



## MN CREP RIM General Program Guidance Document 3/1/19

Included in this guidance document for MN CREP is important information relating to application eligibility, submittal requirements, enrollment of non-CRP eligible areas, conservation plans, practices, practice payments, and state of MN requirements for vegetation establishment on Reinvest in Minnesota (RIM) Reserve conservation easements.

The term offer and application should be considered similar terms. Offer is typically used with the CRP Program, while application is used frequently with the RIM Program.

### REQUIRED APPLICATION DOCUMENTS & SUBMITTAL PROCESS

For MN CREP, a separate application for RIM must be submitted. Refer to the Application Checklist as part of the RIM MN CREP Workbook for required documents to complete an eligible application for RIM. Applications for RIM shall be submitted via the State's Application Module. See the Application Module's Information Center page for additional guidance on submitting applications. It is highly recommended that the application checklist be reviewed and verified as complete prior to application submittal as only complete applications will be considered in a batching period.

### RIM PROGRAM ELIGIBILITY

All MN CREP applications must meet eligibility requirements for both RIM and CRP programs. Eligibility requirements for RIM can be summarized as follows:

1. The landowner must not be prohibited from owning agricultural land under section 500.24 and either owns eligible land or is purchasing eligible land under a contract for deed.
2. Land must be owned by the landowner, or a parent or other blood relative of the landowner, for at least one year before the date of application.
3. To meet RIM crop history requirements in addition to CRP crop history requirements, land must have been in agricultural crop production for at least 2 of the past 5 years before the date of application. *Note that RIM may take additional areas under easement that do not need to meet this criteria-see **ENROLLMENT OF ADDITIONAL LANDS OUTSIDE OF CRP OFFER** below.*
4. The offer must be greater than or equal to 8 acres in size. If under 8 acres in size, it must meet one of the minimum size waiver criteria to be eligible.

Additional detail on eligibility requirements for RIM may be found in the [RIM Reserve Eligibility](#) and [Landowner Eligibility](#) chapters of the RIM Handbook.

Included in the RIM MN CREP Workbook is a State of MN Conservation Easement Landowner Questionnaire and Easement Area Assessment form. The Landowner Questionnaire and Easement Area Assessment form is designed to provide valuable information about an application area and its ownership. Included are several

questions that may identify potential issues with program eligibility and are intended to alert local staff and the landowner of these items.

For example, a potential eligibility issue may arise if question 1 of the form indicates that there is a mortgage on the property. If a mortgage exists, the state will require a subordination consent be recorded for the mortgage before it will acquire a RIM easement. If the mortgage lender refuses to subordinate its interest to the state's RIM easement the landowner will either have to pay off the mortgage or refinance with a new lender that will subordinate for the property to remain eligible for RIM.

It is therefore important to review the items within the Landowner Questionnaire and Easement Area Assessment form carefully with the landowner and for the landowner to give accurate responses. Identifying any potential issues at the time of application can reduce the likelihood of unforeseen or unexpected eligibility and enrollment issues later. On the rare chance that a RIM easement is not conveyed as part of MN CREP, the landowner could be subject to CRP cancellation and possible early termination of an approved CRP contract.

The identification and evaluation of drained and altered wetlands on CP-23 and CP-23a applications is an important part of assessing CREP eligibility as well as preparing RIM and CRP conservation plans for funded applications. See Appendix 1 for additional information on determining the extent of restorable wetland acres as part of CREP.

### **APPLICATION SCORING AND RANKING**

In addition to eligibility determination, applications will also be scored and ranked within specified batching periods that are announced in advance by the state. Applications will be scored and ranked according to the Conservation Practice (CP) type that makes up the offer. If there are multiple CP types on an application, the practice which makes up the larger total acreage will be scored and ranked. If the largest acreage CP is funded, the smaller acreage additional CPs will also be funded.

