

**CHAPTER 8400**

**BOARD OF WATER AND SOIL RESOURCES**

**LAND AND WATER TREATMENT COST-SHARE PROGRAM**

8400.0050 PURPOSE.

**DEFINITIONS EROSION CONTROL AND WATER MANAGEMENT PROGRAM**

~~8400.XXXX AUTHORITY.~~

8400.0100 DEFINITIONS.

~~8400.0200 AUTHORITY.~~

STATE BOARD FUNCTIONS

~~8400.XXXX PROGRAM POLICY~~

8400.0300 APPROVED CONSERVATION PRACTICES.

~~8400.XXXX MINIMUM COST-SHARE AMOUNTS.~~

8400.0500 MAXIMUM COST-SHARE RATES.

~~8400.XXXX RECORDING CONSERVATION PRACTICES.~~

8400.0600 STATE BOARD ALLOCATION OF FUNDS TO CONSERVATION DISTRICTS.

~~8400.0700 PROGRAM REPORTING AND MONITORING.~~

DISTRICT FUNCTIONS

~~8400.0800 APPLICATION FOR FUNDS BY DISTRICTS.~~

8400.0900 CONSERVATION DISTRICT ADMINISTRATION OF PROGRAM FUNDS.

~~8400.1000 APPLICATION FOR FUNDS BY LAND OCCUPIERS.~~

~~8400.1100 GROUP PROJECT.~~

~~8400.1200 COOPERATIVE AND JOINT PROJECTS OF CONSERVATION DISTRICTS.~~

~~8400.1250 TECHNICAL ASSESSMENT AND COST ESTIMATE DETERMINATION.~~

~~8400.1300 CRITERIA FOR CONSERVATION DISTRICT BOARD REVIEW.~~

~~8400.1400 CONSERVATION DISTRICT APPROVAL.~~

~~8400.1405 PROJECT DEADLINES AND PARTIAL PAYMENT.~~

~~8400.1460 RETURN OF ALLOCATED FUNDS.~~

~~8400.1500 CONSERVATION DISTRICT RECORDS.~~

~~8400.1600 EXECUTING THE COST-SHARE CONTRACT.~~

8400.1650 RECORDING CONSERVATION PRACTICES.

8400.1700 MAINTENANCE.

8400.1750 PRACTICE SITE INSPECTIONS.

8400.1800 APPEALS.

8400.1900 REPORTS TO STATE BOARD.

**COST-SHARE RATES CONSERVATION EASEMENT PROGRAM**

~~8400.2900 DISTRICT RATES.~~

8400.3000 AUTHORITY.

8400.3030 DEFINITIONS.

8400.3060 CRITERIA FOR ALLOCATION OF FUNDS.

8400.3110 DURATION OF CONSERVATION EASEMENTS.

8400.3130 LOCAL PRIORITY SETTING.

8400.3160 CRITERIA FOR ELIGIBLE LAND.

~~Strike-out~~ = Deleted Language    Underlined = New, Changed, or Relocated Language

- 8400.3200 MAXIMUM ENROLLMENT.
- 8400.3210 DELEGATION OF PROGRAM TO ANOTHER DISTRICT.
- 8400.3230 APPLICATION BY LANDOWNERS.
- 8400.3260 LAND IN MORE THAN ONE DISTRICT.
- 8400.3300 CRITERIA FOR SCREENING COMMITTEE REVIEW OF APPLICATIONS.
- 8400.3330 CRITERIA FOR DISTRICT BOARD REVIEW.
- 8400.3360 DISTRICT ACTION ON APPLICATIONS.
- 8400.3390 EASEMENT ACQUISITION PROCEDURES.
- 8400.3400 CONSERVATION AGREEMENT FOR EASEMENT.
- 8400.3460 TITLE REQUIREMENTS.
- 8400.3500 EASEMENT CONVEYANCE.
- 8400.3530 EASEMENT PAYMENT RATES.
- 8400.3560 PAYMENT SCHEDULE.
- 8400.3600 RENEWAL AND EXTENSION OF CONSERVATION EASEMENTS.
- 8400.3610 ALTERATION, RELEASE, OR TERMINATION OF CONSERVATION EASEMENTS.
- 8400.3630 APPROVED PRACTICES.
- 8400.3700 COST-SHARED PRACTICES.
- 8400.3730 FAILURE OF APPROVED PRACTICES.
- 8400.3800 OPERATION AND MAINTENANCE.
- 8400.3830 VIOLATIONS AND ENFORCEMENT.
- 8400.3870 SUPPLEMENTAL PAYMENTS ON FEDERAL AND STATE PROGRAMS.
- 8400.3930 RECONSIDERATION AND APPEAL.

**8400.0050 PURPOSE.**

The ~~state cost-share~~ land and water treatment program is administered through ~~local conservation~~ districts to provide financial and technical assistance to land occupiers for the application of conservation practices that reduce erosion, control sedimentation, ~~or improve and protect water quality, or address water quantity problems due to altered hydrology~~ to ensure the sustainable use of Minnesota's natural resources.

**Statutory Authority:** *MS s 103C.501*

**History:** *20 SR 2185*

**Posted:** *October 4, 2001*

**DEFINITIONS EROSION CONTROL AND WATER MANAGEMENT PROGRAM**

**8400.XXXX AUTHORITY.**

Minnesota Statutes, section 103C.501, authorizes the state board, in cooperation with the districts, to administer a program of cost-sharing with land occupiers for the installation of soil and water conservation practices. Parts 8400.0050 to 8400.1900 provide procedures and criteria to be followed by the state board in allocating cost-sharing funds to districts, and standards and guidelines that the district boards shall use in allocating funds to land occupiers.

**8400.0100 DEFINITIONS.**

Subpart 1. **Scope.** For purposes of parts 8400.0050 to 8400.~~1800~~1900, the definitions in this part, in addition to those in Minnesota Statutes, chapter 103C, apply.

Subp. 1a. [Repealed, 20 SR 2185]

Subp. 2. [Repealed, 20 SR 2185]

~~Strike-out~~ = Deleted Language    Underlined = New, Changed, or Relocated Language

Subp. 2a. **Administrative Guidelines.** "~~Administrative Guidelines~~" means the ~~Administrative Guidelines for the State Cost Share Program, being the most current compilation of the approved practices, practice guidelines, administrative guidelines, and examples of administrative forms provided to conservation districts by the state board to assist in locally administering the state cost share program. The publication is not subject to frequent change, is available at the State Law Library, and is incorporated by reference.~~

Subp. 3. **Annual work plan.** "Annual work plan" means a plan prepared by the ~~conservation~~ district pursuant to Minnesota Statutes, section 103C.331, subdivision 11, paragraph (e), and according to the most recent policy version of the Guidelines for Soil and Water Conservation District Comprehensive and Annual Plans published by the state board. ~~That publication is not subject to frequent change, is available at the State Law Library, and is incorporated by reference.~~

Subp. 4. **Approved practice.** "~~Approved practice~~" means a conservation practice that qualifies for state-cost sharing and that has been approved by the state board.

Subp. 5. [Repealed, 20 SR 2185]

Subp. 5a. **Comprehensive local water plan.** "Comprehensive local water plan" means a local water plan authorized under Minnesota Statutes, section 103B.311; a watershed overall plan required under Minnesota Statutes, section 103D.401; a watershed management plan required under Minnesota Statutes, section 103B.231; or a county groundwater plan authorized under Minnesota Statutes, section 103B.255.

Subp. 6. [Repealed, 20 SR 2185]

Subp. 7. [Repealed, 9 SR 2439]

Subp. 7a. [Repealed, 20 SR 2185]

Subp. 8. **Comprehensive plan.** "Comprehensive plan" means a long-range plan adopted by the ~~conservation~~ district pursuant to Minnesota Statutes, section 103C.331, subdivision 11, and according to the most recent policy version of the Guidelines for Soil and Water Conservation District Comprehensive and Annual Plans published by the state board. ~~That publication is not subject to frequent change, is available in the State Law Library, and is incorporated by reference.~~

Subp. 8a. [Repealed, 20 SR 2185]

Subp. 9. **Conservation dDistrict.** "~~Conservation d~~District" means a soil and water conservation district organized under Minnesota Statutes, chapter 103C.

Subp. 10. **Conservation dDistrict board.** "~~Conservation d~~District board" means the board of supervisors of a soil and water conservation district as organized under Minnesota Statutes, chapter 103C.

Subp. 10a. **Conservation district technical representative.** "~~Conservation district technical representative~~" means a district employee assigned by the conservation district board or other designee who has ~~expertise in the design and application of conservation practices.~~

Subp. 10b. **Conservation practices.** "Conservation practices" means practices applied to the land for the purpose of controlling or preventing soil erosion, sedimentation, nutrient runoff, or other water pollution to maintain the sustainable use of soil and water and other natural resources.

Subp. 11. [Repealed, 20 SR 2185]

Subp. 12. [Repealed, 20 SR 2185]

Subp. 13. [Repealed, 20 SR 2185]

Subp. 14. **Effective life.** "Effective life" means the time span for which a conservation practice effectively fulfills its intended purpose.

Subp. 14a. [Repealed, 20 SR 2185]

~~Strike-out~~ = Deleted Language    Underlined = New, Changed, or Relocated Language

Subp. 14b. ~~**Farm Service Agency.**~~ "Farm Service Agency" means the Farm Service Agency, an agency of the United States Department of Agriculture.

Subp. 15. ~~**Field Office Technical Guide.**~~ "Field Office Technical Guide" means the document providing technical standards and specifications for conservation practices as provided by the Natural Resource Conservation Service and adopted by the conservation district board.

