



# Conservation Plan Development

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## A. OVERVIEW

### A.1 General Requirements

Minnesota state law requires that the entire area of a conservation easement be established and maintained as permanent cover, either with vegetation or water. To achieve this condition, a conservation plan must be developed for each conservation easement acquired. The conservation plan consists of several attachments that identify the location, establishment, and maintenance requirements for each of the approved conservation practices required for the duration of the easement. The term "conservation plan" will refer to this entire package.

The landowner is responsible for establishing and maintaining each conservation practice identified in the conservation plan and referenced in the conservation easement. This obligation transfers to each new owner for the duration of the conservation easement. These activities must be consistent with the standards and specifications described in the [Practice Specifications](#) subsection of the handbook.

The conservation plan is an agreement signed by the landowner(s) and the SWCD. It is referenced in, and made part of, the conservation easement even though the plan, or any amendment to it, is *not* recorded with the conservation easement. The original, signed copy of the conservation plan must be kept on file at the SWCD office. Any future alterations to the established conservation practices will require the development and signing of a new conservation plan and appropriate attachments.

Since the conservation plan is part of the conservation easement, it is enforceable and must be followed. Any willful action not in compliance with the conservation plan will be considered a direct violation of the conservation easement. Violations should be resolved and/or enforced following the violations procedure in the [Non-Compliance/Violation Procedures](#) section of the handbook.

The conservation plan must be developed using the instructions and materials found in this section of the handbook. Specific conservation practice standards and specifications may be obtained from a variety of technical sources. Refer to the [Practice Specifications](#) subsection of the handbook for more information. General planning requirements are given in the National Conservation Planning Manual (USDA-NRCS) and Section III of the Field Office Technical Guide ("FOTG"; USDA-NRCS).

The conservation plan for the easement area should include the greatest diversity of habitat cover type as practical and possible with cooperation and agreement of the landowner(s). The SWCD technical representative should consult the most up-to-date version of the [Native Vegetation Establishment and Enhancement Guidelines](#) to establish the most practical diversity of habitat cover suited to the proposed easement area. Habitat diversity ensures that most of the essential components necessary to establish and sustain wildlife habitat are provided on the easement area.

### A.2 Required Documents

The conservation plan must be prepared with enough detail to allow for the proper establishment and maintenance of the conservation practices identified. More specifically, the conservation plan will contain information that will identify:

- a) The conservation practices that will exist on the conservation easement area,

- b) Where, how, and when these practices will be applied, and
- c) What operation and management requirements will exist for the easement owner.

To accomplish this, the conservation plan will generally consist of the following forms and attachments:

[Conservation Plan Signature Page](#)

[Conservation Practice Plan](#)

[Conservation Easement Practice Payment Worksheet \(CEPPW\)](#)

Conservation Plan Map

Planting Plans (establishment of necessary grasses and trees/shrubs)

Construction Plans (for structures and/or engineered practices)

Operation and Maintenance Requirements

Supplementary Information (livestock exclusion plans, etc.)

### **Conservation Plan Signature Page**

The conservation plan signature page serves as the cover page of the conservation plan package. It accomplishes the following:

- Provides a framework for the remainder of the plan.
- References the conservation easement and reminds the landowner(s) that any non-compliance of the conservation plan will be viewed as a violation of the easement.
- Allows for the selection of a "principal" landowner who is responsible for implementing the conservation plan.
- Provides a list of attachments that may be included in the plan and briefly describes the state's cost-sharing process.
- SWCD signature serves as certification that the "already established" practices are in suitable condition

### **Conservation Practice Plan**

The [conservation practice plan](#) is developed as part of the agreement package. It is used to identify acreage and year of establishment for the conservation practices identified.

### **Conservation Easement Practice Payment Worksheet (CEPPW)**

The [CEPPW](#) is developed as part of the Agreement package. It is used to calculate the amount the program maximum available for cost-sharing. For more information regarding easement payment information, refer to the [Application Stage](#) section of the handbook (item B.5).

### **Conservation Plan Map**

With the advent of GIS mapping software, SWCD staff are encouraged to use ArcMap or NRCS Toolkit software to develop the conservation plan map. This map will show the boundaries and numbering of each practice area.