### **EASEMENT PAYMENT**

The payment provided to landowners for the state's conservation easement will be determined by completing the Conservation Easement Financial Worksheet (CEFW) as part of the RIM MN CREP Workbook. The CRP Data sheet is filled out with information directly off of the CRP-1 document, which calculates the federal portion of the easement payment and is directly transposed to the CEFW. The CEFW is filled out with the acres and Township payment rates to determine the total easement payment amount.

Payments provided will either be based on the valuation for lands with crop history, shown as "MNCREP Cropland" or "RIM-Only Crop" on the CEFW, or lands without crop history, shown as "RIM-Only Non-Crop" on the CEFW. These valuations are dependent on the Township that contains the offered area, and specific per acre values can be found by referring to the current RIM Payment Rates.

CRP has a \$50,000 annual payment limitation which applies to multiple types of payments. This limitation also considers payments to a landowner from separate CRP contracts. The applicant will be encouraged to explore and exhaust all options, working with the local USDA Farm Service Agency (FSA) office to maximize the CRP payment situation. In special limited circumstances designated BWSR staff may approve, utilizing RIM funds to pay the annual amount above \$50,000 that will not be paid by FSA on CP-23 or CP-23a applications only. This will only be considered if the current CREP CRP offer shows an annual contract payment in excess of \$50,000. This will not be combined with previously funded CRP contracts that puts a landowner above the \$50,000 amount.

A discussion of eligible lands for each of the valuation types described earlier in this section is found below.

#### **Lands with Crop History:**

**MNCREP Cropland:** Easement acres eligible for this higher payment rate must meet both CRP and RIM eligibility and crop history requirements and be enrolled in MN CREP.

**RIM-Only Crop:** Easement acres eligible for this payment rate must meet RIM eligibility and crop history requirements, but do not currently meet CRP requirements for enrollment as MNCREP Cropland acres. Easement acres eligible for this payment rate are limited (see below).

**Lands without Crop History:**

**RIM-Only Non-Crop:** Easement acres eligible for this payment rate must meet RIM eligibility, but do not meet crop history requirements. Easement acres eligible for this lower payment rate are limited (see below).

**ENROLLMENT OF ADDITIONAL EASEMENT LANDS OUTSIDE OF CREP OFFER**

Occasionally, it will be desired and/or necessary to enroll certain lands under the state's RIM easement program that do not currently meet CRP requirements for enrollment as MN CREP Cropland acres. These acres may be enrolled if they significantly improve the application's benefits, including, but not limited to, additional water quality and wildlife benefits. These additional RIM-Only easement acres will be subject to all easement restrictions and conditions. Eligible qualifying lands being offered into RIM must meet RIM eligibility requirements.

Qualifying additional RIM-Only lands **must abut or adjoin** some portion of the MN CREP application area. Exceptions to this include situations where narrow non-easement corridors including roads, driveways, ditches, watercourses, etc. exist between the offered easement parcels.

Lands that meet RIM program crop history requirements are eligible to receive payment under the **RIM-Only Crop** payment rate. Note - most existing CRP acres will qualify as meeting RIM crop history criteria and be eligible for this payment rate. Lands that do not meet RIM crop history requirements are eligible to receive payment under the **RIM-Only Non-Crop** payment rate. This includes CRP acres enrolled at a non-cropland rate (e.g.) marginal pastureland).

For any new CREP applications submitted after November 1, 2018, there are the following Buffer Law considerations:

- Required buffer for Public Drainage systems (the 16.5 feet): First preference is exclusion of the 16.5' area. If necessary to include within the easement, this acreage must be treated as donated lands (see **Donated Land** discussion below).
- Required buffer for Public Waters (the 50 feet): Eligible to receive payment at the **RIM-Only Non-Crop** payment rate. Enrollment of these areas are subject to the **4. Buffer Law with Crop History Lands** or the **2. Other Lands** criteria.
- Reenrolling CRP Exemption: Since these offers will be under continuous CRP coverage, the Buffer Law exempts these lands. Therefore if a landowner is re-enrolling their land in CRP as part of CREP there is continuous coverage on the land so the "Buffer Law" does not apply.

