bill Penning – ***DECISION ITEM***
5. Reinvest in Minnesota Reserve – Working Lands Program – Bill Penning – ***DECISION ITEM***
6. Reinvest in Minnesota (RIM) Reforestation Program – Bill Penning – ***DECISION ITEM***
7. Reinvest in Minnesota (RIM) Buffalo-Red River Watershed District (BRRWD) Stream Restoration Program – John Voz – ***DECISION ITEM***
8. Reinvest in Minnesota (RIM) Reserve Grasslands Program – John Voz – ***DECISION ITEM***

## UPCOMING MEETINGS

- Northern Region Committee is scheduled for January 3<sup>rd</sup> time and location TBD and by MS Teams.
- Southern Region Committee is scheduled for January 5<sup>th</sup> at 10:00 a.m. in New Ulm and by MS Teams.
- BWSR Board meeting is scheduled for January 24<sup>th</sup> at 9:00 a.m. in St. Paul and by MS Teams.

## ADJOURN

# Wetland Credit Acquisition Plan

## Local Government Roads Wetland Replacement Program

December 14, 2023

### I. Background

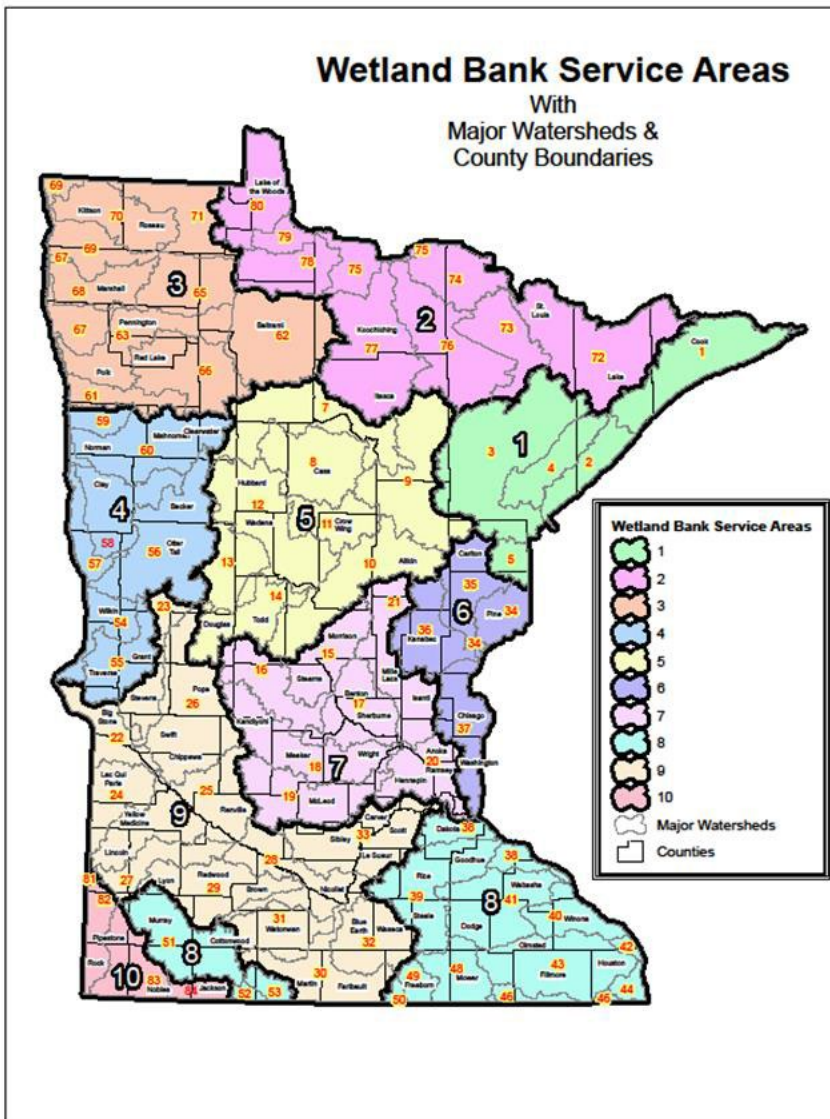
The Minnesota Board of Water and Soil Resources (BWSR) has been charged by the legislature to generate wetland replacement credits for use by local public transportation authorities to satisfy wetland replacement requirements of the Wetland Conservation Act (WCA) and Section 404 of the Federal Clean Water Act. The Local Government Roads Wetland Replacement Program (LGRWRP) provides wetland credits for local public transportation authorities that follow specified notification procedures and have qualifying projects according to criteria established in Minnesota Statutes § 103G.222, Subd. 1(m) and Minnesota Rules Chapter 8420.0544.

To fund the program, the state has typically provided BWSR with periodic bonding appropriations to acquire the necessary property rights, restore wetlands, and generate wetland replacement credits. These wetland restorations are primarily conducted on private lands with cooperating landowners. All such wetland restorations and associated credits are processed and entered into the State wetland banking system as “road replacement banks,” and are required to be protected by a permanent wetland conservation easement specific to wetland banks.

The state has also provided BWSR with general fund appropriations that, in addition to conducting wetland restoration projects as described above, can be used to purchase wetland bank credits from existing wetland bank account holders. These general fund appropriations typically have fewer restrictions than bonding appropriations, which allow for greater flexibility in funding LGRWRP credit generation activities. The ability to purchase wetland bank credits with these funds allows BWSR to address LGRWRP credit deficiencies immediately in areas where the private market can sustain it, rather than the several years it can take for the release of credits associated with BWSR-initiated wetland restoration projects.

Finally, it is common for the Department of Transportation (MnDOT) to collaborate with BWSR on wetland restoration projects that generate credits to be used by both the LGRWRP and MnDOT, and/or to provide funding to BWSR for the purchase of existing wetland bank credits on behalf of MnDOT. Addressing MnDOT’s credit needs in coordination with the LGRWRP creates efficiencies for MnDOT and is beneficial to both agencies. Therefore, any funds provided by MnDOT for wetland credit generating activities will be combined with LGRWRP funds whenever possible and used to generate or obtain wetland credits consistent with this Plan. In the event that LGRWRP funds are not available, BWSR will pursue credit generating activities consistent with this Plan and in accordance with the interagency agreement between BWSR and MnDOT in effect at the time the funds are provided.

Given the uncertainty and variability of wetland replacement needs associated with qualifying transportation projects, BWSR strives to keep an adequate supply of wetland credits in each bank service area (see map below). Having readily available wetland credits in all bank service areas allows public road projects to move forward on schedule and avoids credit penalties (and increased costs to the State) that apply when replacement occurs in a different bank service area than the wetland impact.