### **A.3 Practice Areas**

Practice areas need to be identified for the entire easement area. Separate practice areas shall be identified for each unique or isolated conservation practice that exists or will be established. Practice areas must be included on the CEPPW, as well as on the conservation practice plan and plan map. Each practice area identified shall be numbered using the most practical and logical sequence.

### **A.4 Conservation Practice Codes and Descriptions**

The codes and general descriptions for all allowed conservation practices on an easement area are identified in Table 1 of section A. This table should be used as a guide when developing the attachments to the conservation plan. Detailed descriptions of the practice codes are provided in the standard operation and maintenance requirements.

### **A.5 Using and Combining Conservation Practices (Primary & Supporting)**

For each conservation practice area identified for the easement area, a primary conservation practice must be designated. The primary conservation practice is the permanent practice cover expected to exist on the easement in the long-term.

Some practice areas will also require the establishment of a supporting practice. Supporting practices are those that, once established, will control erosion and aid in the establishment of the primary practice. Supporting practices can be established over all or portions of the practice area. Refer to table 1 of section A to determine the eligible amounts of program cost-sharing as well as the allowable combinations of primary and supporting conservation practices.

**Table 1: Conservation Practice Cost-Share Payment Limits & Allowable Primary/Supporting Practice Pairings**

PRIMARY CONSERVATION PRACTICES		SUPPORTING CONSERVATION PRACTICES	
PRACTICE CODE	MAXIMUM \$ AMOUNT ALLOWED PER ACRE	PRACTICE CODE	MAXIMUM \$ AMOUNT ALLOWED PER ACRE
RR-1b	\$0	RR-5 RR-6 RR-7	\$0 \$0 \$0
RR-2a RR-2b	\$300 \$0	RR-5 RR-6 RR-7	\$0 \$0 \$0
RR-3a RR-3b	\$400 \$0	RR-1a RR-2a RR-5 RR-6 RR-7	\$150 \$300 \$0 \$0 \$0
RR-4a RR-4b	\$400 \$0	RR-1a RR-2a RR-5 RR-6 RR-7	\$150 \$300 \$0 \$0 \$0
RR-8	\$600	RR-2a	\$300
RR-11	\$400	RR-1a RR-2a	\$150 \$300
RR-12	\$0	---	---
RR-13	\$0	---	---
RR-14	\$0	---	---
RR-FP	\$0	---	---

**Conservation Practice Codes and Descriptions**

- |              |  |              |                            |
|--------------|--|--------------|----------------------------|
| <b>RR-1a</b> | Introduced Grasses/Legumes To Be Established   | <b>RR-5</b>  | Diversion                  |
| <b>RR-1b</b> | Introduced Grasses/Legumes Already Established | <b>RR-6</b>  | Erosion Control Structure  |
| <b>RR-2a</b> | Native Grasses To Be Established               | <b>RR-7</b>  | Grass Waterway             |
| <b>RR-2b</b> | Native Grasses Already Established             | <b>RR-8</b>  | Wetland Restoration        |
| <b>RR-3a</b> | Tree and/or Shrub Planting To Be Established   | <b>RR-11</b> | Highway Windbreak          |
| <b>RR-3b</b> | Tree and/or Shrub Planting Already Established | <b>RR-12</b> | Wetland Creation           |
| <b>RR-4a</b> | Field Windbreak To Be Established              | <b>RR-13</b> | Existing Wetland           |
| <b>RR-4b</b> | Field Windbreak Already Established            | <b>RR-14</b> | Existing Watercourse/Ditch |
|              |  | <b>RR-FP</b> | Wildlife Food Plot         |

## **B. CONSERVATION PLAN PACKAGE DEVELOPMENT PROCEDURES**

### **B.1 Introduction**

The SWCD technical representative works with landowner(s) to identify the locations and types of conservation practices planned for the conservation easement area. Assistance from other agencies and organizations (e.g., NRCS, DNR, USFWS, Pheasants Forever, etc.) should be sought, if necessary, when planning and identifying the conservation practices to be established. Also, use information from existing resource conservation plans (farm plans), if applicable.