All calculations for percentages of additional land eligible for enrollment are based on acres of the MN CREP offer. These acres are shown as MNCREP Cropland acres on the CEFW.

There is no federal leverage on these additional eligible lands and the state pays 100% of both easement and restoration costs. Therefore, the allowable additional RIM-Only acres are restricted to limited circumstances and criteria as defined below. All acres being included under this Section must be documented as part of the application and approved by BWSR Easement Staff during eligibility confirmation review.

**1. Existing CRP Land**

This provision is available to all eligible MN CREP CRP practices. The enrollment of existing CRP acres will be limited to no more than 50% of the acres being enrolled and listed as MNCREP Cropland acres on the CEFW. Existing CRP contracts must have been approved prior to October 1, 2018.

## 2. Other Lands

These provisions are available to all eligible MN CREP CRP practices, except where noted. Except in limited circumstances, these will generally be non-cropped areas.

The combination of additional lands under this Section will be limited to no more than 20% of the acres being enrolled and listed as MNCREP Cropland acres on the CEFW.

- 2.1 Landlocked Areas:** Includes areas owned by the applicant that would otherwise be landlocked or inaccessible due to the proposed easement and where their enrollment is practicable and beneficial to the state. Examples may include rock outcroppings, steeply sloped areas, areas of existing wetland, etc.
- 2.2 Areas with a Very High or High DWSMA Vulnerability Classification:** Includes Drinking Water Supply Management Areas (DWSMA) with classifications of Very High (VH) or High (H) vulnerability.
- 2.3 Minnesota Biological Survey Areas of Biodiversity Significance or the Minnesota Wildlife Action Plan - Wildlife Action Network (WAN) Areas:** Includes areas that identify priority threatened habitat. Include a map showing the species of concern and its location to the proposed easement area.
- 2.4 Areas Needed to Provide Manageable Easement Boundaries:** Includes limited additional non-CRP eligible areas that would enable more practicable and accurate easement boundaries. Examples may include strips of land along a property boundary and areas necessary to provide straight, more practical easement boundaries.
- 2.5 Non-Cropped Lands Needed to Enable Restoration of MNCREP Wetlands:** This generally includes surface drainage ditches, partially drained wetland areas, and other non-cropped areas deemed necessary for successful restoration of identified MN CREP CP23 and CP23a restorable wetlands.

## 3. Additional Lands that Improve Wildlife/Nesting Habitat for Planned MN CREP CP23a Wetlands

Additional qualifying cropland areas can be enrolled to help improve wildlife/nesting habitat for planned MN CREP CP23a wetlands. These cropped areas will generally only include upland acres that exceed the MN CREP CP23a 4:1 limit included as a part of the MN CREP offer (cropped restorable wetland acres should be included as part of the MN CREP offer).

RIM-Only Crop acres under this Section can only be considered when the upland to wetland ratio as part of the MN CREP offer is maximized at 4:1. If the MN CREP offer does not include a 4:1 upland to wetland ratio, this Section cannot be utilized.

These additional RIM-Only Crop acres shall build upon the MN CREP 4:1 upland to wetland ratio but not exceed an 8:1 total upland to wetland ratio, whereas; a) the wetland acres in this ratio are defined by the restorable wetland area within the MN CREP offer and b) the upland acres within the MN CREP offer are to be considered in this ratio calculation.

If this Section is being utilized, include a copy of the CP23a Eligibility and Suitability form and also include a map showing the location of both the acres that maximize the 4:1 upland to wetland ratio as well as the additional cropland acres up to the 8:1 ratio limit.

Existing CRP acres do not qualify under this Section.