## II. Credit Acquisition Methods

There are four primary methods that BWSR can use to acquire replacement wetland credits for the LGRWRP, each of which can play an important role depending on program needs and circumstances. They are described below, including some of the relevant advantages and drawbacks of each.

- 1) Easement Sign-up. This method involves the purchase of a perpetual conservation easement from a landowner that allows BWSR staff to design and implement a wetland restoration project. BWSR

typically contracts with the local Soil and Water Conservation District (SWCD) to assist, and contractors are hired by the landowner, BWSR, or the SWCD to implement the BWSR-developed plan. Contractor payments from the landowner are reimbursed by BWSR. The landowner is compensated for the easement, based on 150% of the Reinvest In Minnesota (RIM) per-acre payment rates in place at the time the contract is signed with the landowner. Compensation for the easement can be made in a single payment or multi-year payments. In some areas of the state, this method tends to be the most efficient means (in terms of cost per credit) of producing wetland credits and BWSR has been very successful using it. However, this method involves a significant BWSR staff commitment and may not be an attractive option in areas of the state where RIM rates are relatively low or for landowners wishing to seek greater compensation for the value of the wetland credits generated on their land.

- 2) Contract for Credit. This method involves issuing a request for proposal (RFP) for landowners, and/or other entities in partnership with landowners, to submit proposed wetland restoration projects that would establish credits for use in the LGRWRP. The proposals include a cost per credit that the landowner would sell deposited credits and the associated conservation easement to BWSR. This method requires BWSR to enter into a contract with the landowner to purchase wetland credits at a specified price once they are generated by the landowner through project implementation. This method often results in a higher cost per credit compared to the easement sign-up method. However, it requires significantly less BWSR staff time and could potentially attract landowners willing to front the cost of project implementation in exchange for the higher payment for wetland credits (as compared to the lower payment for wetland easement acres alone). BWSR's experience with this option is that the design and agency review process prior to construction typically takes longer than with BWSR-managed projects, which adds considerable uncertainty to the schedule for obtaining credits for the LGRWRP. In addition, there can be greater risk that projects do not get completed at all due to failure on the part of the landowner to follow through on the agreement. If that occurs, BWSR is left to reallocate funds to other projects resulting in delays, or lose the funding altogether. To help alleviate these risks, staff may target or incentivize projects that have an approved bank plan, or are otherwise already engaged in the review process, but have not yet completed the easement acquisition process.
  
- 3) Partnership Project. Under this method, BWSR will collaborate with a local government, state agency, landowner, or other entity to apportion the responsibilities for project development and agree on the distribution of the resulting credits and associated payment rates. In effect, this method is a hybrid of methods 1 and 2 above. These partnership projects take advantage of the capabilities and technical resources of each partner where there is a need for wetland credits. These projects maximize economies of scale for wetland bank projects by facilitating the pursuit of larger projects, while BWSR's funds can be used to pursue an increased number of projects statewide because the partnerships reduce the state's total investment in each project. These partnership projects are also a particularly attractive option for landowners in non-agricultural areas of the state where RIM payment rates are low, and for landowners interested in the private banking market, as the ability to retain some of the resulting credits can provide an additional incentive. However, partnership projects can be complicated with respect to dividing the responsibilities and financial commitments to the project, and there may be federal constraints that can restrict the use of partnership projects in certain situations. Another partnership option consists of partnering with a conservation project, where credits are generated for the LGRWRP in a proportion commensurate with the program's overall financial contributions to the project.

- 4) Bank Credit Purchase. This method involves issuing an RFP for wetland bank account holders to submit proposals for the sale of banking credits to BWSR at a specified price. Such credit purchases are typically only pursued when necessary to address immediate credit shortages that cannot be addressed through the completion of wetland restoration projects due to the longer timeframes to generate credits that are associated with those projects. Since the purchase of credits does not involve the acquisition of property rights (the conservation easement has already been recorded), bonding appropriations generally cannot be used to fund this method.

### III. Appropriation Conditions

Each funding appropriation will typically carry with it legislative directives and conditions that apply to its use. In addition, state law and policy can also contain additional requirements or limitations on use that can vary by funding source. For example, bonding appropriations can only be spent on projects that include the acquisition of property rights, must be spent in accordance with a spend plan approved by Minnesota Management and Budget, and carry limitations on the funding of staffing activities, overhead, equipment, and supplies.

BWSR staff will strictly abide by all conditions associated with each specific appropriation used to acquire replacement wetland credits for the LGRWRP. Future and past funding sources will be combined on credit acquisition activities where appropriation conditions allow and when it is beneficial for program implementation.

### IV. Wetland Restoration Project Identification and Selection Process

This part applies to the implementation of wetland restoration and protection projects to generate credits for use by the LGRWRP, as described in paragraphs 1 through 3 of the Credit Acquisition Methods section. Projects will be solicited through an easement sign-up, RFP, similar public announcement, and/or through direct contact with local governments and landowners. The process to identify and evaluate potential projects is described in the following paragraphs.

#### A. Project Targeting

Projects will be solicited on a BSA basis. BSAs will be selected based on the projected credit needs of each, the availability and needs of the In-Lieu Fee wetland replacement program, and the amount of available funding. Projected credit needs will be estimated based on the current credit balance, expected deposits, and average annual demand over a three to ten year period. If sufficient projects are not obtained in selected BSAs, or if credit needs change as a result of the actual outcomes of other credit acquisition activities, other BSAs may be targeted based on credit need priority.

#### B. Determining Credit Acquisition Method

BWSR staff will generally prioritize the use of the Easement Sign-up and Partnership Project options for generating wetland credits for the LGRWRP. These methods provide greater certainty with respect to the project schedule because they utilize in-house agency expertise to design the project and obtain the required agency approvals. A predictable schedule is critical for BWSR to provide credits for local road projects in a timely manner. The Contract for Credit method will primarily be used when an adequate supply of credits cannot be acquired using other methods, or when BWSR's staffing capacity to implement other methods has been exceeded. The project solicitation notification will identify which method(s) will be available for each selected BSA.