Record pertinent information as discussed with landowner(s) in the file folder notes and use this information to assist your efforts in developing the conservation plan package.

### **B.2 Developing the Conservation Practice Plan**

Using information obtained during development of the easement application, the SWCD technical representative will need to develop the conservation practice plan. This document should be prepared following these general guidelines:

- The completed conservation practice plan must be clearly organized and typed.
- The conservation practice plan must list the practice areas in consecutive order beginning with practice area 1.
- The total amount of acres entered in the conservation practice plan must equal the total acres of the conservation easement.
- For each practice area identified on the conservation practice plan, an associated primary conservation practice is required. Supporting conservation practices, if required, should also be identified.
- Enter the year the primary and supporting conservation practices will be established. If the primary conservation practice is an existing practice enter the year of the easement application. For wetlands that were previously restored through a different program (e.g. CRP), enter the words “already restored” instead of a year.

### **B.3 Developing the Conservation Easement Practice Payment Worksheet (CEPPW)**

The CEPPW is developed once the conservation practice types, locations, practice areas and acreages are defined. The general guidelines listed below should be followed when developing the conservation practice payment calculations of the CEPPW.

- The information entered on the CEPPW may be typed or legibly hand written.
- The sum of all primary conservation practice acres must equal the total conservation easement area.
- The acres of a supporting practice do not necessarily need to equal the acres of associated primary practice.
- For each practice code used, the maximum per acre dollar amount allowed (see table 1) for that practice code must be entered in column E.
- The landowner(s) must be informed of any remaining balances. The SWCD must make sure the landowner(s) understand that this balance is their responsibility. This balance may be paid by another

eligible funding source, if prior arrangements were made. Refer to section C.1 “Financial Requirements” for additional information.

#### **B.4 Developing the Conservation Plan Map**

Developing the Conservation Plan Map should be completed prior to drafting the Conservation Practice Plan and CEPPW, as practice area identification and acreage calculations originate from the mapping process. The use of GIS mapping software should be used to develop this map. Acreage calculations, practice area labelling, and practice area boundary placement can easily be completed using this software.

#### **B.5 Finalizing the Conservation Plan Package**

The conservation plan should be provided to the landowner(s) for review at the time the conservation easement is being signed. The delegated principal landowner will be responsible for signing the conservation plan at that time.

In addition to the conservation practice plan, CEPPW, and plan map, the following additional items need to be developed and reviewed by the landowner(s) before signing the conservation easement and associated conservation plan. These items will be part of the conservation plan given to the landowner upon finalization of the easement. Refer to section A.2 for additional instructions regarding contents of the conservation plan.

##### **Planting Plans**

All RR-1a, RR-2a, RR-3a, RR-4a, RR-11, and RR-FP conservation practices must have a written planting plan developed for each practice area.

Practice areas with the same planting requirement may be combined in one planting plan but should be so indicated. It is suggested that planting plans be developed using a copy of an aerial photo for specific planting location reference. The conservation plan map developed for the conservation plan will not likely be detailed enough for this purpose.

##### **Construction Plans**

All RR-5, RR-6, RR-7, RR-8, and RR-12 conservation practices yet to be installed must have a specific construction plan developed for each conservation practice area. When necessary, planting requirements should be included in the construction plan. Multiple practice areas may be included in one construction plan.

##### **Operation and Maintenance (O & M) Requirements**

All conservation practices must have an O & M plan. The standard conservation easement operation and maintenance packet should be reviewed and any additional items should be added where appropriate.

##### **Supplementary Information**

This could include specific descriptions of operation and/or maintenance plans for livestock exclusion, BWSR approved vegetative management plans, trail use (snowmobiles, horses, walking/jogging, biking; frequency of use, etc.), or any other issues concerning the easement area. Recreational use of the easement area is not regulated by the terms of the easement. However, the easement does not allow wildlife habitat to be altered.

Therefore locations of above items, such as trails, should appear on the conservation plan map so they can be monitored for compliance.

All financial information should again be reviewed with the landowner(s) when the conservation easement is signed. This is especially important if the landowner(s) have any financial responsibilities associated with establishing the conservation practices, or if any revisions to the CEPPW have been made since the easement application was submitted.