## 4. Buffer Law with Crop History Lands

These provisions are available to all eligible MN CREP CRP practices, except where noted. Areas adjacent to Public Waters that are subject to the Buffer Law are eligible for a RIM-Only Non-Crop payment if they meet RIM crop history criteria. Additionally, if these areas are adjacent to a CP-21 practice, in order for this area to be eligible the CP-21 practice must utilize the required width listed in Table 1. Filter Strip Widths (Flow Lengths) for "Soluble nutrients, chemicals, and pathogens" in the MN

NRCS Filter Strip (393) Conservation Practice Standard. The enrollment of these areas will not be limited to a prescribed percentage but are limited by adjacency to enrolled MNCREP Cropland Acres.

Areas adjacent to Public Waters that are subject to the Buffer Law but do not have crop history should not be considered separately in this section and are subject to the 2. Other Lands criteria.

Unless otherwise noted, the calculation of allowed additional lands under the state's RIM easement in any of the four Sections above occurs independently of the other Sections. In other words, unless specifically stated, the calculation limits of one Section will not affect calculation limits in another.

For example, if the landowner submits a 100.00 acre CP23a offer for MN CREP, up to 20.00 additional acres of qualifying lands may be enrolled under the Other Lands Section (compensated as RIM-Only Non-Crop), and up to 50.00 acres of Existing CRP Land (compensated as RIM-Only Crop) may be enrolled. If only these criteria were applicable, this would result in a total easement acreage of up to 170.00 acres.

MN CREP applications that contain additional RIM easement lands must include maps and/or other documentation to verify compliance with the stated enrollment limits and justification for why these additional areas should be considered for enrollment.

In limited situations, waivers may be approved by the BWSR Easement Section Manager to exceed enrollment limits as defined above. Waiver requests must be submitted to the Private Lands Program Coordinator who will review and then transmit the request to the state's Easement Section Manager and must be approved prior to submittal of the MN CREP application. Requests must clearly demonstrate the benefits and need for enrolling the identified, additional acres. If approved, these acres are eligible to receive the appropriate easement payment.

In the absence of an approved waiver, the enrollment of additional RIM acres exceeding the above program limits must be treated as donated lands (see ***Donated Land*** discussion below).

#### **DONATED LANDS**

Occasionally, it will be desired to include as part of the application certain lands that are ineligible for easement payment compensation. In certain situations, these areas will be allowed as part of a RIM application as donated acres.

While the extent of enrolled donated acres as part of MN CREP are expected to be small, there are situations where the enrollment of these acres will be desired or necessary. Examples where the enrollment of donated easement acres may be needed are:

##### **A. Public Waters and Public Waters Wetlands**

RIM Reserve Program policy states that all Public Waters and Public Waters Wetlands as identified by DNR through specific OHW determinations or other reasonable determinations are eligible for enrollment but shall not receive easement compensation. Program preference is to exclude these protected areas from easement enrollment altogether. However, in some situations, it will be more practicable as part of the easement boundary definition to include all or portions of these identified areas within the easement area. In doing so, these DNR protected areas must be included as donated acres.

This policy does not apply to the enrollment of Public Water and Public Waters Wetland areas that meet MN CREP program eligibility requirements and when their physical restoration is planned as part of the eligible MN CREP offer.

##### **B. Drainage Ditches**

For many wetland restorations to be considered restorable, it will be necessary for all or portions of non-cropped surface drainage ditches to be included as part of the RIM easement. This includes, but may not be limited to, non-CRP eligible ditches that will be plugged, filled, or otherwise abandoned as part of planned wetland restoration work. While all or portions of these ditches may be eligible to receive easement compensation (see above criteria), there may be portions of a ditch or entire ditch

reaches within a property being enrolled into MN CREP where easement compensation is not allowed and consideration of whether to include the ditch area as donated acres within the RIM easement is needed.