### C. Project Solicitation and Identification

Prior to soliciting projects, BWSR staff will prepare program and application information, instructions, and forms that will be posted on the BWSR website. Local governments, and other potentially interested entities as appropriate, will be informed of the posted materials and the project solicitation process. SWCDs will be encouraged to provide information and assistance to interested landowners. SWCDs working with landowners on projects selected by BWSR will have the opportunity to receive payment for services they provide for project development and implementation. Payment rates to SWCDs for services associated with selected projects will vary based on project size and the scope of services provided. The process for project solicitation will vary somewhat based on the credit acquisition method used:

- Easement Sign-up. Project solicitation under the Easement sign-up method will consist of a landowner sign-up of potential wetland banking sites. This sign-up will be facilitated through BWSR's local government partners, specifically SWCDs, counties, and non-profit conservation organizations involved in wetland conservation projects. SWCDs will utilize their local knowledge and expertise to help identify potential wetland banking projects and willing landowner participants. Landowners may seek assistance from SWCDs to gather site information and help complete application materials. The easement sign-up period will typically be open for a minimum of 30 days and may be left open continuously, with projects reviewed, ranked, and chosen as funding becomes available.
- Contract for Credit. Project solicitation under the Contract for Credit method will consist of an RFP for wetland restoration projects that will establish credits for the LGRWRP, including a proposed schedule, estimated number of credits, and per-credit price. The contract for a credit project solicitation period will typically be open for a minimum of 30 days, and generally not in excess of 6 months. Staff may issue a new RFP, or extend an open RFP, when additional funding becomes available or when sufficient responses have not been received. Staff may also consider targeting projects that are currently in the bank review process to reduce the time for obtaining credits.
- Partnership Project. Project solicitation for the Partnership Project method will be integrated with the Easement Sign-up and Contract for Credit project solicitation processes. Partnerships may be proposed by the landowner at the time their proposal is submitted, and/or negotiated during the review process based on the specific conditions of the site and the needs of the parties. Payment options may range from payment for the easement plus the value of the additional responsibilities of the landowner, to a per-credit price that takes into consideration the value of services provided by BWSR.

### D. Project Review Criteria

To be eligible for consideration, all project applications must meet Minnesota Wetland Conservation Act replacement and construction standards. Applications will be reviewed using the following criteria:

1. Geographic Location. BWSR will give priority to projects located in BSAs with highest credit need as dictated by credit balances or fulfilling requirements imposed through operation of the in-lieu fee program.
2. Credit yield. Priority will generally be given to projects with higher credit yield due to efficiencies of scale. Higher credit yield can be associated with the size of the site, the action eligible for credit, or both.

3. Credit cost. Priority will generally be given to projects with lower per-credit costs. For the Easement Sign-up method, the cost of credits will be based on the estimated cost of the conservation easement, project design and management, and construction/monitoring relative to anticipated number of credits. For the Contract for Credit method, the cost of credits will be determined by the landowner per-credit payment rate plus any BWSR staffing and administrative costs relating to the project. For the Partnership Project method, the cost of credits will be determined by the sum of payments to the landowner plus any BWSR staffing and project implementation costs relating to the project.
4. Technical feasibility. Staff will assess the actions required to restore wetland hydrology and vegetation, the level of complexity of the project, and the reliability of proposed measures. Projects must be technically feasible to be considered for funding.
5. Functional benefit for the watershed. Projects that directly address watershed stressors or impairments, and/or the value of the restored functions and services to the watershed are higher relative to other proposals from the same BSA, will be given priority. For BSAs with high priority areas identified in Compensation Planning Frameworks (CPFs) or other BWSR recognized watershed based mitigation plans, projects will further be prioritized consistent with these documents.
6. Rare or difficult to replace wetland functions or characteristics. Extra consideration will be given for projects that would restore wetlands that are particularly rare or rarely restored.
7. Qualifications of the project sponsor. Staff may consider the qualifications of the project sponsor and the sponsor's agents, contractors, and consultants to fulfill all project-related responsibilities in a high quality and timely manner. In determining the qualifications of the project sponsor, staff may consider past experience with that sponsor.

#### E. Project Selection Process

The review process will be managed by the BWSR Wetland Mitigation Supervisor or their designee. In addition to Wetlands Section staff, BWSR engineering and technical staff will participate in the review of project applications as appropriate. Input will also be sought from staff of BWSR's resource partners at the Department of Natural Resources, Minnesota Pollution Control Agency, U.S. Environmental Protection Agency, and U.S. Army Corps of Engineers.

In general, the project review criteria will be qualitatively evaluated and placed into broad categories (high, medium, and low) based on the experience and knowledge of staff. An exact quantitative determination of review criteria is not possible or desirable when estimating proposed conditions. Final project selection will weigh the rankings for each of the review criteria and then consider those in terms of the geographic location priority list. For applications of the same credit acquisition method with similar rankings, efforts will be made to distribute selected projects evenly amongst priority areas.

Based on the results of the review, a list of recommended projects and alternates will be compiled by the Wetland Mitigation Supervisor, approved by the Wetlands Section Manager, and presented to the Executive Director or their designee for final approval. Individual projects identified through a continuous sign-up or through direct coordination with local governments will follow this same approval process.



## V. Bank Credit Purchase Process

This part applies to the purchase of wetland bank credits using general fund appropriations or other funding sources that allow for such purchases without the associated acquisition of property rights, as described in paragraph 4 of the Credit Acquisition Methods section above.

This method will typically only be used to address areas with low or zero credit balances. However, this method could be more widely used depending on the amount of funding available, the supply of non-LGRWRP bank credits in a given BSA, and the cost of credits. These credit purchases will be completed using a competitive request for proposal process and in compliance with all applicable state contracting provisions. In purchasing credits under this method, BWSR staff will abide by the following principles:

1. BSAs will be prioritized based on current credit balances and projected balances over the following three years. BSAs with a greater immediate need for credits will receive a higher priority.
2. BWSR will not purchase credits from BSAs that do not currently have, or are not projected to have, an adequate supply of credits to support the private market. Staff will base this determination on the availability of deposited credits, expectations for additional credit deposits from in-process wetland bank projects, and typical private credit needs for that particular BSA. The RFP will identify the BSAs for which credit purchases are being considered.
3. In prioritizing BSAs and individual credit purchases, BWSR staff can consider the prices and availability of credits in other BSAs using a watershed approach.
4. Staff may place higher priority on credits that best meet or address state or federal regulatory requirements, such as those that are associated with a certain wetland type or that are located in a priority area. Such priorities will be identified in the RFP.
5. Assuming selection criteria are met equally, and when compared to other prices in the same BSA, credits with a lower price will be chosen for purchase over those with a higher price.
6. Staff will not accept any credit purchase proposal that includes a credit price that is, in the opinion of staff, unreasonably high based on other known credit sales, the availability of other credit options for that BSA, and the cost of BWSR to produce the credits through other methods.