The conservation plan is signed along with the conservation easement. However, no part of the conservation plan package should be recorded with the easement.

A copy of the signed conservation plan along with the corresponding CEPPW, conservation practice plan, and conservation plan map should be sent to the BWSR along with the recorded conservation easement and final title insurance policy. Planting plans, operation and maintenance requirements and other supporting information do not need to be submitted. A current "signed and dated" conservation plan with attachments must be kept on file at the SWCD office. A copy of the conservation plan and all attachments should be given to the landowner(s).

## **B.6 Summary**

APPLICATION STAGE	Discuss easement goals with the landowner. Identify current condition of vegetation and note any areas where establishment will need to occur.
AGREEMENT STAGE	Complete and submit copies of the conservation practice plan, CEPPW, and plan map by the time the title commitment is sent to the central office.
EASEMENT SIGNING STAGE	All attachments to the conservation plan are prepared for landowner review. The principal landowner and authorized SWCD representative sign and date conservation plan.
EASEMENT RECORDING STAGE	Do not record conservation plan or any of its attachments. Submit copies of the final "signed" conservation plan, CEPPW, conservation practice plan, and plan map to BWSR. Prepare conservation plan "package" and give to principal landowner for implementation.

## **C. CONSERVATION PLAN TECHNICAL & FINANCIAL REQUIREMENTS**

### **C.1 General Conservation Practice Requirements**

#### **Technical Requirements**

An SWCD technical representative will be responsible for developing the conservation plan and attachments. They will work with the landowner(s) to select the most appropriate conservation practice(s) for the conservation easement area. The SWCD technical representative may be an SWCD technician or other representative designated by the SWCD who has an appropriate technical approval authority.



The responsibilities of the technical representative include:

- a) Preparation of the conservation plan and attachments;
- b) A technical on-site inspection/review of the proposed conservation easement and corresponding practice area(s) to assess the adequacy of the proposed practices and their compliance with the Conservation Easement Practice Specifications; and
- c) Technical certification that the approved practices has been adequately installed.

### **Financial Requirements**

Activities necessary to successfully establish an approved conservation practice may be eligible for easement cost-share assistance from the BWSR. Cost-sharing for the conservation easement programs is only available up to the maximum payment limits shown in table 1 in part A of this section. Any actual costs that exceed the total easement cost-share funds allocated are the responsibility of the landowner(s). However, landowners can reduce their contribution to the actual costs by seeking and receiving financial assistance from other contributors (e.g., other state and federal cost-share programs, conservation organizations, etc.).

Refer to the [Practice Specifications](#) subsection of the handbook for a specific list of cost-shareable and non-cost-shareable activities associated with each conservation practice.

## **C.2 Permanent Vegetative Cover -- To Be Established**

RR-1a Introduce grasses and legumes (only allowed as supporting practice)

RR-2a Native grasses

### **Technical Requirements**

If a planned conservation practice of permanent vegetative cover (RR-2) cannot be immediately established on a practice area or is delayed for a specific management purpose and weed and/or erosion control is necessary, temporary cover must be established on the area.

Refer to the [Practice Specifications](#) section of the handbook for more information on establishing permanent vegetative cover or on establishing temporary cover.

### **Financial Requirements**

Cost-sharing is available through BWSR Easement programs to establish permanent vegetative cover as either a primary or supporting conservation practice. Refer to table 1 for the maximum payment limits for these practices.

The cost for establishing temporary cover prior to establishing the permanent vegetative cover is an allowed cost-shareable item. However, the costs incurred to establish temporary cover must be included as part of the RR-1 or RR-2 establishment costs; refer to the [Practice Specifications](#) subsection of the handbook for additional information.

### C.3 Permanent Vegetative Cover -- Already Established

RR-1b/RR-2b	Introduced/Native Vegetative Cover - Grass and/or Legumes - Already Established
RR-3b	Vegetative Cover - Trees and/or Shrubs - Already Established
RR-4b	Field Windbreak Already Established
RR-13	Wetland - Existing

#### Technical Requirements

Primary conservation practices of existing cover must be in adequate condition at the time of enrollment. These practices must meet the specific criteria associated with each practice as identified in the [Practice Specifications](#) subsection of the handbook. Stands of introduced grasses (RR-1b) should be converted to native species (RR-2a) whenever possible.