On ditches that are not abandoned as part of planned restoration activities and that will continue to benefit adjoining lands to MN CREP parcel, it should be expected that continued maintenance of the ditch system will occur. The terms and conditions of a RIM easement will allow maintenance of functioning drainage systems by the landowner. However, when practicable, the ditch and right-of-way should be excluded from the application area. When not practicable, these ditches and their associated right-of-way can be included as part of the application area but must be treated as donated acres. This applies to both public and private drainage ditches. If not already legally defined through easement or agreement, a ditch's right-of-way shall be considered as the width deemed necessary for reasonable access and ditch maintenance work (typically one rod from top of ditch bank – for each side of ditch).

There is no specific policy in terms of when a functioning ditch should be included in or excluded from an easement application area. BWSR preference through MN CREP is to exclude it from the application, except in special circumstances.

Note that subsurface drainage tile that will continue to serve and provide drainage benefits to other lands will also be allowed maintenance by the landowner per the terms of the RIM easement. There is however, no requirement to donate the area of land above these underground drainage systems.

### **C. US Fish and Wildlife Service Easement and Agreements**

Lands enrolled in USFWS Agreements and Easements are subject to RIM Reserve Policy dated June 27, 2018. This Policy reflects two situations regarding Small Wetland Acquisition Program (SWAP) wetland easements (generally referred to as a no fill, drain or burn easement). For SWAP easement areas to be eligible for payment, they must meet both CRP and RIM eligibility and crop history requirements and will be recorded as MNCREP Cropland acres on the CEFW. Otherwise, they are to be treated as donated acres. See Appendix 2.

### **RIM CONSERVATION PLAN**

In addition to the CRP Plan, a conservation plan will need to be prepared in support of the RIM easement. Along with different terminology and program requirements between RIM and CRP, there may also be some minor acreage differences between them for which some thought is needed as conservation plans are prepared for the two programs.

Current CRP contract areas that are re-enrolling into CREP may retain existing vegetation, if CRP guidelines allow. However, conservation professionals are encouraged to take this opportunity to increase vegetative diversity due to the permanency of these sites.

In general, the conservation plans prepared for RIM and CRP should be quite similar. Any updates to the CRP plan should also be considered to the RIM plan. This will also prove to be beneficial as restoration work is conducted and practice reimbursement payments are requested from the programs.

RIM conservation plans use practice codes that identify the type of conservation practice that will be established or exists within the easement. RIM practice codes that include restoration (vegetative or hydrologic) also have an associated per acre maximum reimbursement payment. Reimbursement will be provided by the state for eligible activities, up to these maximum amounts. These state funds will be used in combination with eligible CRP practice payments to complete identified conservation practice work on MN CREP sites.

Only restoration work that starts after the RIM Agreement has been approved is allowed to be reimbursed. It is important for seed purchasing and restoration work to be postponed until the RIM Agreement has been executed. Requests for reimbursement may only be made once the easement has been recorded. BWSR will not reimburse for restoration costs incurred if we are unable to record the easement.

RIM practices with associated practice funding that will be common to MN CREP easements are listed below.

PRACTICE CODE	PRACTICE NAME	MAXIMUM \$ AMOUNT PER ACRE (STATE COST)
RR-2a	Native Grasses To Be Established	\$300
RR-2PP	Pollinator Planting To Be Established	\$600
RR-3a	Tree and/or Shrub Planting To Be Established	\$400
RR-8	Wetland Restoration	\$600

RIM has additional conservation practice codes that may also be used when preparing conservation plans for MN CREP sites. These additional practice codes will document existing vegetation practice areas or water features for which no practice dollars are available. These additional conservation practices would likely occur and be used on areas outside of the eligible CRP offer, assuming no wetland restoration or vegetation establishment work is needed.

- Refer to the [Conservation Plan Development](#) chapter of the RIM Handbook for additional information on developing the RIM Conservation Plan.
- Refer to the [Practice Specifications](#) chapter of the RIM Handbook for additional information on practice purpose and eligible costs.
- Refer to the [Conservation Plan Implementation](#) chapter of the RIM Handbook for additional information on allowable installation period and cost-share process.