## VI. Applicability

This plan applies to all credit acquisition activities of the LGRWRP. These activities must also comply with the requirements of the Minnesota In-Lieu Fee Program for any credits being developed to repay advanced credits under that program. In addition, this Plan becomes effective upon Board approval and remains in effect until revised, superseded, or rescinded. Revisions and updates to this plan will be proposed as necessary for clarity and completeness, or to address new circumstances or requirements. BWSR staff will update the Board's Wetland Conservation Committee typically annually on the status of the LGRWRP and associated credit acquisition activities.

# Wetland Credit Acquisition Plan

## Local Government Roads Wetland Replacement Program

~~March 27, 2019~~ December 14, 2023

### I. Background

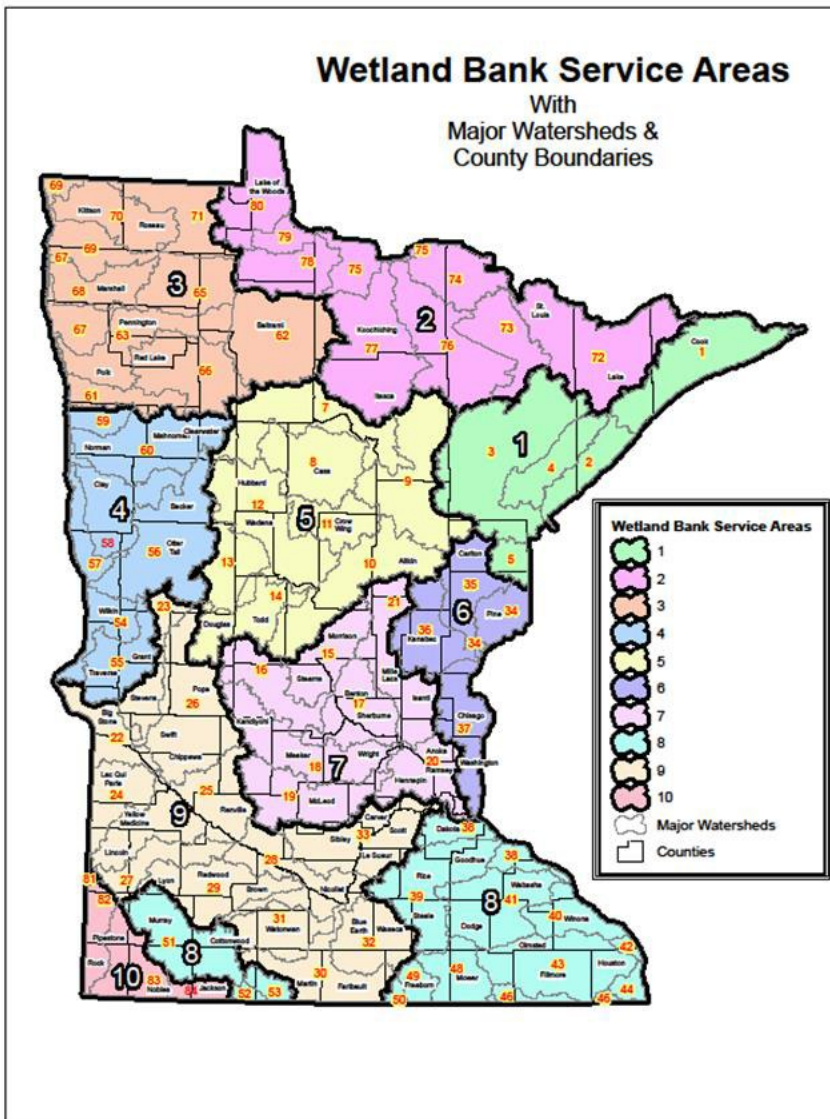
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typically contracts with the local Soil and Water Conservation District (SWCD) to assist, and contractors are hired by the landowner, BWSR, or the SWCD to implement the BWSR-developed plan. Contractor payments from the landowner are reimbursed by BWSR. The landowner is compensated for the easement, based on ~~125%~~ 150% of the Reinvest In Minnesota (RIM) per-acre payment rates in place at the time the contract is signed with the landowner. ~~This rate is consistent with the Board approved LGRWRP easement sign-up process conducted in 2012 (Board Resolution 12-117) and subsequent sign-ups.~~ Compensation for the easement can be made in a single payment or multi-year payments. In some areas of the state, this method tends to be the most efficient means (in terms of cost per credit) of producing wetland credits and BWSR has been very successful using it. However, this method involves a significant BWSR staff commitment and may not be an attractive option in areas of the state where RIM rates are relatively low or for landowners wishing to seek greater compensation for the value of the wetland credits generated on their land.

- 2) Contract for Credit. This method involves issuing a request for proposal (RFP) for landowners, and/or other entities in partnership with landowners, to submit proposed wetland restoration projects that would establish credits for use in the LGRWRP. The proposals include a cost per credit that the landowner would sell deposited credits and the associated conservation easement to BWSR. This method requires BWSR to enter into a contract with the landowner to purchase wetland credits at a specified price once they are generated by the landowner through project implementation. This method often results in a higher cost per credit compared to the easement sign-up method. However, it requires significantly less BWSR staff time and could potentially attract landowners willing to front the cost of project implementation in exchange for the higher payment for wetland credits (as compared to the lower payment for wetland easement acres alone). BWSR's experience with this option is that the design and agency review process prior to construction typically takes longer than with BWSR-managed projects, which adds considerable uncertainty to the schedule for obtaining credits for the LGRWRP. In addition, there can be greater risk that projects do not get completed at all due to failure on the part of the landowner to follow through on the agreement. If that occurs, BWSR is left to reallocate funds to other projects resulting in delays, or lose the funding altogether. To help alleviate these risks, staff may target or incentivize projects that have an approved bank plan, or are otherwise already engaged in the review process, but have not yet completed the easement acquisition process.
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### IV. Wetland Restoration Project Identification and Selection Process

This part applies to the implementation of wetland restoration and protection projects to generate credits for use by the LGRWRP, as described in paragraphs 1 through 3 of the Credit Acquisition Methods section. Projects will be solicited through an easement sign-up, RFP, similar public announcement, and/or through direct contact with local governments and landowners. The process to identify and evaluate potential projects is described in the following paragraphs.

