

IMPLEMENTATION STAGE

EASEMENT ALTERATIONS

- A. OVERVIEW

- B. PROCEDURE
 - B.1 Landowner Information Required
 - B.2 SWCD Information Required

- C. BOARD APPROVAL

A. ALTERATION, RELEASE, OR TERMINATION OF CONSERVATION EASEMENTS

A.1 Overview

The process to seek approval from the BWSR for the alteration, release, or termination of a Conservation Easement is detailed in [section 8400.3610 of the Permanent Rules Relating to Reinvest in Minnesota Conservation Reserve and Permanent Wetland Preserve Program](#). It should be noted that the rules give the Board wide discretion by stating the Board *may* approve this type of request when asked. The primary basis the Board must use for considering a request to alter, release, or terminate a conservation easement is that the public interests and general welfare will be maintained or improved.

B. PROCEDURE

B.1 Landowner Information Required

To initiate an alteration, release, or termination of an existing easement, the landowner must submit a letter of request to the local SWCD Board. This letter must justify the change and identify how the public interest and general welfare will be better served. In cases where proposed changes to an easement are due to public works projects, the request letter can come from the governmental unit responsible for the project.

B.2 SWCD Information Required

When the SWCD receives a request to alter, release, or terminate an easement, the following information must be forwarded to and received by the BWSR at least 30 days prior to a regularly scheduled BWSR Board meeting:

- ❖ a copy of the letter the SWCD Board received requesting approval to alter, release or terminate a conservation easement;
- ❖ a letter from the SWCD Board indicating their recommendation to approve or disapprove the proposed change. (A copy of SWCD Board meeting minutes with an appropriate motion concerning the proposed change can be submitted in place of a letter);
- ❖ a letter from the DNR area wildlife manager recommending either approval or disapproval of the proposed change. (This is not necessary for changes due to public infrastructure projects.) A letter from the DAR area forester may also be needed if tree cover is involved in the change;

- ❖ other supporting information and documents including, but not limited to:
 1. aerial photograph identifying the proposed change;
 2. soil survey map of the area;
 3. cropping history information;
 4. other pertinent information such as a detailed legal description or maps from a highway department, as necessary.

C. BOARD APPROVAL

In order to approve an easement change, the Board will have to be compensated for any loss in area or resource value of the easement. This is done by the landowner actually replacing or exchanging the land area lost, or, in the case of public works projects, by making a monetary payment to the state for the loss. The Board reserves the right to decide what is adequate compensation on a case-by-case basis and to require other special provisions.

Contact the conservation easement program staff early in the process if you have any questions concerning a request to alter, release or terminate a conservation easement.