Subp. 16. ~~**Group spokesperson.**~~ "Group spokesperson" means a principal land occupier designated by the individuals involved in a group project who is authorized to speak for the entire group in negotiations with a conservation district for cost share assistance.

Subp. 16a. ~~**High priority erosion problems.**~~ "High priority erosion problems" means areas where erosion from wind or water is occurring equal to, or in excess of, 2 x T tons per acre per year or is occurring on any area that exhibits active gully erosion or is identified as high priority in the comprehensive local water plan or the conservation district's comprehensive plan.

Subp. 16b. ~~**High priority water quality problems.**~~ "High priority water quality problems" means areas where sediment, nutrients, chemicals, or other pollutants discharge to Department of Natural Resources designated protected waters or to any high priority waters as identified in a comprehensive local water plan or the conservation district's comprehensive plan, or discharge to a sinkhole or groundwater. The pollutant delivery rate to the water source is in amounts that will impair the quality or usefulness of the water resource.

Subp. 17. [Repealed, 9 SR 2439]

Subp. 18. ~~**Land occupier.**~~ "Land occupier" means a person, corporation, or legal entity that holds title to or is in possession of land within a conservation district as an owner, lessee, tenant, or otherwise.

Subp. 18a. ~~**Landowner.**~~ "Landowner" means a person, corporation, or legal entity that holds title to a parcel of land.

Subp. 18b. ~~**Natural Resource Conservation Service.**~~ "Natural Resource Conservation Service" means the Natural Resource Conservation Service, an agency of the United States Department of Agriculture.

Subp. 19. [Repealed, 20 SR 2185]

Subp. 19a. ~~**Other recognized technical practices.**~~ "Other recognized technical practices" means any conservation practice or compilation of such practices not on the approved list of conservation practices that have been approved by the state board for cost share assistance on a case by case basis.

Subp. 20. [Repealed, 20 SR 2185]

Subp. 20a. ~~**Protected waters.**~~ "Protected waters" means those waters of the state identified as public waters or wetlands under Minnesota Statutes, section 103G.005, subdivision 15, and inventoried under Minnesota Statutes, section 103G.201, and identified on a protected waters inventory map available in a county auditor's office.

Subp. 20b. ~~**Registered professional engineer.**~~ "Registered professional engineer" means a person who is duly registered to practice professional engineering according to Minnesota Statutes, sections 326.02 to 326.15.

Subp. 20c. [Repealed, 20 SR 2185]

Subp. 20d. ~~**Sinkhole.**~~ "Sinkhole" means a depression or hole in the earth's surface caused by dissolving of underlying limestone carbonate bedrock and subsequent settling or collapse of surficial soils.

Subp. 21. [Repealed, 20 SR 2185]

Subp. 22. [Repealed, 20 SR 2185]

~~Strike-out~~ = Deleted Language    Underlined = New, Changed, or Relocated Language

Subp. 22a. **Special project.** ~~"Special project" means a conservation project or program including but not limited to those projects or programs that accelerate implementation of innovative soil and water conservation activities.~~

Subp. 23. **State board.** "State board" means the state Board of Water and Soil Resources created in Minnesota Statutes, section 103B.101.

Subp. 24. [Repealed, 9 SR 2439]

Subp. 25. **T.** ~~"T" means the soil loss tolerance that is the maximum average annual rate of soil loss from sheet and rill erosion or wind erosion, expressed in tons per acre per year, that is allowed yet still sustains the productive capacity of the soil to produce food and fiber over the long term.~~

Subp. 26. ~~2 x T.~~ "2 x T" means soil erosion at the rate of two times T.

Subp. 27. **Technical approval authority.** ~~"Technical approval authority" means the authorization granted in accordance with the administrative guidelines for the state cost share program to a conservation district technical representative to provide comprehensive technical assistance for individual conservation practices, including associated technical sign-off as the conservation district technical representative of record.~~

**Statutory Authority:** *MS s 40.036; 103C.501*

**History:** *9 SR 2439; L 1987 c 358 s 34; 20 SR 2185*

**Posted:** *October 4, 2001*

#### ~~8400.0200 AUTHORITY.~~

~~Minnesota Statutes, section 103C.501, authorizes the state board, in cooperation with the conservation districts, to administer a program of cost sharing with land occupiers for the installation of soil and water conservation practices. Parts 8400.0050 to 8400.1800 provide procedures and criteria to be followed by the state board in allocating cost sharing funds to conservation districts, and standards and guidelines that the conservation district boards shall use in allocating funds to land occupiers.~~

~~Statutory Authority: *MS s 40.036; 103C.501*~~

~~History: *9 SR 2439; L 1987 c 358 s 34; 20 SR 2185*~~

~~Posted: *October 4, 2001*~~

### STATE BOARD FUNCTIONS

#### 8400.xxxx PROGRAM POLICY.

The State board shall adopt policies providing for administration and implementation of Parts 8400.0500 to 8400.1900.

#### 8400.0300 APPROVED CONSERVATION PRACTICES.

Subpart 1. **Approved practices.** ~~The state board, in consultation with the conservation districts, shall maintain a list of practices that are eligible for cost share funds, along with guidelines pertaining to the components of the practices that are eligible or ineligible for cost share funds. The list includes farmstead windbreaks and is contained in the Administrative Guidelines.~~

Subp. 2. **Criteria for approved conservation practices.** ~~Practices approved by the state board~~ eligible for cost-share funds must meet the criteria in items A to D.

~~Strike-out~~ = Deleted Language    Underlined = New, Changed, or Relocated Language

~~A. The primary purpose of all practices must be the control of soil erosion, sedimentation, or chemical or nutrient runoff or infiltration that impairs water quality. Farmstead windbreaks are exempt from this requirement.~~

The objectives of these approved conservation practices may include, but are not limited to, activities that:

- (1.) control nutrient runoff;
- (2.) control sedimentation;
- (3.) divert runoff to protect and improve water quality;
- (4.) reduce wind erosion;
- (5.) control gully, rill, or sheet erosion;
- (6.) protect shoreland from erosion;
- (7.) control stormwater runoff;
- (8.) protect or improve surface water and groundwater quality;
- (9.) provide energy conservation and snow protection; or
- (10.) alleviate water quantity problems due to altered hydrology.

~~B. All practices cost-shared under this program must be designed and maintained for a minimum effective life of ten years. The beginning date for a practice's effective life is the same date the conservation district board approves the final payment and the project is considered complete. Restoration, protection or enhancement of natural wildlife, aquatic or native plant habitat practices are eligible when used in combination with the practices listed in item A.~~

C. No cost-share funds shall be furnished for conservation practices designed primarily ~~only~~ to increase land productivity.

D. All conservation practices must be consistent with the district's comprehensive plan.

~~Subp. 3. Objectives of approved practices. The Administrative Guidelines contains a list of approved practices. The objectives of these approved practices may include, but are not limited to, activities that-~~

- ~~A. control nutrient runoff;~~
- ~~B. stabilize critical erosive areas;~~
- ~~C. divert runoff to protect and improve water quality;~~
- ~~D. reduce wind erosion;~~
- ~~E. control gully, rill, or sheet erosion;~~
- ~~F. protect shoreland from erosion;~~
- ~~G. control stormwater runoff; or~~
- ~~H. protect or improve surface water and groundwater quality;~~

~~Approved practices must meet the criteria listed in subpart 2.~~

**Statutory Authority:** *MS s 40.036; 103C.501; L 1999 c 231 s 203*

**History:** *9 SR 2439; 20 SR 2185; 24 SR 1240*

**Posted:** *October 4, 2001*

~~Strike-out~~ = Deleted Language    Underlined = New, Changed, or Relocated Language

**8400.0400** [Repealed, 20 SR 2185]

Posted: *October 4, 2001*

#### **8400.0500 MAXIMUM COST-SHARE RATES.**

The maximum cost-share rates established by the state board represent the maximum percent or amount of the total cost of a conservation practice that may be funded by using state cost-share funds. ~~Where state and federal funds are cost shared on the same project, their combined amount shall not exceed the maximum cost-share rate.~~

**Statutory Authority:** *MS s 40.036*

**Posted:** *October 4, 2001*

#### **8400.xxxx RECORDING CONSERVATION PRACTICES**

The state board may determine that long-term maintenance of a conservation practice is desirable and may require that maintenance be made a covenant upon the land for the effective life of the practice. A covenant under this subdivision shall be construed in the same manner as a conservation restriction under 84.65.

#### **8400.0600 STATE BOARD ALLOCATION OF FUNDS TO ~~CONSERVATION~~ DISTRICTS.**

~~Subpart 1. **Comprehensive plan.** Before the state board can allocate cost share funds to a conservation district it must approve the conservation district's comprehensive plan, including its most recent amendment and the annual work plan, that includes the application and justification for needed cost share funds. The plans must be in a format required by Minnesota Statutes, section 103C.331, subdivision 11, and the state board.~~

Subp. 2. [Repealed, 9 SR 2439]

~~Subp. 3. **Review criteria.** The state board shall review all conservation district applications for cost share funds based on the following criteria:~~

~~A. the extent of high priority erosion or water quality problems in the conservation district as outlined in the conservation district comprehensive and annual plans and comprehensive local water plan;~~

~~B. priorities for the control of soil erosion or water quality problems as established in the Administrative Guidelines of the state board;~~

~~C. historical success of the conservation district in applying soil and water conservation practices;~~

~~D. availability of cost share funds from other sources; and~~

~~E. the ability of the conservation district to expend the funds in a timely manner.~~

Subp. 4. **Grants to conservation districts.** The state board ~~may~~ shall annually allocate cost-share funds to conservation district boards that have fully complied with Minnesota Statutes, section 103C.501, subdivision 3; all state cost share erosion control and water management program rules; and program policies and comprehensive and annual planning guidelines as prescribed by the state board. At least 70 percent of the cost-sharing funds available statewide will be allocated to conservation districts in the form of grants for conservation practices addressing high priority erosion, sedimentation, or water quality problems. The remaining cost share funds may be allocated by the board to conservation districts for conservation practices for lower priority erosion, sedimentation, or water quality problems and for technical and administrative assistance or to carry out special projects or programs, except not more than 20 percent of the total funds may be allocated for technical and administrative services.