The RR-13 practice includes existing wetlands, wildlife ponds, and livestock ponds.

**Note:** Previously restored wetlands being enrolled into a BWSR easement program should be considered as an RR-8 practice, not an RR-13 practice.

The size of the practice area for an existing wetland (RR-13) should be greater than the wetland's water surface area since a wetland's area, when delineated, will normally extend beyond any surface water that may be present. The size of the wetland practice area should be determined using the best resources available (historic/current photos, soil maps, topography, site investigation, etc.) or other acceptable delineation methods.

Refer to the [Practice Specifications](#) subsection of the handbook for more information regarding permanent vegetative cover that is already established.

#### Financial Requirements

Cost-sharing is not available through BWSR Easement programs to establish or maintain any of these conservation practices; refer to the [Practice Specifications](#) subsection of the handbook for additional information.

### C.4 Tree and/or Shrub Plantings

RR-3a	Tree and/or Shrub Planting
RR-4a	Field Windbreak
RR-11	Highway Windbreak

#### Technical Requirements

An SWCD technical representative is responsible for developing a tree/shrub planting plan. The area DNR Forester should be consulted as needed for assistance in developing the planting plans. Each planting plan for a RR-3, RR-4 or RR-11 practice should be reviewed by a DNR Wildlife representative to ensure wildlife benefits are addressed prior to incorporating it into the conservation plan.

If the existing vegetative cover within a planned woody planting is inadequate, permanent vegetative cover shall be established. The permanent vegetative cover must be identified on the CEFW and in the conservation practice plan as a supporting RR-1a or RR-2a conservation practice. On non-erosive land, the planting of grasses between tree and/or shrub rows may be delayed to aid in their establishment. The planting of grasses shall be delayed no longer than three years after planting of the trees.

Trees and/or shrubs should not be established within the right-of-way area of any utility. It is advisable to check with the utility owner to determine if any additional right-of-way requirements may exist.

Refer to the [Practice Specifications](#) subsection of the handbook for more information regarding establishing tree and/or shrub plantings.

### **Financial Requirements**

Cost-sharing is available through BWSR Easement programs to establish tree and/or shrub plantings as primary conservation practices only. Refer to table 1 for maximum payment limits for these practices.

A supporting practice of permanent vegetative cover (RR-1a or RR-2a) is a separate, cost-shareable item when associated with a primary practice of a tree and/or shrub planting (see C.2 and table 1).

## **C.5 Structural and/or Engineered Conservation Practices**

- RR-5 Diversion
- RR-6 Erosion Control Structure
- RR-7 Grass Waterway
- RR-8 Wetland Restoration
- RR-12 Wetland Creation
- RR-14 Existing Watercourse Drainage Ditch

### **Technical Requirements**

A SWCD technical representative is responsible for designing, or coordinating the design, of the specified structural and/or engineered conservation practice(s). The BWSR Engineering Section must review and approve the design prior to the establishment of the conservation practice or the conveyance of the conservation easement, whichever occurs first. Existing structural and/or engineered conservation practice(s) being enrolled must be reviewed by a SWCD technical representative to determine if the practice complies with the associated practice specifications.

If a primary structural and/or engineered conservation practice (RR-8 or RR-12) cannot be immediately established on a conservation practice area and weed and/or erosion control is necessary, the practice area must be established with a temporary or permanent vegetative cover (see C.2 Technical Requirements).

The size of the practice area for wetland practices (RR-8 or RR-12) should be greater than the wetland's water surface area since a wetland's area, when delineated, will normally extend beyond any surface water that may be present. The size of the wetland practice area should be determined using the best resources available (historic/current photos, soil maps, topography, site investigation, etc.) or other accepted delineation methods.

