

# Policy for Enrollment of US Fish and Wildlife Easement and Agreement Lands into the Reinvest In Minnesota (RIM) Reserve Program



December 31, 2014

The US Fish and Wildlife Service (USFWS) through its private lands program has restored and protected thousands of acres of valuable wetland habitats throughout Minnesota. To accomplish that, they have and continue to use limited term agreements and perpetual easements on those private properties.

Through their Partners Program, “partner agreements” are exercised with private landowners that can be 10, 15, or 20 years in duration. These agreements are not easements nor are they recorded. The protection and restoration of drained and altered wetlands are the basis for these agreements.

They also utilize and secure a variety of types of easements for which a number of different rights and land use restrictions are purchased. The primary objective for most of these easements is to protect existing wetland resources through restrictions on filling, burning, or draining. A number of easements have additional restrictions such as no cropping, haying, grazing, etc. and many allow the restoration and subsequent management of drained and altered wetlands. These easements have all been purchased by the USFWS through some type of formulation process, are perpetual in duration, and are recorded legal documents.

Many of the wetlands and surrounding lands that are secured under agreement or easement by USFWS could be further protected and/or restored and may be good sites for enrollment into more restrictive conservation programs such as the Reinvest In Minnesota (RIM) Reserve. If a USFWS agreement or easement exists on an area being considered for enrollment into the RIM, certain program considerations are needed with regard to site eligibility, scoring, and easement payment determination.

## Eligible USFWS Lands:

- “Partners for Fish and Wildlife (PFW) Agreements” are eligible for enrollment into RIM with full easement compensation allowed.
- Small Wetland Acquisition Program (SWAP) wetland easements, generally referred to as a no fill, drain or burn easements are eligible for enrollment into RIM. These USFWS easement lands must however be treated as donated acres as compensation for these easement acres has already been made by USFWS. Field offices will be responsible to coordinate with their local USFWS District Manager and determine, to the best of their abilities, the size and location of the USFWS easement to be included as donated acres.
- Other more restrictive USFWS easements such as FmHA Conservation Easements will generally be ineligible for enrollment due to similarities of easements rights already purchased.

### Other Considerations:

- Eligibility also requires that a substantial environmental benefit be achieved by enrollment of the parcel. For example, previously restored or existing functional wetlands should only be considered for enrollment if significant improvements or restoration of surrounding upland buffer areas to these wetlands will result.
- Scoring - treat all eligible USFWS lands like it does not have an easement or agreement on it and score it according to the instructions and eligibility and evaluation worksheets.
- Technical assistance and program payments for conservation practices on areas protected by USFWS easements or PFW agreements will be only be supported for vegetation establishment on cropped areas or for areas where drained wetlands exist and can be restored. Technical assistance or funding will not be available for the repair of prior installed restoration components such as embankments or outlet structures within these easement or agreement areas. The maintenance and repair of these items is and will continue to be the responsibility of the USFWS. The exception to this will be components installed under PFW agreements when the agreement already has or will expire within 2 years of the date of the RIM application.
- The local USFWS District Manager should be consulted with and should provide written approval for or all planned conservation practice work including restoration, repairs, or enhancements that will be conducted within their easement or agreement boundaries.

In general, certain USFWS agreement and easement lands are eligible for program enrollment in adherence with this policy. For those sites that are eligible for enrollment in RIM, local staff must make a special effort to coordinate with the local USFWS District Manager before submitting applications for funding consideration. This is very important since USFWS has a prior secured interest on the property potentially creating an issue with long term management needs and philosophies and rights of enforcement. It is advised to avoid sites where potential conflicts or issues may arise.

**This Policy was first adopted by RIM on December 22, 2011, under the following name: *“Policy for Enrollment of US Fish and Wildlife Easement and Agreement Lands Into the Reinvest In Minnesota (RIM) Reserve–Wetlands Reserve Program (WRP) December 22, 2011”***