Subp. 5. **Other state and federal funds.** Other funds received by the state board may be allocated to ~~conservation~~ districts for the treatment of erosion, sedimentation, ~~or~~ water quality problems, or water quantity problems due to altered hydrology. These additional funds may be incorporated with existing ~~cost share~~ erosion control and water management program funds and their use may be governed by the program policy Administrative Guidelines or may be subject to other administrative policies or guidelines required to fully implement the intent for which these additional funds were appropriated.

**Statutory Authority:** *MS s 40.036; 103C.501*

**History:** *9 SR 2439; 20 SR 2185*

**Posted:** *October 4, 2001*

#### **~~8400.0700 PROGRAM REPORTING AND MONITORING.~~**

~~For the purpose of reporting and monitoring the progress of the program and use of funds, each conservation district shall submit an annual report of the year's accomplishments according to the guidelines and requirements established by the state board. The state board shall require additional special reports, including, but not limited to, summaries of practice site inspections and special projects.~~

**Statutory Authority:** *MS s 40.036; 103C.501*

**History:** *9 SR 2439; 20 SR 2185*

**Posted:** *October 4, 2001*

### **DISTRICT FUNCTIONS**

#### **~~8400.0800 APPLICATION FOR FUNDS BY DISTRICTS.~~**

~~Each district shall apply for funds as indicated in part 8400.0600.~~

**Statutory Authority:** *MS s 40.036*

**Posted:** *October 4, 2001*

#### **~~8400.0900 CONSERVATION DISTRICT ADMINISTRATION OF PROGRAM FUNDS.~~**

Subpart 1. **General.** Following receipt of grant funds from the state board, a ~~conservation~~ district is responsible for administration of the funds in accordance with Minnesota Statutes, chapter 103C, ~~the Administrative Guidelines, and all other applicable laws. The conservation district board shall make all decisions concerning use of these funds in accordance with parts 8400.0050 to 8400.1800-1900, the Administrative Guidelines program policies, and all other applicable laws.~~ All funds allocated to ~~conservation~~ districts must be used for the purposes designated by the state board.

Subp. 2. **Maximum cost-share rate percentage.** Prior to considering any applications from land occupiers for cost-share assistance, the ~~conservation~~ district board shall establish cost-share rates for conservation practices to be installed under the program, up to the maximum rates established by the state board. ~~The maximum percent of the total eligible cost of the practices installed using state cost share funds must not exceed 75 percent. Other state or federal funds from any source, when used in combination with cost share funds of this program, must not exceed the maximum payment rate of 75 percent of the total eligible costs. The conservation district board shall establish cost share rates based on the following factors:~~

~~A. the extent of high priority erosion or water quality problems in the conservation district as outlined in the conservation district's comprehensive and annual plans;~~

~~B. advice of technical experts familiar with the conservation district;~~



~~Strike-out~~ = Deleted Language    Underlined = New, Changed, or Relocated Language

~~C. cost share rates currently in effect under the agricultural conservation program administered by the United States Farm Service Agency and other assistance programs;~~

~~D. conservation district priorities as established in the conservation district's comprehensive and annual plans and comprehensive local water plan;~~

~~E. cost share funds available; and~~

~~F. the state board's Administrative Guidelines.~~

~~The maximum cost share rates must be identified in the conservation district's annual plan and other documents containing the policies of the conservation district.~~

Subp. 3. **Reencumbering funds.** Prior to the end of the grant period for which the state board has granted the cost share funds, a conservation district board may reencumber all funds resulting from canceled projects or from those projects that did not use the full amount encumbered. For unencumbered funds remaining after the grant period, the conservation district board shall follow the procedures described in part 8400.1460.

**Criteria for district board review.** The district board shall use the following factors to determine practice eligibility and review of applications for conservation practice funding:

**A. The application must be signed by the land occupier and the landowner, if different, indicating their agreement to:**

**(1) grant the district's representatives access to the parcel where the conservation practice will be located;**

**(2) obtain all permits required in conjunction with the installation and establishment of the practice prior to starting construction of the practice; and**

**(3) be responsible for operation and maintenance of conservation practices applied under this program according to an operation and maintenance plan prepared or approved by ~~the~~ a district technical representative or its delegate.**

**B. Costs to repair damage to conservation practices installed with state cost-share dollars are eligible if the damage was caused by reasons beyond the control of the land occupier.**

**C. If the practice has fully met or exceeded its designed effective life, the cost to reconstruct the practice is eligible for cost-share assistance.**

**D. Conservation practices where construction has begun prior to district approval are ineligible for financial assistance. The Board may waive this requirement for emergency needs.**

**Subp. 4. Entering into a contract.** After completion of the district board, or its delegate, review of practice eligibility, the district board, or its delegate, shall either approve or deny the application.

**Statutory Authority:** *MS s 40.036; 103C.501*

**History:** *9 SR 2439; 20 SR 2185*

**Posted:** *October 4, 2001*

#### **~~8400.1000 APPLICATION FOR FUNDS BY LAND OCCUPIERS.~~**

~~Land occupiers seeking assistance under this program shall apply to the conservation districts on forms provided by the state board and available from the conservation district office. Each application must be filled out in its entirety and must be signed by the land occupier. If the land occupier is not the landowner, the application must also bear the landowner's signature.~~

**Statutory Authority:** *MS s 40.036; 103C.501*

**History:** 9 SR 2439; 20 SR 2185

**Posted:** October 4, 2001

**~~8400.1100 GROUP PROJECT.~~**

~~Where the cooperation of several land occupiers is required to solve an erosion or water quality problem, the conservation district may share the cost of such a group project if all of the land occupiers are eligible as individuals and the practices satisfy the criteria of the program. The land occupiers must reach agreement on division of payments and designate a group spokesperson. The spokesperson must sign the application on behalf of the group and negotiate all project details with the conservation district. Payment for the conservation district's share of the practice shall be issued to the group spokesperson who will be responsible for executing the division of payment plan prepared by the group.~~

**Statutory Authority:** *MS s 40.036; 103C.501*

**History:** 9 SR 2439; 20 SR 2185

**Posted:** October 4, 2001

**~~8400.1200 COOPERATIVE AND JOINT PROJECTS OF CONSERVATION DISTRICTS.~~**

~~Subpart 1. **Land in more than one conservation district.** If a project involves land in more than one conservation district, application for the entire project must be made to the conservation district containing the majority of the project lands.~~

~~Subp. 2. **Pooling cost share allocation for joint projects.** Conservation district boards may enter into an agreement to pool all or portions of their collective cost share allocations to implement joint projects. Cooperative and joint projects may be undertaken to accomplish watershed based resource management goals or other goals of mutual benefit as identified in the county's comprehensive local water plan or the district's comprehensive plan.~~

**Statutory Authority:** *MS s 40.036; 103C.501*

**History:** 9 SR 2439; 20 SR 2185

**Posted:** October 4, 2001

**~~8400.1250 TECHNICAL ASSESSMENT AND COST ESTIMATE DETERMINATION.~~**

~~A determination of the effectiveness of a practice to address the erosion or water quality problem and a cost estimate must be made by the conservation district technical representative prior to the conservation district board's review of the application for cost share funds. The assessment and cost estimate must be conducted by an individual with the appropriate level of technical approval authority or by a registered engineer with expertise in the design of the conservation practices.~~

**Statutory Authority:** *MS s 103C.501*

**History:** 20 SR 2185

**Posted:** October 4, 2001

**~~8400.1300 CRITERIA FOR CONSERVATION DISTRICT BOARD REVIEW.~~**

~~Criteria for conservation district board review:~~

~~A. The practice needed to solve the problem must be on the list of approved practices presented in the Administrative Guidelines or must have received approval from the state board.~~

~~B. The primary purpose of the requested practice must be to treat a high priority erosion problem or high priority water quality problem, except for farmstead windbreaks.~~

~~C. The requested practice must be consistent with conservation district plans and priorities.~~

~~D. The application must be signed by the land occupier and the landowner, if different, indicating their agreement to:~~

- ~~(1) grant the soil and water conservation district's representatives access to the parcel where the conservation practice will be located;~~
- ~~(2) obtain all permits required in conjunction with the installation and establishment of the practice prior to starting construction of the practice; and~~
- ~~(3) be responsible for operation and maintenance of practices applied under this program according to an operation and maintenance plan prepared by the conservation district technical representative.~~

~~E. Costs to repair damage to conservation practices installed with state cost share dollars are eligible if the damage was caused by reasons beyond the control of the land occupier.~~

~~F. If the practice has fully met or exceeded its designed effective life, the cost to reconstruct the practice is eligible for cost share assistance.~~