Any supporting structural and/or engineered conservation practice (RR-5, RR-6, or RR-7) to be established must be associated with an existing or planned primary vegetative conservation practice. The associated primary conservation practice and its corresponding practice area should be the area that is best protected by the supporting practice. The size of the supporting structural and/or engineered conservation practice (RR-5, RR-6, or RR-7) should be determined and noted on the CEPPW as follows:

RR-5	Diversion	"0.0" acres
RR-6	Erosion Control Structure	"0.0" acres
RR-7	Grass Waterway	"0.0" acres

Refer to the [Practice Specifications](#) subsection of the handbook for more information on establishing structural and/or engineered conservation practices.

### Financial Requirements

Cost-sharing is available through BWSR Easement programs to establish structural and/or engineered conservation practices (RR-8) as primary conservation practices only. Refer to table 1 for maximum payment limits for these practices.

A supporting conservation practice of permanent vegetative cover (RR-1a or RR-2a) is a separate, cost-shareable item when associated with a primary structural and/or engineered conservation practice (see C.2 and table 1). The cost of establishing the supporting conservation practice of permanent vegetative cover should remain separate from the cost of the primary structural and/or engineered conservation practice.

The cost of establishing temporary cover is only cost-shareable if included in the total overall construction cost of the primary structural and/or engineered conservation practice.

Cost-sharing is not available through BWSR Easement programs to construct supporting structural and/or engineered conservation practices (RR-5, RR-6, or RR-7). However, the cost of establishing the associated primary vegetative conservation practices is cost-shareable (see C.2 and table 1). Other funding sources should be sought to help finance the establishment of these supporting practices (e.g. other state and federal cost-share programs, conservation organizations, etc.).

## C.6 Wildlife Food Plot

RR-FP Wildlife Food Plot

### Technical Requirements

Food plots do not need a permanent vegetative cover as long as they are managed and maintained for wildlife. A temporary cover must be established on the practice area if weed and/or erosion control is necessary and the food plot cannot be immediately planted.

Not all sites require or will support a food plot due to location or topography (narrow riparian areas, slopes in excess of 6%, or wetness would be examples). Food plots should not exceed 10% of the easement acreage or 5 acres, whichever is less. If desired food plot acreage exceeds this amount, the BWSR Easement Section Manager will need to consider its approval.

If a food plot is discontinued, it must be immediately established to a permanent vegetative cover and the associated establishment costs are the responsibility of the landowner(s).

Refer to the [Practice Specifications](#) subsection of the handbook for more information on establishing wildlife food plots.

### **Financial Requirements**

Cost-sharing is not available through BWSR Easement programs to establish food plots or temporary cover on the food plot area.

## **C.7 Uncompensated (Donated) Land**

### **Technical Requirements**

Land donated to a conservation easement must have, or be established to, permanent cover. Any allowable combination of the conservation practices identified in table 1 may be applied on donated lands.

### **Financial Requirements**

Cost-sharing, up to the maximum limits shown in table 1, is available through BWSR Easement programs for conservation practices established on the donated portion of the easement area.

## **C.8 Livestock Exclusion**

### **Technical Requirements**

Any measures needed to exclude livestock from the easement area should be included as a specific additional item "Livestock Exclusion Plan" to the conservation plan package. A description of all necessary measures including planting requirements and/or other supplementary information should be provided.

### **Financial Requirements**

Cost-sharing is not available through BWSR Easement programs to establish any fences, gates, or stream crossings to exclude livestock from the easement area. All costs for any necessary measures to exclude livestock are at the expense of the landowner(s). Other funding sources should be sought to help finance the exclusion of livestock (e.g., other state and federal cost-share programs, conservation organizations, etc.).

## **C.9 Operation and Maintenance**

### **Technical Requirements**

All activities required or necessary to comply with operation and maintenance requirements of a conservation practice are typically the responsibility of the landowner. The state and/or SWCD will provide technical assistance to the landowner when necessary. These activities include such items controlled burning, noxious weed control, mowing around trees, etc. Reseeding, replanting, and repairing practices that failed for reasons within the landowner(s) control are also considered operation and maintenance activities.

Refer to the [Practice Specifications](#) subsection of the handbook for more information regarding allowable operation and maintenance activities associated with each conservation practice.

## **Financial Requirements**

Refer to the Conservation Plan Implementation subsection of the Implementation Stage section and the [Practice Specifications](#) subsection of the handbook for additional information regarding availability of cost-sharing for operation and maintenance activities.