#### STATE VEGETATION REQUIREMENTS

Native plants and plant communities play an essential role in sustaining environmental and human health, providing wildlife habitat, and adding resiliency to our landscapes. Environmentally suitable native annual, biennial, and perennial plant species are required for projects to meet legislative requirements. Therefore, additional State requirements apply, necessitating native vegetation be planted on RIM Easements and when using State funds. BWSR's [Native Vegetation Establishment and Enhancement Guidelines](#) provide numerous considerations for conservation professionals when planning restoration of a site, including species diversity, seed source, and noxious weed seed considerations.

The following table is provided to relate MN CREP's applicable CPs, allowable Practice Standards, and State requirements. Refer to Technical Note #31 (Ver. 1.2), where applicable.

CRP Practice	State of MN Requirements for Vegetation Establishment
CP-2	<b>327 Standard (native species only)</b> Minimum: 1.A - Native Grasses and Forbs Preferred: 1.A - Native Grasses and Forbs: Additional forbs up to Standard maximum Additional Option: Refer to <a href="#">NRCS/BWSR Guidelines for seed mixtures benefitting monarchs and beneficial insects</a> . Monarch Food Plots limited to 10% of the offered CP-2 acres.
CP-21	<b>393 Standard (native species only)</b> Minimum: Use of Table 12 required (native species only) Preferred: Additional use of Table 13: Additional forbs up to Standard maximum, when width allows
CP-23	<b>657 Standard (native species only)</b> Minimum - Adjacent Upland: Herbaceous Upland: 327 – Conservation Cover, Native Grasses, Forbs and Legumes Forested Upland: 612 - Tree/Shrub Establishment Minimum - Wetland: Refer to Technical Note #31: 657 - Wetland Restoration
CP-23a	<b>657 Standard (native species only)</b> Minimum - Adjacent Upland: 643 - Tallgrass Prairie Specifications Preferred - Adjacent Upland: Refer to <a href="#">NRCS/BWSR Guidelines for seed mixtures benefitting monarchs and beneficial insects</a> . Minimum - Wetland: Refer to Technical Note #31: 657 - Wetland Restoration

**Refer to NRCS Eligibility and Suitability Worksheets for other applicable alternative Practice Standards. Deviation from the above table requires case-by-case approval from BWSR that it meets State vegetation requirements.**

In addition to species diversity, consider seed source as you plan for restoration. Here are five key considerations when working with conservation seed mixes for MN CREP and other BWSR funded projects:

- 1) **Obtaining three seed bids** is recommended for projects (particularly for larger plantings such as those using CP-23 & CP-23a). BWSR has developed a "[Best Value Calculator](#)" as an available tool to help consider both costs and source distance for bids.
- 2) **Use local sources** to the extent possible using the seed source sequence in the NRCS 643 standard and BWSR's [Native Vegetation Establishment and Enhancement Guidelines](#). 175 miles from the project site is the maximum recommended range. Judgement calls will need to be made by local staff about acceptable distances, particularly if seed shortages result.
- 3) **Take Steps to Prevent Noxious Weeds**. The following are two steps for avoiding introduction of Palmer Amaranth and other noxious weeds – particularly important for seed coming from Iowa or other areas where Palmer Amaranth is widespread.
  - a) Make sure that seed vendors provide documentation that they have done testing (required by MDA) for any Pigweed seed in mixes to ensure that it is not Palmer amaranth.
  - b) Make sure that seed vendors provide a seed tag after accepting a seed mix for a project, so you can see what weed seeds are included in the mix.
- 4) **Work with vendors** to make desired seed substitutions ([this table](#) can provide ideas for alternative species).
- 5) **Use your professional judgment** for decision making, as you are the lead for BWSR when it comes to assisting landowners. Regional and statewide BWSR, DNR and USFWS staff are available to provide additional guidance about seed mix considerations.