**Statutory Authority:** *MS s 40.036; 103C.501; L 1999 c 231 s 203*

**History:** *9 SR 2439; 20 SR 2185; 24 SR 1240*

**Posted:** *October 4, 2001*

#### **8400.1400 CONSERVATION DISTRICT APPROVAL.**

~~Subpart 1. **General.** After completion of the conservation district board review, the conservation district board shall either approve or deny the application. If it is approved, the conservation district board shall instruct the chair or acting chair to sign the application. Once it is signed, the application becomes the contract between the conservation district and land occupier and serves as the authorization to construct the practice according to the approved conservation practice plan. Practices where construction has begun prior to conservation district approval are ineligible for financial assistance. Changes in any provisions of the contract are subject to review and approval by the conservation district board pursuant to part 8400.1600, subpart 1.~~

~~If the application is denied, the conservation district board shall notify the land occupier in writing within 30 days after conservation district board action of the reason for denial.~~

~~Subp. 2. **Conservation practice plans.** The project plans for conservation practices must be prepared according to standards in the Field Office Technical Guide or other standards approved by the state board and must be approved by a conservation district technical representative with the appropriate level of technical approval authority. Plans prepared by a registered professional engineer must meet Field Office Technical Guide standards, meet other standards approved by the state board, or be certified as appropriate standards by the registered professional engineer. Upon completion and technical approval of the plan, one copy must be given to the land occupier and one copy retained with the project file located in the conservation district office.~~

**Statutory Authority:** *MS s 40.036; 103C.501*

**History:** *9 SR 2439; 17 SR 1279; 20 SR 2185*

**Posted:** *October 4, 2001*

#### **8400.1405 PROJECT DEADLINES AND PARTIAL PAYMENT.**

~~Subpart 1. **Time limit and cancellation.** Projects not started within 18 months after conservation district board approval must be canceled unless an amendment to the project contract has been approved by the conservation district board. Projects not completed by the end of the state's third fiscal year after initial conservation district board approval must be canceled unless prior written approval of the state board has been received.~~

~~Subp. 2. **Partial payment.** In cases where weather or other unanticipated circumstances beyond the control of the land occupier force postponement of certification of completion until the following construction season,~~

~~Strike-out~~ = Deleted Language    Underlined = New, Changed, or Relocated Language

~~the conservation district board may issue a partial payment for the work that has been completed. The conservation district board shall not consider issuing a partial payment unless:-~~

- ~~A. the anticipated completion date complies with subpart 1; and~~
- ~~B. the completed work meets the requirements of part 8400.1400, subpart 2; and~~
- ~~C. the conservation district technical representative has reviewed the work and has defined the total percent of construction that is complete.~~

~~Subp. 3. Partial payment conditions. If the conservation district issues a partial payment under subpart 2, the following conditions apply:-~~

- ~~A. payment percentages must comply with part 8400.0900, subpart 2; and~~
- ~~B. the balance of the project must be paid by the conservation district board upon the satisfactory completion of the total project; and~~
- ~~C. all expenses incurred to correct damage caused by the land occupier's failure to expeditiously complete the conservation practice must be borne by the land occupier; and~~
- ~~D. land occupiers receiving partial payments must complete the project within a time deemed reasonable by the conservation district board; and~~
- ~~E. land occupiers not completing partially paid projects shall be considered as violating part 8400.1700 and shall be directed, unless otherwise authorized by the state board as provided elsewhere in part 8400.1700, to return the amount of financial assistance received.~~

~~Every request for partial payment will be considered by the conservation district board on its own merits.~~

~~Subp. 4. Denial. If the conservation district board denies a request for partial payment under subpart 2, the board shall notify the land occupier within 30 days of the reasons for denial of the request.~~

**Statutory Authority:** *MS s 40.036; 103C.501*  
**History:** *9 SR 2439; 20 SR 2185*  
**Posted:** *October 4, 2001*

#### ~~8400.1460 RETURN OF ALLOCATED FUNDS.-~~

~~Cost share funds unencumbered by the conservation district board after the grant period must be returned to the state board within 30 calendar days following the end of that grant period.~~

**Statutory Authority:** *MS s 103C.501*  
**History:** *20 SR 2185*  
**Posted:** *October 4, 2001*

#### ~~8400.1500 CONSERVATION DISTRICT RECORDS.-~~

~~The conservation district shall maintain a current ledger of all cost share contracts on forms provided by the state board. The ledger must specify the land occupiers with whom the conservation district has contracted, the practices involved, the status of construction, and a total of funds encumbered. The conservation district shall also document efforts to identify and contact land occupiers with high priority erosion problems.~~

**Statutory Authority:** *MS s 40.036; 103C.501*  
**History:** *9 SR 2439; 20 SR 2185*  
**Posted:** *October 4, 2001*

#### ~~8400.1600 EXECUTING THE COST SHARE CONTRACT.-~~

~~Subpart 1. **Amending cost share contracts.** Because of extreme circumstances such as, but not limited to, weather and unforeseen geologic conditions, it may be desirable to amend the original cost share contract. If changes to the original cost share contract are needed, an amendment must be approved by the conservation district board. The conservation district board shall not approve amendments that increase the originally approved cost share percentage, nor shall the conservation district board approve any amendments after the approval to issue final payment on the original contract has been made.~~

~~Subp. 2. **Construction of practice.** Construction of the practices must be monitored by the conservation district board to ensure compliance with part 8400.1400, subpart 2. Upon completion, the conservation district technical representative with appropriate technical approval authority or the registered engineer shall certify whether the practice has been satisfactorily constructed according to the approved conservation practice plans and meets the design criteria of the practice as specified in the Field Office Technical Guide or other standards certifiable by a registered professional engineer or other standards approved by the state board. No certification shall be made until all specifications have been satisfied. Exceptions for partial completion must be according to part 8400.1405, subpart 3. Upon certification of completion, the land occupier shall contact the conservation district for payment and shall present documentation of all costs incurred in the installation of the practice in the form of receipts or invoices.~~

~~Subp. 3. **In kind services and materials.** In kind services and materials provided by the land occupier such as, but not limited to, earth work, seedbed preparation, seeding, and permanent fencing materials may be credited toward the land occupier's share of the total cost of the practice. The conservation district board shall determine whether charges for in kind services and materials are practical and reasonable.~~

~~Subp. 4. **Actual cost different than estimated cost.** In cases where the actual cost of the practice exceeds the estimated cost, the conservation district may only share the approved percentage of the estimated cost, except when an amendment to increase the cost estimate listed on the cost share contract has been approved by the conservation district board. Where the actual cost is less than the estimated cost, the conservation district shall only share the approved percentage of the actual cost of the practice.~~

~~Subp. 5. **Issuing cost share payments.** The conservation district board shall review the receipts or invoices provided by the land occupier to determine the actual cost of the practice. When the conservation district determines that all claims are practical and reasonable, it shall authorize issuance of a check for the conservation district's share of the practice. If the conservation district board determines that certain claims are not justified, it shall notify the land occupier in writing of the unjustified claims within 30 days. The conservation district board shall then authorize the issuance of a check for the conservation district's share of the justified claims.~~

**Statutory Authority:** *MS s 40.036; 103C.501*

**History:** *9 SR 2439; 20 SR 2185*

**Posted:** *October 4, 2001*

#### **8400.1650 RECORDING CONSERVATION PRACTICES.**

~~When a district board, or its delegate, determines that long-term maintenance of a conservation practice is desirable, the board, or its delegate, may require that maintenance be made a covenant upon the land for the effective life of the conservation practice. A covenant under this subdivision shall be construed in the same manner as a conservation restriction under 84.65. The size, location, and effective life of the soil and water conservation practices that have received cost share payments under this program equal to or in excess of \$50,000 shall be recorded by the conservation district on the property title. The conservation district board may require the recording of practices where cost share payments are less than \$50,000 where such action is considered appropriate by the conservation district board. Recording procedures, including the prescribed forms, are described in the administrative guidelines for the state cost share program.~~

**Statutory Authority:** *MS s 103C.501*

**History:** *20 SR 2185*

Posted: October 4, 2001

#### 8400.1700 MAINTENANCE.

Subpart 1. **Land occupier maintenance responsibilities.** The land occupier is responsible for operation and maintenance of conservation practices applied under this program to ensure that their conservation objective is met and the effective life, ~~a minimum of ten years~~, is achieved. Should the land occupier fail to maintain the conservation practices during their effective life, the land occupier is liable to the state of Minnesota district for up to one-hundred-fifty percent the full amount of financial assistance received to install and establish the conservation practice. The land occupier is not liable for cost-share assistance received if the failure was caused by reasons beyond the land occupier's control, or if ~~soil and water~~ conservation practices are applied at the land occupier's expense which provide equivalent protection of the soil and water resources.