#### A. Project Targeting

Projects will be solicited on a BSA basis. BSAs will be selected based on the projected credit needs of each, the availability and needs of the In-Lieu Fee wetland replacement program, and the amount of available funding. Projected credit needs will be estimated based on the current credit balance, expected deposits, and average annual demand over a three to ten year period. If sufficient projects are not obtained in selected BSAs, or if credit needs change as a result of the actual outcomes of other credit acquisition activities, other BSAs may be targeted based on credit need priority.

#### B. Determining Credit Acquisition Method

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### C. Project Solicitation and Identification

Prior to soliciting projects, BWSR staff will prepare program and application information, instructions, and forms that will be posted on the BWSR website. Local governments, and other potentially interested entities as appropriate, will be informed of the posted materials and the project solicitation process. SWCDs will be encouraged to provide information and assistance to interested landowners. SWCDs working with landowners on projects selected by BWSR will have the opportunity to receive payment for services they provide for project development and implementation. Payment rates to SWCDs for services associated with selected projects will vary based on project size and the scope of services provided. The process for project solicitation will vary somewhat based on the credit acquisition method used:

- Easement Sign-up. Project solicitation under the Easement sign-up method will consist of a landowner sign-up of potential wetland banking sites. This sign-up will be facilitated through BWSR's local government partners, specifically SWCDs, counties, and non-profit conservation organizations involved in wetland conservation projects. SWCDs will utilize their local knowledge and expertise to help identify potential wetland banking projects and willing landowner participants. Landowners may seek assistance from SWCDs to gather site information and help complete application materials. The easement sign-up period will typically be open for a minimum of 30 days and may be left open continuously, with projects reviewed, ranked, and chosen as funding becomes available.
- Contract for Credit. Project solicitation under the Contract for Credit method will consist of an RFP for wetland restoration projects that will establish credits for the LGRWRP, including a proposed schedule, estimated number of credits, and per-credit price. The contract for a credit project solicitation period will typically be open for a minimum of 30 days, and generally not in excess of 6 months. Staff may issue a new RFP, or extend an open RFP, when additional funding becomes available or when sufficient responses have not been received. Staff may also consider targeting projects that are currently in the bank review process to reduce the time for obtaining credits.
- Partnership Project. Project solicitation for the Partnership Project method will be integrated with the Easement Sign-up and Contract for Credit project solicitation processes. Partnerships may be proposed by the landowner at the time their proposal is submitted, and/or negotiated during the review process based on the specific conditions of the site and the needs of the parties. Payment options may range from payment for the easement plus the value of the additional responsibilities of the landowner, to a per-credit price that takes into consideration the value of services provided by BWSR.

### D. Project Review Criteria

To be eligible for consideration, all project applications must meet Minnesota Wetland Conservation Act replacement and construction standards. Applications will be reviewed using the following criteria:

1. Geographic Location. BWSR will give priority to projects located in BSAs with highest credit need as dictated by credit balances or fulfilling requirements imposed through operation of the in-lieu fee program.
2. Credit yield. Priority will generally be given to projects with higher credit yield due to efficiencies of scale. Higher credit yield can be associated with the size of the site, the action eligible for credit, or both.

3. Credit cost. Priority will generally be given to projects with lower per-credit costs. For the Easement Sign-up method, the cost of credits will be based on the estimated cost of the conservation easement, project design and management, and construction/monitoring relative to anticipated number of credits. For the Contract for Credit method, the cost of credits will be determined by the landowner per-credit payment rate plus any BWSR staffing and administrative costs relating to the project. For the Partnership Project method, the cost of credits will be determined by the sum of payments to the landowner plus any BWSR staffing and project implementation costs relating to the project.
4. Technical feasibility. Staff will assess the actions required to restore wetland hydrology and vegetation, the level of complexity of the project, and the reliability of proposed measures. Projects must be technically feasible to be considered for funding.
5. Functional benefit for the watershed. Projects that directly address watershed stressors or impairments, and/or the value of the restored functions and services to the watershed are higher relative to other proposals from the same BSA, will be given priority. For BSAs with high priority areas identified in Compensation Planning Frameworks (CPFs) or other BWSR recognized watershed based mitigation plans, projects will further be prioritized consistent with these documents.
6. Rare or difficult to replace wetland functions or characteristics. Extra consideration will be given for projects that would restore wetlands that are particularly rare or rarely restored.
7. Qualifications of the project sponsor. Staff may consider the qualifications of the project sponsor and the sponsor's agents, contractors, and consultants to fulfill all project-related responsibilities in a high quality and timely manner. In determining the qualifications of the project sponsor, staff may consider past experience with that sponsor.

#### E. Project Selection Process

The review process will be managed by the BWSR Wetland Mitigation ~~Coordinator~~ Supervisor or their designee. In addition to Wetlands Section staff, BWSR engineering and technical staff will participate in the review of project applications as appropriate. Input will also be sought from staff of BWSR's resource partners at the Department of Natural Resources, Minnesota Pollution Control Agency, U.S. Environmental Protection Agency, and U.S. Army Corps of Engineers.

In general, the project review criteria will be qualitatively evaluated and placed into broad categories (high, medium, and low) based on the experience and knowledge of staff. An exact quantitative determination of review criteria is not possible or desirable when estimating proposed conditions. Final project selection will weigh the rankings for each of the review criteria and then consider those in terms of the geographic location priority list. For applications of the same credit acquisition method with similar rankings, efforts will be made to distribute selected projects evenly amongst priority areas.

Based on the results of the review, a list of recommended projects and alternates will be compiled by the Wetland Mitigation ~~Coordinator~~ Supervisor, approved by the Wetlands Section Manager, and presented to the Executive Director or their designee for final approval. Individual projects identified through a continuous sign-up or through direct coordination with local governments will follow this same approval process.

## V. Bank Credit Purchase Process

This part applies to the purchase of wetland bank credits using general fund appropriations or other funding sources that allow for such purchases without the associated acquisition of property rights, as described in paragraph 4 of the Credit Acquisition Methods section above.