## Appendix 1 – Determining the Extent of Restorable Wetland Acres as Part of CREP

The identification and evaluation of drained and altered wetlands is an important part of assessing CREP eligibility as well as preparing RIM and CRP conservation plans for funded applications. The following information addresses this important topic and is consistent with RIM program guidance, NRCS Conservation Practice 657 – Wetland Restoration, and NRCS CCRP CP23 and CP23A Eligibility Documents.

Drained/altered wetlands include all wetland areas where the hydrology, vegetation and/or soils have been altered or removed, adversely affecting the functions and values of the former wetland. This includes:

1. Sites where no hydrologic manipulation has occurred other than farming (wetlands cropped under natural conditions). These areas will be considered restored upon establishment of hydrophytic vegetation.
2. Sites that have hydrologic manipulation (ditch, subsurface tile, fill, etc.). The goal is to restore these areas to their original pre-manipulation condition, where possible and practicable. When physical or legal reasons limit or prevent the restoration of original hydrology, hydrology restoration is still considered accomplished “minimally restored” upon establishment of hydrophytic vegetation within these areas.

Therefore, by definition, the total extent of drained, altered, and farmed wetland area(s) that are determined within an application area constitutes the area of restorable wetland when determining eligibility and when preparing respective program conservation plans.

Drained and altered wetland areas are best identified by first observing areas of mapped hydric soils. The NRCS Web Soil Survey will easily display for each identified parcel the extent and area of all hydric and non-hydric soil map units. It also will provide the classification of each map unit along with its hydric rating. When attempting to identify wetlands through the presence of hydric soils, it is important to understand that many soil map units are typically composed of one or more soil types and will often contain inclusions of dissimilar soils that are not mapped. In other words, a map unit that is identified as being hydric may have small areas, or inclusions, of non-hydric soils within it. Conversely, a non-hydric map unit may have inclusions of hydric soils within it. The extent of these dissimilar inclusions, if they exist, varies with each map unit and also varies from site to site for the same soil map unit. In addition, mapping variances and errors do exist and defined map units may not always accurately represent the actual extents of a former wetland. Because of this, additional resources should be used in combination with soils to accurately determine the total extent of drained, altered, and farmed wetland area(s).

A list of resources to review and consider when identifying drained and altered wetland areas includes:

- NRCS Web Soil Survey
- Current and historic aerial slides and/or photos looking for wet signatures during wetter years
- LiDAR or other survey data
- USDA wetland determinations (identification of “PC”, “FW”, “W” and “FWP” wetlands)
- Extent of known drainage or drainage signatures from photo reviews
- FWS National Wetland Inventory Maps
- Drained wetland inventories
- Onsite investigations to determine extent of suspected hydric soil inclusions
- Cropping history of the parcel
- Knowledge of landform type and depressional or wet areas that may exist (landowner discussions)
- Last but not least, sound professional judgment

It is important that for all CREP eligible acres that the RIM and CRP conservation plans be similar to each other. This allows for accurate reporting of program restoration accomplishments and simplifies the determination of cost-share/practice funds that will be available as conservation practices are being established/installed.

## Appendix 2 – RIM Reserve Policy on USFWS Easement and Agreement Lands

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

June 27, 2018

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 based upon national policy regarding easement acquisition, 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 generally eligible for enrollment into RIM, but may or may not be eligible for a RIM easement payment. 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 these specified acres.
  - When RIM is making a full, non-discounted easement payment (i.e. standalone RIM), these USFWS easement lands are not eligible for a RIM easement payment and should be treated as donated acres when calculating the easement payment as compensation for these easement acres has already been made by USFWS.
  - When RIM is partnering with another governmental unit or conservation organization and as a result is providing a discounted or reduced easement payment (i.e. CREP), these USFWS easement lands are eligible for full easement payment from RIM in accordance with the partnership criteria.

- 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”***