Subp. 2. **Reapplication ~~or removal~~ of conservation practices.** In no case shall a ~~conservation~~ district provide cost-share assistance to a land occupier for the reapplication of conservation practices which were removed by the land occupier during their effective life or that failed due to improper maintenance. ~~The conservation district board may authorize the removal of a practice installed under this program provided the land occupier can show good cause for removal of the practice and the purpose of the original practice has been achieved.~~

**Statutory Authority:** *MS s 40.036; 103C.501*

**History:** *9 SR 2439; 20 SR 2185*

**Posted:** *October 4, 2001*

#### 8400.1750 PRACTICE SITE INSPECTIONS.

~~As a condition to receive grant funds from the state board, the conservation district shall ensure compliance with the maintenance provisions of part 8400.1700 and Minnesota Statutes, chapter 103C, by monitoring all cost share contracts made with land occupiers. The conservation districts or its delegate shall conduct site inspections of conservation practices installed with cost-share funds to determine if the land occupier is in compliance with the operation and maintenance requirements under part 8400.1700 and the policy, guidelines, and requirements of the state board. Site inspection procedures, including the prescribed forms and frequency, are described in the Administrative Guidelines for the State Cost Share Program.~~

**Statutory Authority:** *MS s 103C.501*

**History:** *20 SR 2185*

**Posted:** *October 4, 2001*

#### 8400.1800 APPEALS.

Land occupiers may appeal a ~~conservation~~ district's action within 60 days of receiving notice of the action by submitting a written request to the ~~conservation~~ district board asking the board to reconsider its decision. Should the land occupier and the ~~conservation~~ district board reach an impasse, the land occupier may petition to appeal the ~~conservation~~ district board's decision to the state board within 60 days of receiving notice of the district board's final decision. ~~If an informal hearing is granted, the state board or its appointed mediator shall hear all testimony offered, and shall accept written testimony for ten days after the hearing. The mediator, if one is used, shall report the findings and recommendation to the state board. The state board or its executive director shall review and grant the petition unless it is deemed without sufficient merit within 30 days of the receipt of the petition.~~ The state board shall make its decision on the appeal, if granted, within 60 days of ~~the a hearing date or 60 days after receiving the mediator's report.~~ The state board's decision may uphold, remand, reverse or amend upholding, reversing, or amending the decision of the ~~conservation~~ district board.

**Statutory Authority:** *MS s 40.036; 103C.501*

**History:** *9 SR 2439; 17 SR 1279; 20 SR 2185*

~~Strike-out~~ = Deleted Language    Underlined = New, Changed, or Relocated Language

**Posted:** *October 4, 2001*

**8400.1900 REPORTS TO STATE BOARD.**

For the purpose of reporting and monitoring the progress of the program and use of funds, each ~~conservation~~ district shall submit an ~~annual report of the year's accomplishments~~ report according to the guidelines and requirements established by the state board. ~~Each district shall submit to the state board the reports identified in part 8400.0700.~~

**Statutory Authority:** *MS s 40.036*

**Posted:** *October 4, 2001*

8400.1950 [Repealed, 20 SR 2185]

Posted: *October 4, 2001*

8400.2000 [Repealed, 20 SR 2185]

Posted: *October 4, 2001*

8400.2100 [Repealed, 20 SR 2185]

Posted: *October 4, 2001*

8400.2200 [Repealed, 20 SR 2185]

Posted: *October 4, 2001*

8400.2300 [Repealed, 20 SR 2185]

Posted: *October 4, 2001*

8400.2400 [Repealed, 20 SR 2185]

Posted: *October 4, 2001*

8400.2500 [Repealed, 20 SR 2185]

Posted: *October 4, 2001*

8400.2600 [Repealed, 20 SR 2185]

Posted: *October 4, 2001*

8400.2700 [Repealed, 20 SR 2185]

Posted: *October 4, 2001*

8400.2705 [Repealed, 20 SR 2185]

Posted: *October 4, 2001*

8400.2800 [Repealed, 20 SR 2185]

Posted: *October 4, 2001*

~~COST SHARE RATES~~ EASEMENT PROGRAM

~~8400.2900 DISTRICT RATES.~~

~~Each district shall establish its cost share rates as provided in part 8400.0900.~~

**Statutory Authority:** *MS s 40.036*

**Posted:** *October 4, 2001*

#### **8400.3000 AUTHORITY.**

Minnesota Statutes, sections 84.95, 103A.209, and 103F.501 to 103F.531, authorize the state board, in consultation with districts, private groups, and state and federal agencies, to implement a program to ~~(a) acquire permanent easements on land containing type 1, 2, 3, or 6 wetlands; (b) to retire certain marginal agricultural land from agricultural crop production or from agricultural crop production or pasturing~~ and protect environmentally sensitive areas to enhance soil and water quality, minimize damage to flood-prone areas, sequester carbon, and support native plant, fish, and wildlife habitats and to reestablish perennial cover and restore wetlands on that land; and ~~(c) to enhance and protect other private lands~~. Parts 8400.3000 to 8400.3930 provide procedures and criteria to be followed by the state board and district boards in implementing Minnesota Statutes, sections 103F.501 to 103F.531. The state board shall implement the RIM Reserve program with district boards whenever practical, but may also implement the program directly or through its authorized agents.

**Statutory Authority:** *MS s ~~40.45~~; 103F.531*

**History:** *13 SR 1055; 14 SR 1928; 19 SR 550*

**Posted:** *October 4, 2001*

#### **8400.3030 DEFINITIONS.**

Subpart 1. **Scope.** The definitions in this part apply to parts 8400.3000 to 8400.3930.

Subp. 2. **Agricultural crop production.** "Agricultural crop production" means an agricultural activity:

- A. including but not limited to tillage, planting, or harvesting operations; and
- B. devoted to the production of horticultural, row, close grown, introduced pasture, or introduced hayland crops.

Subp. 3. [Repealed, 14 SR 1928]

Subp. 3a. **Agricultural land.** "Agricultural land" means land devoted for use as pasture or hayland for domestic livestock or dairy animals, or to agricultural crop production, or to growing nursery stocks, or for use as animal feedlots, and may include contiguous land associated with these uses.

Subp. 4. **Annual plan.** "Annual plan" means a plan prepared by the district under Minnesota Statutes, section 103C.331, subdivision 11, and according to the most recent version of the Guidelines for Soil and Water Conservation District Comprehensive and Annual Plans published by the state board. That publication is subject to periodic change. The current version is available at the district office and state board office and is incorporated by reference.

Subp. 5. **Approved practice.** "Approved practice" means a soil and water conservation practice or wildlife habitat enhancement that may be established on an easement area and is described in the easement program practice specifications.



Strike-out = Deleted Language Underlined = New, Changed, or Relocated Language

Subp. 6. ~~**Authorized farm corporation.** "Authorized farm corporation" has the meaning given in Minnesota Statutes, section 500.24, subdivision 2.~~

Subp. 6a. ~~**Authorized farm partnership.** "Authorized farm partnership" has the meaning given in Minnesota Statutes, section 500.24, subdivision 2.~~

Subp. 7. [Repealed, 14 SR 1928]

Subp. 8. [Repealed, 19 SR 550]

Subp. 9. **Conservation agreement.** "Conservation agreement" means a written contract stating the terms and conditions for conveying a conservation easement by the landowner to the state.

Subp. 10. **Conservation easement.** "Conservation easement" has the meaning given for "conservation easement" in Minnesota Statutes, section 84C.01, paragraph (1).

Subp. 10a. ~~**Conservation easement handbook.** "Conservation easement handbook" means the current edition of the state board's publication containing detailed procedures and guidelines for implementing the conservation easement programs administered by the state board. This publication is subject to periodic change, is available at the state board office and at district offices, and is incorporated herein by reference.~~

Subp. 10b. **Conservation easement program.** "Conservation easement program" refers to both the RIM reserve program, as defined in subpart 42, and the permanent wetlands preserve program, as defined in subpart 36a.

Subp. 11. **Conservation plan.** "Conservation plan" means a written description and map of the approved practices that must be applied to or that already exist on the easement area.

Subp. 11a. **Cost-shared practice.** "Cost-shared practice" means an approved practice which qualifies for cost-sharing through a conservation easement program administered by the state board.

Subp. 12. [Repealed, 19 SR 550]

Subp. 13. [Repealed, 19 SR 550]

Subp. 14. **District.** "District" means a local soil and water conservation district organized under Minnesota Statutes, chapter 103C.

Subp. 15. **District board.** "District board" means the board of supervisors of a soil and water conservation district as organized under Minnesota Statutes, chapter 103C.

Subp. 16. [Repealed, 19 SR 550]

Subp. 17. **District technical representative.** "District technical representative" means a district employee or other designee assigned by the district who has expertise in the design and application of approved practices.

Subp. 17a. **Drained wetland.** "Drained wetland" means a former natural wetland that has been altered by draining, dredging, filling, leveling, or other manipulation sufficient to reduce its natural function ~~render the land suitable for agricultural crop production. The alteration must have occurred before~~

~~Strike-out~~ = Deleted Language    Underlined = New, Changed, or Relocated Language

~~December 23, 1985, and must be a legal alteration as determined by the commissioner of natural resources.~~

Subp. 17b. **Easement program practice specifications.** "Easement program practice specifications" means the detailed descriptions of the approved practices that are allowed on lands enrolled in the conservation easement programs. ~~This information is contained in the current edition of the conservation easement handbook, a publication of the state board that is defined in subpart 10a.~~

Subp. 18 [Repealed, 19 SR 550]

~~Subp. 19. **Family farm.** "Family farm" has the meaning given in Minnesota Statutes, section 500.24, subdivision 2.~~

~~Subp. 20. **Family farm corporation.** "Family farm corporation" has the meaning given in Minnesota Statutes, section 500.24, subdivision 2.~~

~~Subp. 20a. **Family farm partnership.** "Family farm partnership" has the meaning given in Minnesota Statutes, section 500.24, subdivision 2.~~

Subp. 20b. **Farmed wetland.** "Farmed wetland" means a wetland, as defined in subpart 48, that has been devoted to agricultural crop production, as defined in subpart 2, since December 23, 1985.

Subp. 21. [Repealed, 19 SR 550]

Subp. 22. [Repealed, 19 SR 550]

Subp. 23. **Food plot.** "Food plot" means an area established for the purpose of providing food for wildlife.