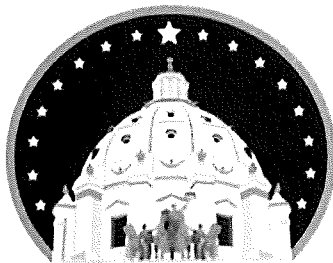
This method will typically only be used to address areas with low or zero credit balances. However, this method could be more widely used depending on the amount of funding available, the supply of non-LGRWRP bank credits in a given BSA, and the cost of credits. These credit purchases will be completed using a competitive request for proposal process and in compliance with all applicable state contracting provisions. In purchasing credits under this method, BWSR staff will abide by the following principles:

1. BSAs will be prioritized based on current credit balances and projected balances over the following three years. BSAs with a greater immediate need for credits will receive a higher priority.
2. BWSR will not purchase credits from BSAs that do not currently have, or are not projected to have, an adequate supply of credits to support the private market. Staff will base this determination on the availability of deposited credits, expectations for additional credit deposits from in-process wetland bank projects, and typical private credit needs for that particular BSA. The RFP will identify the BSAs for which credit purchases are being considered.
3. In prioritizing BSAs and individual credit purchases, BWSR staff can consider the prices and availability of credits in other BSAs using a watershed approach.
4. Staff may place higher priority on credits that best meet or address state or federal regulatory requirements, such as those that are associated with a certain wetland type or that are located in a priority area. Such priorities will be identified in the RFP.
5. Assuming selection criteria are met equally, and when compared to other prices in the same BSA, credits with a lower price will be chosen for purchase over those with a higher price.
6. Staff will not accept any credit purchase proposal that includes a credit price that is, in the opinion of staff, unreasonably high based on other known credit sales, the availability of other credit options for that BSA, and the cost of BWSR to produce the credits through other methods.

## VI. Applicability

This plan applies to all credit acquisition activities of the LGRWRP. These activities must also comply with the requirements of the Minnesota In-Lieu Fee Program for any credits being developed to repay advanced credits under that program. In addition, this Plan becomes effective upon Board approval and remains in effect until revised, superseded, or rescinded. Revisions and updates to this plan will be proposed as necessary for clarity and completeness, or to address new circumstances or requirements. BWSR staff will update the Board's Wetland Conservation Committee typically annually on the status of the LGRWRP and associated credit acquisition activities.





# MINNESOTA

## CAMPAIGN FINANCE BOARD

December 8, 2023

Executive Assistant  
Board of Water and Soil Resources  
520 Lafayette Rd  
St Paul, MN 55155-4101

RECEIVED  
DEC 11 2023  
Bd. of Water & Soil Resources  
St. Paul

**From:** Campaign Finance and Public Disclosure Board

**Subject:** Requirement for public officials to annually certify statement of economic interest

You are receiving this notice because you are the contact person for an agency that has members or employees who are public officials. All public officials must update their statements of economic interest annually. The Board is asking for your help in reminding the public officials in your agency of this requirement. In doing so, please keep these things in mind:

- A public official must review and recertify their statement **even if they left the public official position during 2023, or if nothing on it has changed**. Please be sure that the public officials who left your agency during the year are aware of the filing requirement.
- The annual recertification must be filed **after January 1, 2024, but no later than January 29, 2024**. A public official who does not file a recertification by the deadline will be subject to the imposition of late filing fees and a potential civil penalty.
- The Board will send letters directly to all public officials in late December notifying them of the requirement and giving them the information necessary to file online. Paper copies of the statement may be printed from the Board's website by any official unable to file online.
- Officials who left your agency may have listed the agency address as their mailing address. Please either forward our letters to them, or provide their current mailing address to the Board.
- **Changes have been made to the reporting requirements. Please see the enclosed memorandum for more details.**

If you are not sure who in your agency is considered a public official, you can view the list of the public officials in your agency by entering your agency's name into the search box at <https://cfb.mn.gov/reports-and-data/officials-financial-disclosure/agency/>.

If you need to correct any inaccuracies on the list for your agency, or if you have questions about the reporting requirements in general, please contact Greta Johnson at [greta.johnson@state.mn.us](mailto:greta.johnson@state.mn.us) or 651-539-1183.

Thank you in advance for your assistance.



# MINNESOTA

## CAMPAIGN FINANCE BOARD

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**Date:** December 8, 2023

**To:** Agency and subagency contacts

**From:** Erika Ross, Programs Administrator

**Telephone:** 651-539-1187

**Re:** Changes to the Economic Interest Statement disclosure requirements

Effective January 1, 2024, the disclosure requirements for statements of economic interest filed by public officials, and local officials in a metropolitan governmental unit, will change to include the following:

1. The disclosure of associated businesses from which the official's spouse received more than \$250 in compensation in any month during the reporting period.
2. The disclosure of lobbyists, lobbyist principals, or "interested persons" as defined, for whom the public or local official provides services as an independent contractor or consultant and received more than \$250 in compensation for those services in any month during the reporting period.
3. The disclosure of the principal business or professional activity category of each business from which the official's spouse received more than \$250 in any month during the reporting period as an employee, if the official or their spouse has an ownership interest of 25% or more in the business.
4. The disclosure of the principal business or professional activity category from which the official's spouse received compensation of more than \$2,500 in the past 12 months as an independent contractor.
5. The disclosure of businesses whose securities are valued at more than \$10,000 that the official's spouse individually or jointly held at any time during the reporting period.
6. The disclosure of real property in Minnesota held individually or jointly by the official's spouse at any time during the reporting period.
7. The disclosure of any contract, professional license, or lease issued to the official or their spouse, or to a business in which the official, or their spouse, has at least 25% ownership interest by the government agency on which the official serves.
8. The disclosure of honoraria worth more than \$250 received during the reporting period, including the source's name and address.

The financial interests of the spouse are not reported separately from the interests of the public official, or identified as being held by the spouse instead of the public official.

# BWSR Board Member Conflict of Interest in Grant Review – Disclosure Form

**Meeting:** Board Meeting

**Date:** December 14, 2023

I certify that I have read and understand the descriptions of conflict of interest provided, reviewed my participation for conflict of interest, and disclosed any perceived, potential, or actual conflicts. As a BWSR Board member, appointed according to Minnesota Statute Section 103B.101, I am responsible for evaluating my participation or abstention from the review process as indicated below. If I have indicated an actual conflict, I will abstain from the discussion and decision for that agenda item.

*Please complete the form below for all agenda items. If you indicate that you do not have a conflict for an agenda item, you do not need to fill out additional information regarding that agenda item.*

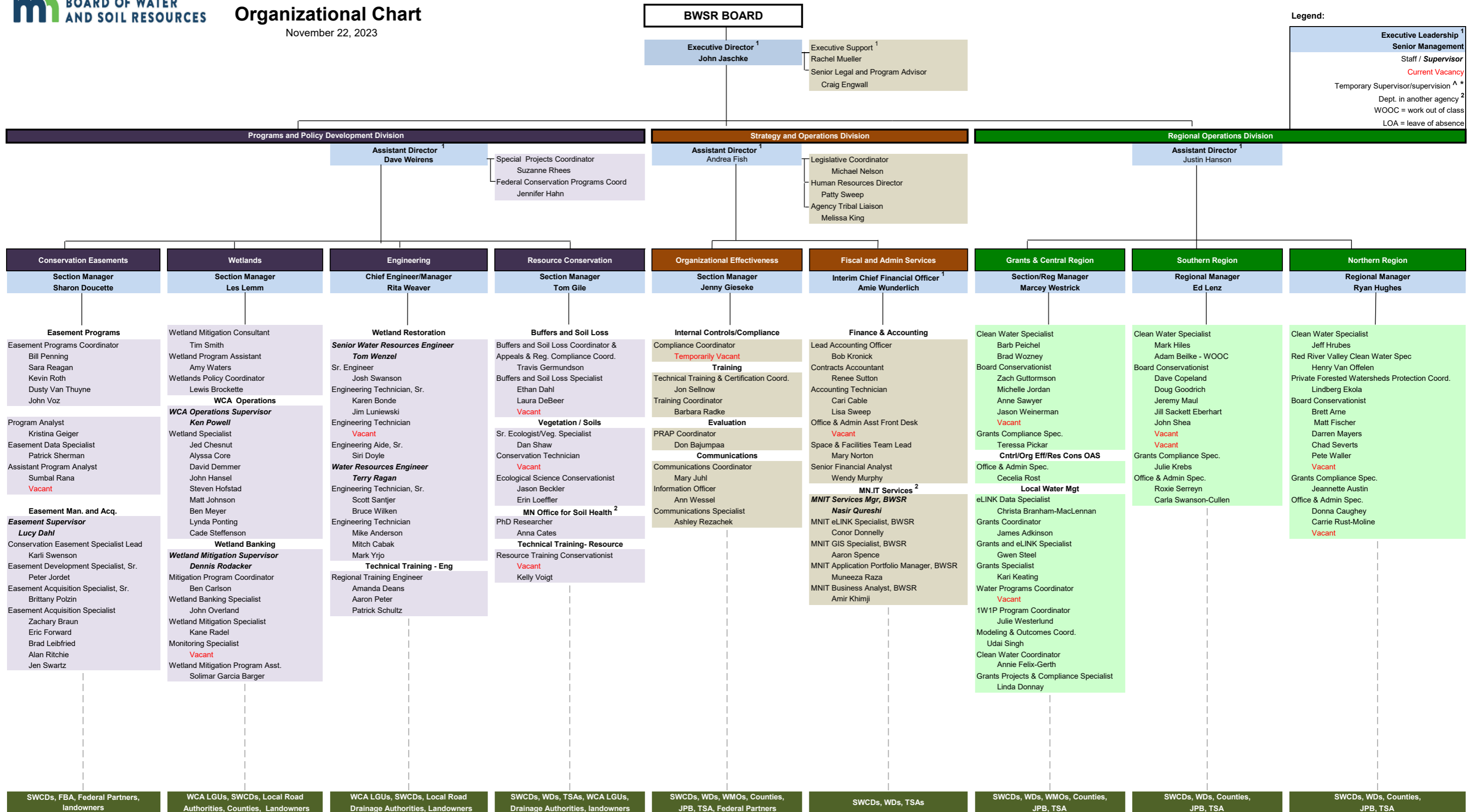
Agenda Item	No conflict (mark here and stop for this row)	Grant applicant(s) associated with conflict (required if conflict identified)	Conflict Type (required if conflict identified)	Will you participate? (required if conflict identified)	Description of conflict (optional)
CWF FY 24 competitive grant application recommendations				Yes / No	
				Yes / No	
				Yes / No	
				Yes / No	

Printed name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Executive Leadership**<sup>1</sup>  
**Senior Management**  
 Staff / **Supervisor**  
 Current Vacancy  
 Temporary Supervisor/supervision <sup>^</sup> \*  
 Dept. in another agency <sup>2</sup>  
 WOOC = work out of class  
 LOA = leave of absence



<input type="checkbox"/> IN-STATE	<input type="checkbox"/> SHORT TERM ADVANCE	SEMA4 EMPLOYEE EXPENSE REPORT	<input type="checkbox"/> Check if advance was issued for these expenses
<input type="checkbox"/> OUT-OF-STATE	<input type="checkbox"/> RECURRING ADVANCE		<input type="checkbox"/> FINAL EXPENSE(S) FOR THIS TRIP?

Employee Name	Home Address (Include City and State)	Permanent Work Station (Include City and State)	Agency	1-Way Commute Miles	Job Title
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Employee ID	Rcd #	Trip Start Date	Trip End Date	Reason for Travel/Advance (30 Char. Max) [example: XYZ Conference, Dallas, TX]				Barg. Unit	Expense Group ID (Agency Use)
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Chart String(s)	A	Accounting Date	Fund	Fin DeptID	AppropID	SW Cost	Sub Acct	Agncy Cost 1	Agncy Cost 2	PC BU	Project	Activity	Srce Type	Category	Sub-Cat	Distrib %
		B														

A. Description:	B. Description:
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Date	Daily Description	Itinerary			Trip Miles	Total Trip & Local Miles	Mileage Rate	Meals ✓			Total Meals (overnight stay)	Total Meals (no overnight stay) taxable	Lodging	Personal Telephone	Parking	Total					
		Time	Location					B	L	D											
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VEHICLE CONTROL #					Total Miles	0	Figure mileage reimbursement below			Total MWI/MWO	0.00	Total MEI/MEO	0.00	Total LGI/LGO	0.00	Total PHI/PHO	0.00	Total PKI/PKO	0.00	Subtotal (A)	0.00

MILEAGE REIMBURSEMENT CALCULATION	OTHER EXPENSES – See reverse for list of Earn Codes.
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Enter the rates, miles, and total amounts for the mileage listed above. Get the IRS rate from your agency business expense contact.	Rate	Total Miles	Total Mileage Amt.	Date	Earn Code	Comments	Total
1. Enter rate, miles, and amount being claimed at <b>equal to the IRS rate.</b>			0.00				
2. Enter rate, miles, and amount being claimed at <b>less than the IRS rate.</b>			0.00				
3. Enter rate, miles, and amount being claimed at <b>greater than the IRS rate.</b>			0.00				
4. Add the total mileage amounts from lines 1 through 3.			0.00				
5. Enter IRS mileage rate in place at the time of travel.							
6. Subtract line 5 from line 3.	0.000						
7. Enter total miles from line 3.		0				Subtotal Other Expenses: (B)	0.00
8. Multiply line 6 by line 7. This is <b>taxable</b> mileage.			0.00 <small>(Copy to Box C)</small>			Total taxable mileage greater than IRS rate to be reimbursed: (C)	0.00 <small>MIT or MOT</small>
9. Subtract line 8 from line 4. If line 8 is zero, enter mileage amount from line 4. This is <b>non-taxable</b> mileage.			0.00 <small>(Copy to Box D)</small>			Total nontaxable mileage less than or equal to IRS rate to be reimbursed: (D)	0.00 <small>MLI or MLO</small>
Grand Total (A + B + C + D)							0.00

If using private vehicle for out-of-state travel: What is the lowest airfare to the destination? \_\_\_\_\_ Total Expenses for this trip must not exceed this amount.