~~Subp. 24. **Highway windbreak.** "Highway windbreak" means a strip or belt of trees, shrubs, or grass barriers at least six rows deep and within 300 feet of the right of way of a highway.~~

~~Subp. 25. **Hydric soils.** "Hydric soils" means soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part. A current list of hydric soils is available at the state board office and the district office, is subject to periodic change, and is incorporated herein by reference.~~

~~Subp. 26. **Hydrophytic vegetation.** "Hydrophytic vegetation" means macrophytic plant life growing in water, soil, or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.~~

Subp. 27. **Individual.** "Individual" means a person or legal entity, whether or not a resident of Minnesota.

~~Subp. 28. **Inherently unproductive.** "Inherently unproductive" means that the soil properties of available water capacity, bulk density, and pH in the uppermost 100 centimeters (39 inches) of a soil are present so that an unfavorable rooting environment exists for agricultural crop production.~~

Subp. 29. **Introduced hayland.** "Introduced hayland" means an area devoted to the production of forage that has been cultivated in a rotation of row crops or small grains or interseeded with introduced or native species at least twice during the ten years prior to applying for enrollment in a conservation

easement program. These areas must have been harvested by mechanical methods at least two years during the five years prior to applying for enrollment in a conservation easement program.

Subp. 30. **Introduced pasture.** "Introduced pasture" means an area devoted to the production of forage that has been cultivated in a rotation of row crops or small grains or interseeded with introduced or native species at least twice during the ten years prior to applying for enrollment in a conservation easement program. These areas must have been harvested by grazing at least two years during the five years prior to applying for enrollment in a conservation easement program.

Subp. 31. **Landowner.** "Landowner" means an individual, ~~family farm, family farm partnership, authorized farm partnership, family farm corporation, authorized farm corporation, estate, or testamentary trust,~~ or entity that is not prohibited from owning agricultural land under MS 500.24 and who either owns eligible land or is purchasing eligible land under a contract for deed in Minnesota.

Subp. 31a. **Land with crop history.** "Land with crop history" means land that has produced horticultural, row, or close grown crops or that has been enrolled at a cropland rate in a federal or state conservation program at least two of the five years prior to applying for enrollment in a conservation easement program, or land that meets the definition of introduced hayland in subpart 29, or land that meets the definition of introduced pasture in subpart 30. For the purposes of parts ~~8400.3000~~ to ~~8400.3930~~, land with crop history includes acres devoted to "set aside" or "conserving use" for the United States Department of Agriculture programs.

Subp. 32. **Local emergency.** "Local emergency" means an emergency declared under Minnesota Statutes, section ~~12.29~~.

**Subp. 33. Marginal agricultural land.**

"Marginal agricultural land" means land that is:

- (1) composed of class IIIe, IVe, V, VI, VII, or VIII land as identified in the land capability classification system of the United States Department of Agriculture; or
- (2) similar to land described under clause (1) and identified under a land classification system selected by the board.

~~"Marginal agricultural land" for the RIM reserve program means agricultural land that is: (1) composed of class IIIe, IVe, V, VI, VII, or VIII land as identified in the land capability classification system of the United States Department of Agriculture; or (2) similar to land described under clause (1) and identified under a land classification system selected by the state board that is composed of soils that are inherently unproductive, as defined in subpart 28, for agricultural crop production or likely to cause significant potential environmental impact, as defined in subpart 44.~~

~~If the state selects a land classification system as provided by clause (2), the state board will provide districts with a list of soil mapping units indicative of marginal agricultural land. Districts, upon state board approval, may change the list as necessary to reflect local soil characteristics. A current list is available at the state board office and at district offices, is subject to periodic change, and is incorporated herein by reference.~~

Subp. 33a. **Pasture.** "Pasture" means land used for grazing by domestic livestock and land which is not considered land with crop history as defined in subpart 31a.

Subp. 33b. **Pastured hillside.** "Pastured hillside" means land on a hillside that is used for pasture as defined in subpart 33a or used for introduced pasture as defined in subpart 30.

Formatted: Font: 11 pt, Underline

Formatted: Space Before: 0 pt, After: 0 pt, Line spacing: single, Pattern: Clear (White)

~~Strike-out~~ = Deleted Language    Underlined = New, Changed, or Relocated Language

Subp. 34. [Repealed, 19 SR 550]

Subp. 35. [Repealed, 19 SR 550]

Subp. 36. **Perennial cover.** "Perennial cover" means the water area created by restoring a drained wetland or the perennial vegetation established under a conservation easement program, or the perennial vegetation or the water or wetland areas that already exist on the easement area.

Subp. 36a. **Permanent wetlands preserve program.** "Permanent wetlands preserve program" means the program established under Minnesota Statutes, section 103F.516.

Subp. 37. [Repealed, 19 SR 550]

Subp. 38. [Repealed, 19 SR 550]

Subp. 39. [Repealed, 19 SR 550]

Subp. 39a. **Public waters.** "Public waters" means waters as defined in Minnesota Statutes, section 103G.005, subdivision 15, and inventoried under Minnesota Statutes, section 103G.201. A copy of the inventory is available in the district office.

Subp. 39b. **Public waters wetlands.** "Public waters wetlands" means wetlands as defined in Minnesota Statutes, section 103G.005, subdivision 15a.

~~Subp. 39c. **Replacement wetland.** "Replacement wetland" means a wetland that has been replaced under Minnesota Statutes, section 103G.2242.~~

~~Subp. 40. **Restorable drained wetland.** "Restorable drained wetland" means a drained wetland as defined in subpart 17a that is practical to restore and for which the state board is able to secure the necessary land rights of adjacent landowners.~~

Subp. 41. [Repealed, 19 SR 550]

Subp. 42. **RIM reserve program.** "RIM reserve program" means the program established in Minnesota Statutes, sections 103F.515 and 103F.525.

Subp. 42a. **Riparian land.** "Riparian land" means land adjacent to public waters, drainage systems, wetlands, or locally designated priority waters ~~identified in a comprehensive local water plan, as defined in Minnesota Statutes, section 103B.3363, subdivision 3.~~

Subp. 43. **Screening committee.** "Screening committee" means a group established by the district board to assist in implementing the conservation easement programs. The screening committee is chaired by a district board member, or their delegate, and is composed of representatives of private, state, and local organizations or clubs, and local, state, and federal agencies with an interest in the conservation easement programs.

Subp. 43a. **Sensitive groundwater area.** "Sensitive groundwater area" means a geographic area defined by natural features where there is a significant risk of groundwater degradation from activities conducted at or near the land surface. These areas may be identified by mapping or other appropriate methods determined by the commissioner of natural resources and the state board. Wellhead protection areas and land that is adjacent and draining to a sinkhole may be designated as a sensitive groundwater area.

Subp. 44. **Significant potential environmental impact.** "~~Significant potential environmental impact~~" means that the use of agricultural land may result in surface water or groundwater quality degradation or deposition of eroded sediments on property of adjacent landowners due to the soil properties of erosion potential, permeability, runoff potential, slope stability, or depth to water table.

Subp. 45. **Soil and water conservation practice.** "Soil and water conservation practice" means structural or vegetative practices applied to land for the purposes of controlling soil erosion, sediment, agricultural nutrients or waste, or other water pollutants.

Subp. 46. **Soil mapping unit.** "Soil mapping unit" means a unit or type of soil or combination of soils shown on a soil survey map.

Subp. 47. [Repealed, 14 SR 1928]

Subp. 47a. **State board.** "State board" means the Board of Water and Soil Resources.

Subp. 48. **Wetland.** "Wetland" means ~~land that has a predominance of hydric soils and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, or that periodically does support, a predominance of hydrophytic vegetation~~ wetlands as defined in Minnesota Statutes, section 103G.005, subd. 1a.

**Statutory Authority:** ~~MS s 40.45;~~ 103F.531

**History:** 13 SR 1055; 14 SR 1928; 19 SR 550; L 1996 c 462 s 43

**Posted:** October 4, 2001

~~A. 8400.3060 CRITERIA FOR ALLOCATION OF FUNDS.~~

~~B. The state board must annually allocate funds available to implement the conservation easement programs based on the following criteria:~~

~~C. the number or cost of applications accepted for enrollment in the conservation easement programs administered by the state board, or conservation easements conveyed to the state board within each district;~~

~~D. A. \_\_\_\_\_ the need for soil erosion or sediment control, protection or improvement of water quality, or improvement of fish and wildlife habitat, within a specified geographical area as determined by the state board, or as identified in the annual plan of each district or in any comprehensive local water plans prepared pursuant to Minnesota Statutes, section 103B.231, 103B.255, 103B.311, 103D.401, or 103D.405;~~

~~E. B. \_\_\_\_\_ the cumulative degree of soil erosion or sediment control, protection or improvement of water quality, or improvement of fish and wildlife habitat likely to be accomplished by the enrollment of selected easement areas; and~~

~~F. C. \_\_\_\_\_ the expressed interest and readiness of each district board, as well as cooperating groups and agencies, to implement the conservation easement programs.~~

The allocated funds may be increased, decreased, or shifted by the state board as necessary to maximize the use of available funds among districts. In selecting land for enrollment in the RIM reserve program, highest priority must be given to permanent conservation easements pursuant to Minnesota Statutes, section ~~103F.515, subdivision 2, paragraph (f).~~

**Statutory Authority:** ~~MS s 40.45;~~ 103F.531

**History:** 13 SR 1055; 14 SR 1928; 19 SR 550

~~Strike-out~~ = Deleted Language    Underlined = New, Changed, or Relocated Language

**Posted:** *October 4, 2001*

**8400.3100** [Repealed, 19 SR 550]

**Posted:** *October 4, 2001*

**8400.3110 DURATION OF CONSERVATION EASEMENTS.**

For purposes of the RIM reserve program, a conservation easement may be permanent or of limited duration. A conservation easement acquired on restorable drained wetlands, replacement wetlands, or land for highway windbreak purposes, must be of permanent duration. A conservation easement of limited duration may be acquired on other eligible land within a district if it is for a period not less than 20 years and only if the state board has approved enrollment of limited duration conservation easements in that district.