I declare, under penalty of perjury, that this claim is just, correct and that no part of it has been paid or reimbursed by the state of Minnesota or by another party except with respect to any advance amount paid for this trip. I AUTHORIZE PAYROLL DEDUCTION OF ANY SUCH ADVANCE. I have not accepted personal travel benefits.

Employee Signature _____	Date _____	Work Phone: _____	Amount of Advance to be returned by the employee by deduction from paycheck: 0.00
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Approved: Based on knowledge of necessity for travel and expense and on compliance with all provisions of applicable travel regulations. \_\_\_\_\_ Appointing Authority Designee (Needed for Recurring Advance and Special Expenses)

Supervisor Signature _____	Date _____	Work Phone: _____	Signature _____ Date _____
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## EMPLOYEE EXPENSE REPORT (Instructions)

**DO NOT PAY RELOCATION EXPENSES ON THIS FORM.**

See form FI-00568 Relocation Expense Report. Relocation expenses must be sent to Minnesota Management & Budget, Statewide Payroll Services, for payment.

**USE OF FORM:** Use the form for the following purposes:

1. To reimburse employees for authorized travel expenses.
2. To request and pay all travel advances.
3. To request reimbursement for small cash purchases paid for by employees.

**COMPLETION OF THE FORM: Employee:** Complete, in ink, all parts of this form. If claiming reimbursement, enter actual amounts you paid, not to exceed the limits set in your bargaining agreement or compensation plan. If you do not know these limits, contact your agency's business expense contact. Employees must submit an expense report within 60 days of incurring any expense(s) or the reimbursement comes taxable.

All of the data you provide on this form is public information, except for your home address. You are not legally required to provide your home address, but the state of Minnesota cannot process certain mileage payments without it.

**Supervisor:** Approve the correctness and necessity of this request in compliance with existing bargaining agreements or compensation plans and all other applicable rules and policies. Forward to the agency business expense contact person, who will then process the payments. Note: The expense report form must include original signatures.

**Final Expense For This Trip?:** Check this box if there will be no further expenses submitted for this trip. By doing this, any outstanding advance balance associated with this trip will be deducted from the next paycheck that is issued.

**1-Way Commute Miles:** Enter the number of miles from your home to your permanent workstation.

**Expense Group ID:** Entered by accounting or payroll office at the time of entering expenses. The Expense Group ID is a unique number that is system-assigned. It will be used to reference any advance payment or expense reimbursement associated with this trip.

**Earn Code:** Select an Earn Code from the list that describes the expenses for which you are requesting reimbursement. Be sure to select the code that correctly reflects whether the trip is in state or out-of-state. **Note:** Some expense reimbursements may be taxable.

**Travel Advances, Short-Term and Recurring:** An employee can only have one outstanding advance at a time. An advance must be settled before another advance can be issued.

**Travel Advance Settlement:** When the total expenses submitted are less than the advance amount or if the trip is cancelled, the employee will owe money to the state. Except for rare situations, personal checks will not be accepted for settlement of advances; a deduction will be taken from the employee's paycheck.

**FMS ChartStrings:** Funding source(s) for advance or expense(s)

**Mileage:** Use the **Mileage Reimbursement Calculation** table to figure your mileage reimbursement. Mileage may be authorized for reimbursement to the employee at one of three rates (referred to as the equal to, less than, or greater than rate). The rates are specified in the applicable bargaining agreement/compensation plan. Note: If the mileage rate you are using is above the IRS rate at the time of travel (this is not common), part of the mileage reimbursement will be taxed.

**Vehicle Control #:** If your agency assigns vehicle control numbers follow your agency's internal policy and procedure. Contact your agency's business expense contact for more information on the vehicle control number procedure.

**Personal Travel Benefits:** State employees and other officials cannot accept personal benefits resulting from travel on state business as their own. These benefits include frequent flyer miles/points and other benefits (i.e. discounts issued by lodging facilities.) Employees must certify that they have not accepted personal travel benefits when they apply for travel reimbursement.

**Receipts:** Attach itemized receipts for all expenses except meals, taxi services, baggage handling, and parking meters, to this reimbursement claim. The Agency Designee may, at its option, require attachment of meal receipts as well. Credit card receipts, bank drafts, or cancelled checks are not allowable receipts.

**Copies and Distribution:** Submit the original document for payment and retain a copy for your employee records.

Description	Earn Code		Description	Earn Code	
	In State	Out of State		In State	Out of State
Advance	ADI	ADO	Membership	MEM	
Airfare	ARI	ARO	Mileage > IRS Rate	MIT*	MOT*
Baggage Handling	BGI	BGO	Mileage < or = IRS Rate	MLI	MLO
Car Rental	CRI	CRO	Network Services	NWK	
Clothing Allowance	CLA		Other Expenses	OEI	OEO
Clothing-Non Contract	CLN		Parking	PKI	PKO
Communications - Other	COM		Photocopies	CPI	CPO
Conference/Registration Fee	CFI	CFO	Postal, Mail & Shipping Svcs.(outbound)	PMS	
Department Head Expense	DHE		Storage of State Property	STO	
Fax	FXI	FXO	Supplies/Materials/Parts	SMP	
Freight & Delivery (inbound)	FDS		Telephone, Business Use	BPI	BPO
Hosting	HST		Telephone, Personal Use	PHI	PHO
Laundry	LDI	LDO	Training/Tuition Fee	TRG	
Lodging	LGI	LGO	Taxi/Airport Shuttle	TXI	TXO
Meals With Lodging	MWI	MWO	Vest Reimbursement	VST	
Meals Without Lodging	MEI*	MEO*	Note: * = taxable, taxed at supplemental rates		