All permanent wetlands preserve program conservation easements must be of permanent duration.

**Statutory Authority:** *MS s ~~40.45~~; 103F.531*

**History:** *14 SR 1928; 19 SR 550*

**Posted:** *October 4, 2001*

**8400.3130** [Repealed, L 2009 c 172 art 2 s 32; c 176 art 1 s 52]

**Posted:** *July 2, 2009*

**8400.3160** [Repealed, L 2009 c 172 art 2 s 32; c 176 art 1 s 52]

**Posted:** *July 2, 2009*

**8400.3200** [Repealed, L 2009 c 172 art 2 s 32; c 176 art 1 s 52]

**Posted:** *July 2, 2009*

**8400.3210 DELEGATION OF PROGRAM TO ANOTHER DISTRICT.**

A district board may enter into an agreement with other district boards as authorized by Minnesota Statutes, section 103C.231, to delegate to another district board the responsibility for administering any conservation easement program of the state board. Where such delegation has been mutually agreed upon, each district board must so notify all landowners in their respective district and each district must so notify the state board.

**Statutory Authority:** *MS s 103F.531*

**History:** *19 SR 550*

**Posted:** *October 4, 2001*

**8400.3230** [Repealed, L 2009 c 172 art 2 s 32; c 176 art 1 s 52]

**Posted:** July 2, 2009

**8400.3260 LAND IN MORE THAN ONE DISTRICT.**

If an application involves land in more than one district, the participating districts may jointly delegate to one of the districts the responsibility for review and prioritization of that application. If that application is accepted for enrollment, the affected districts may also jointly delegate to one of the districts the responsibility for completing all of the tasks necessary for conveyance of the conservation easement to the state board.

**Statutory Authority:** *MS s ~~40.45~~; 103F.531*

**History:** *13 SR 1055; 19 SR 550*

**Posted:** *October 4, 2001*

**8400.3300 CRITERIA FOR SCREENING COMMITTEE REVIEW OF APPLICATIONS.**

The state board may direct districts to utilize a local screening process or committees to prioritize applications received local project areas or applications. ~~Upon completion of the application period and initial eligibility determination by the responsible district staff or the district technical representative, the screening committee may confer and prioritize each eligible application.~~ The criteria for screening committee prioritization are as follows:

A. consistency with the purpose and policy of the respective conservation easement program ~~for which an application has been submitted by an eligible landowner;~~

~~B. the parcel's relationship to the priorities previously determined in part 8400.3130;~~

~~C.~~ B. the parcel's potential impact on reducing soil erosion and sedimentation, improving water quality, reducing flooding, and enhancing fish and wildlife habitat;

~~D.~~ C. ~~potential title problems and encumbrances;~~

~~E.~~ D. compatibility with established priorities of the organizations and agencies ~~represented on participating in~~ the screening ~~committee process~~; and

~~F.~~ E. highest priority must be given to permanent easements pursuant to Minnesota Statutes, section 103F.515, subdivision 2, paragraph ~~(f)~~ (e).

**Statutory Authority:** *MS s ~~40.45~~; 103F.531*

**History:** *13 SR 1055; 19 SR 550*

**Posted:** *October 4, 2001*

**8400.3330** [Repealed, L 2009 c 172 art 2 s 32; c 176 art 1 s 52]

**Posted:** July 2, 2009

**8400.3360** [Repealed, L 2009 c 172 art 2 s 32; c 176 art 1 s 52]

**Posted:** July 2, 2009

**8400.3390** [Repealed, L 2009 c 172 art 2 s 32; c 176 art 1 s 52]

**Posted:** July 2, 2009

**8400.3400 CONSERVATION AGREEMENT FOR EASEMENT.**

The district board shall direct its staff or the district technical representative to develop conservation agreements as prescribed by the state board and in a recordable form for all approved applications which incorporate the minimum requirements stated in Minnesota Statutes, section 103F.515, subdivisions 4 and 5. In addition, each conservation agreement must require the landowner to:

- A. pay, when due, all taxes and assessments that may be levied against the easement area;
- B. remove any existing structures as required by the district board or the state board prior to the conveyance of the conservation easement with all associated costs being the responsibility of the landowner, and not place, erect, or construct any temporary or permanent structures on the easement area;
- C. remove any existing hazardous and toxic substances or any pollutants and contaminants prior to the conveyance of the conservation easement with all associated costs being the responsibility of the landowner, and not place such substances, pollutants, or contaminants on the easement area;
- D. properly seal all abandoned wells on the easement area prior to the conveyance of the conservation easement, with all associated costs being the responsibility of the landowner; and
- E. allow the state board and its employees and agents to enter the easement area for the purposes of inspection and enforcement of the terms and conditions of the conservation easement.

**Statutory Authority:** *MS s ~~40.45~~; 103F.531*  
**History:** *13 SR 1055; 14 SR 1928; 19 SR 550*  
**Posted:** *October 4, 2001*

**8400.3430** [Repealed, 19 SR 550]

**Posted:** *October 4, 2001*

**8400.3460 TITLE REQUIREMENTS.**

The landowner must have good and marketable title that is insurable under a title insurance policy. In addition, the title must not be subject to any prior liens or encumbrances determined to be objectionable by the Attorney General. Objectionable title defects, liens, or encumbrances must be promptly removed or corrected by the landowner prior to easement conveyance.



~~Strike-out~~ = Deleted Language    Underlined = New, Changed, or Relocated Language

**Statutory Authority:** *MS s ~~40.45~~; 103F.531*

**History:** *13 SR 1055; 14 SR 1928; 19 SR 550*

**Posted:** *October 4, 2001*

**8400.3500** [Repealed, L 2009 c 172 art 2 s 32; c 176 art 1 s 52]

**Posted:** *July 2, 2009*

**8400.3530**

Subpart 1. [Repealed, L 2009 c 172 art 2 s 32; c 176 art 1 s 52]

Subp. 2. [Repealed, L 2009 c 172 art 2 s 32; c 176 art 1 s 52]

Subp. 2a. [Repealed, L 2009 c 172 art 2 s 32; c 176 art 1 s 52]

Subp. 3. [Repealed, 19 SR 550, L 2009 c 172 art 2 s 32; c 176 art 1 s 52]

Subp. 4. [Repealed, 19 SR 550, L 2009 c 172 art 2 s 32; c 176 art 1 s 52]

**Posted:** *July 2, 2009*

**8400.3560** [Repealed, L 2009 c 172 art 2 s 32; c 176 art 1 s 52]

**Posted:** *July 2, 2009*

**8400.3600 RENEWAL AND EXTENSION OF CONSERVATION EASEMENTS.**

A. When a conservation easement of limited duration expires, a new conservation agreement and conservation easement for an additional period of not less than 20 years may be acquired by agreement of the state board and the landowner under the rules in force at that time. The state board may adjust payment rates as a result of renewing a conservation agreement and conservation easement after examining the condition of the established cover, conservation practices, and land values.

B. The easement duration may be lengthened through mutual agreement of the current landowner with the state board, in consultation with the commissioners of agriculture and natural resources, if the state board determines that the changes are consistent with the purpose of the conservation easement program. When converting limited duration easements to permanent easements, the payment is the difference between the amount that would be paid per acre for the permanent easement as established for the most recent sign-up period and the amount already paid for the limited duration easement on the area.

**Statutory Authority:** *MS s ~~40.45~~; 103F.531*

**History:** *13 SR 1055; 14 SR 1928; 19 SR 550*

**Posted:** *October 4, 2001*

**8400.3610 ALTERATION, RELEASE, OR TERMINATION OF CONSERVATION EASEMENTS.**

~~Strike-out~~ = Deleted Language    Underlined = New, Changed, or Relocated Language

The state board may alter, release, or terminate a conservation easement after consultation with the commissioners of agriculture and natural resources. The board may alter, release, or terminate an easement only if the state board determines that the public interests and general welfare are better served by the alteration, release, or termination.

The state board must be provided the following information at least 30 days prior to a state board meeting, before the state board will consider a request to alter, release, or terminate a conservation easement:

- A. a copy of the letter from the landowner to the district board justifying the change and identifying how the public interest and general welfare will be better served;
- B. a letter from the district board recommending either approval or disapproval of the proposed change;
- C. a letter from the Department of Natural Resources ~~area wildlife manager~~ recommending either approval or disapproval of the proposed change; and
- D. other supporting documents, including:
  - (1) an aerial photo identifying the requested change;
  - (2) a soil survey map of the area;
  - (3) cropping history information; and
  - (4) other pertinent documentation that will support the request.

The state board reserves the right to require special provisions to ensure at least equal resource value as a condition of approving the request. The state board must be compensated by the landowner for all damages and loss of benefits to the conservation easement and the state board may also require reimbursement for administrative expenses and costs incurred in the alteration, release, or termination of a conservation easement.

**Statutory Authority:** ~~MS s 40-45~~; 103F.531  
**History:** *14 SR 1928; 19 SR 550*  
**Posted:** *October 4, 2001*

#### **8400.3630 APPROVED PRACTICES.**

Subpart 1. **Criteria.** Approved practices must have as their primary purpose the control of soil erosion or sedimentation, protection or improvement of water quality, reduction of flooding, or enhancement of fish and wildlife habitat. Approved practices ~~are~~ may be further specified in the easement program policies or practice specifications. Practices that do not qualify as approved practices include, but are not limited to, Christmas tree plantations and fruit orchards. Food plots are not eligible for conservation easement program cost-sharing, but are considered an approved practice and, therefore, are allowed on enrolled acres ~~if they are included~~ as specified in the easement conservation plan.

Subp. 2. **Establishment of approved practices.** A landowner is responsible for the establishment of all approved practices on the easement area in accordance with the easement program practice

Strike-out = Deleted Language Underlined = New, Changed, or Relocated Language

specifications. Establishment of approved practices must be monitored by the district board or its delegate to ensure compliance with the conservation plan and the conservation easement. Upon establishment or partial completion of an approved practice, a district technical representative shall certify whether or not the approved practice, in whole or part, has been satisfactorily performed.

**Statutory Authority:** *MS s ~~40.45~~; 103F.531*  
**History:** *13 SR 1055; 14 SR 1928; 19 SR 550*  
**Posted:** *October 4, 2001*

**8400.3660** [Repealed, 19 SR 550]

**Posted:** *October 4, 2001*

### **8400.3700 COST-SHARED PRACTICES.**

Subpart 1. **Approved practices eligible for cost-sharing.** The state board shall determine which approved practices are eligible for conservation easement program cost-sharing, consistent with the criteria as described in part 8400.3630, subpart 1, ~~and consistent with the payment limits in Minnesota Statutes, section 103F.515, subdivision 6, paragraph (a), clauses (1) and (2).~~

#### **Subp. 2. Eligible costs for cost-shared practices.**

A. Upon satisfactory performance under part 8400.3630, subpart 2, the landowner shall present receipts or invoices to the district board, or their delegate, of the costs incurred in the installation of the cost-shared practice. The district board shall review the receipts or invoices to determine the costs eligible for conservation easement program payment. If the district board determines that the costs requested for reimbursement are reasonable and necessary, it shall recommend payment to the landowner by submitting certification of satisfactory performance and providing documentation of reimbursable practice costs to the state board on forms provided by the state board. If the district board determines that certain costs requested for reimbursement are not eligible or reasonable, it shall notify the landowner in writing of this determination. The landowner may request reconsideration of this determination by the district board within 30 days of receipt of the determination. If additional costs are determined to be eligible and reasonable, the district board shall then recommend payment for the approved amount. The state board reserves the right to approve whether costs requested for reimbursement are eligible and reasonable.

B. Eligible costs for approved practices are limited to those prescribed by the State Board as allowed in Minnesota Statutes, section 103F.515, subdivision 6, paragraph (a), clauses (1) and (2), and to the total state funds encumbered for the cost shared practices designated in the conservation plan. The amount of encumbered funds may be increased, within the statutory limits, after a landowner request, which has been properly executed on forms prescribed by the state board, has been approved by the state board.

~~C. If the actual cost of installing a cost-shared practice designated in the conservation plan is less than the statutory payment limit described in item B, the state shall only pay the actual cost of the installation. The state board reserves the right to approve and provide funding for cost-shared practices directly or through its authorized agents.~~

Subp. 3. **Payment for in-kind services.** In-kind services provided by the landowner including, but not limited to, earthwork, seedbed preparation, and seeding, may be credited to the landowner's share of the total cost of establishing the cost-shared practice. The district board shall credit only those costs it determines to be practical and reasonable and to approve receipts or invoices directly or through its authorized agents delegate.

Subp. 4. **Funds from other sources.** Conservation easement program cost-sharing funds may be augmented by funds from other agencies, organizations, or individuals. ~~Securing these funds is the responsibility of the landowner.~~

**Statutory Authority:** ~~MS s 40.45;~~ 103F.531  
**History:** 13 SR 1055; 14 SR 1928; 19 SR 550  
**Posted:** October 4, 2001

#### **8400.3730 FAILURE OF APPROVED PRACTICES.**

Subpart 1. **Cost-shared practices.** A landowner is not in violation of the conservation easement if the failure, in whole or part, of a cost-shared practice was caused by reasons beyond the landowner's control such as extreme weather conditions. In these instances, the district board may recommend to the state board that conservation easement program cost-sharing funds be encumbered for reestablishment of the cost-shared practice. The encumbrance must comply with the limits ~~in Minnesota Statutes, section 103F.515, subdivision 6, paragraph (a), clauses (1) and (2) prescribed by the State Board.~~ In no case may a district board authorize conservation easement program financial assistance to a landowner for the reestablishment of cost-shared practices that were removed or altered by the landowner, or that have failed due to improper maintenance during the term of the conservation easement.

Subp. 2. **All other approved practices.** A landowner is not in violation of the conservation easement if the failure of approved practices was caused by reasons beyond the landowner's control.

**Statutory Authority:** ~~MS s 40.45;~~ 103F.531  
**History:** 13 SR 1055; 14 SR 1928; 19 SR 550  
**Posted:** October 4, 2001

**8400.3760** [Repealed, 14 SR 1928; 19 SR 550]

**Posted:** October 4, 2001

#### **8400.3800 OPERATION AND MAINTENANCE.**

A landowner is responsible for the operation and maintenance of approved practices designated in the conservation plan.

**Statutory Authority:** ~~MS s 40.45;~~ 103F.531  
**History:** 13 SR 1055; 19 SR 550  
**Posted:** October 4, 2001

#### **8400.3830 VIOLATIONS AND ENFORCEMENT.**

Strike-out = Deleted Language Underlined = New, Changed, or Relocated Language

Subpart 1. **District board action.** The district board may take such measures as are necessary to ensure landowner compliance with the conservation agreement, conservation easement, and conservation plan. If the district board is unsuccessful at obtaining landowner compliance, the district board shall notify the state board of the violation and may recommend appropriate measures to be taken to correct violations.

Subp. 2. **State board action.** Upon notification ~~by the district board~~ or discovery of a violation of a conservation agreement, conservation easement, or conservation plan, the state board shall take action to resolve the violation.

A landowner who violates the terms of a conservation agreement, conservation easement, or conservation plan under this chapter, or induces, assists, or allows another to do so, is liable to the state for treble damages if the violation is willful or double damages if the violation is not willful. The amount of damages is the amount needed to make the state whole or the amount the landowner has gained due to the violation, whichever is greater.

If the state board is not successful in resolving the violation, it may request the state attorney general to commence legal action to enforce the conservation agreement, conservation easement, or conservation plan.

Subp. 3. **Attorney general action.** Upon request by the state board, the attorney general may commence an action for specific performances, injunctive relief, damages, including attorney fees, and any other appropriate relief to enforce Minnesota Statutes, sections 103F.501 to 103F.531 in district court in the county where all or part of the violation is alleged to have been committed, or where the landowner resides or has a principal place of business.

Conservation easements remain in effect even if maintenance violations have occurred.

**Statutory Authority:** *MS s* ~~40.45~~; 103F.531

**History:** *13 SR 1055; 14 SR 1928; 19 SR 550*

**Posted:** *October 4, 2001*

**8400.3860** [Repealed, 19 SR 550]

**Posted:** *October 4, 2001*

**~~8400.3870 SUPPLEMENTAL PAYMENTS ON FEDERAL AND STATE PROGRAMS.~~**

~~The state board may supplement payments made under federal or other state land retirement programs to the extent of available appropriations other than bond proceeds. The payments must be used to establish perennial cover on land or to supplement payments for land enrolled in land retirement programs approved by the state board.~~

**Statutory Authority:** *MS s* 103F.531

**History:** *19 SR 550*

**Posted:** *October 4, 2001*

**8400.3900** [Repealed, 19 SR 550]

**Posted:** *October 4, 2001*

~~Strike-out~~ = Deleted Language    Underlined = New, Changed, or Relocated Language

### **8400.3930 RECONSIDERATION AND APPEAL.**

Subpart 1. **Reconsideration by district board.** An affected landowner may request the district board to reconsider its:

A. recommendation or determination regarding that landowner's application for enrollment in a conservation easement program;

B. recommendation or determination to cancel that landowner's conservation agreement;

C. determination regarding that landowner's eligible and allowable costs to be reimbursed by the state board;

D. request to that landowner to correct any alleged noncompliant conditions regarding that landowner's enrolled easement area; or

E. recommendation to disapprove that landowner's request to change an enrolled easement area.

Subp. 2. **Time for reconsideration by district board.** A landowner requesting reconsideration under subpart 1 shall mail a written request to the district board within 15 days of receipt of notice of the district board's determination or recommendation of the matters specified in subpart 1. The request for reconsideration shall include the specific reasons for the request and evidence to support the landowner's claims. The district board shall notify the landowner in writing of its final recommendation and the reasons for the recommendation within 60 days of receipt of the landowner's request for reconsideration.

Subp. 3. **Appeal to state board.** An affected landowner may appeal to the state board from a final recommendation made by the district board pursuant to subpart 2. The landowner shall mail a written appeal to the state board within 15 days after receipt of the district board's final recommendation. The appeal shall include the specific reasons for the request and evidence to support the landowner's claims. The state board shall notify in writing the landowner and the district board of its final decision and the reasons for the decision within 60 days of receipt of the landowner's appeal.

Subp. 4. [Repealed, 14 SR 1928]

**Statutory Authority:** *MS s ~~40.45~~; 103F.531*

**History:** *13 SR 1055; 14 SR 1928; 19 SR 550*

**Posted:** *October 4, 2001*

