



## Easement Acquisition Fact Sheet

### What is it and how does it work?

The Local Government Road Wetland Replacement Program (LGRWRP) is focused on generating wetland credits for local road authorities to satisfy state and federal regulatory wetland replacement requirements for authorized wetland impacts associated with the repair or rehabilitation of existing roads.

BWSR is opening an easement sign-up period, to purchase perpetual conservation easements from landowners on a per acre payment rate established for each location. BWSR is responsible for designing the project and obtaining regulatory approvals for the wetland restoration project. BWSR typically contracts with the local Soil and Water Conservation District (SWCD) to aid BWSR and the landowner with the easement acquisition process, construction oversight, and invoicing for completed work. Landowners are expected to hire contractors to construct the site using the BWSR developed plan and are reimbursed by BWSR. Vegetation establishment and management is typically done by BWSR.

### Who can participate?

Landowners who are interested in having wetlands and associated upland buffers restored on their land are eligible to participate. Only the legal fee title owner(s) can enter into an agreement with the State for this program.

### How much will BWSR pay?

Payment is based on a pre-determined amount per acre of crop and non-crop land in accordance with the Wetland Bank Easement Payment Rate table on the BWSR website <https://bwsr.state.mn.us/local-government-road-wetland-replacement-program> or available from the local SWCD. To determine a potential payment amount, estimate the acreage of both eligible crop land and non-crop land within the proposed easement area and then apply the payment rates accordingly. Crop land is defined as 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 previous five years.

Some applications may include land that is ineligible to receive wetland credit under state and federal rules or is otherwise ineligible for easement payments. In certain situations, these areas will be allowed as part of an application as donated lands. Donated lands should be considered to address the following:

- To simplify the description and enforcement of the easement boundary;
- To benefit the function and value of the restored wetlands;

Donated lands will be considered part of the easement area and will be subject to all easement restrictions and conditions. In addition, restoration plans prepared for the easement area shall include all donated lands.

## **What criteria does BWSR use when evaluating projects?**

Restoration projects will be evaluated using the following criteria. The percentage in parentheses is the contribution of the criterion towards the total score for the project:

1. Credit Yield (20%)
2. Technical Feasibility (20%)
3. Functional Benefit for the Watershed (10%)
4. Rare or Difficult to Replace Wetland Functions or Characteristics (10%)
5. Qualifications of the Applicant (10%)
6. Cost per Credit (30%)

## **What type of sites are eligible?**

BWSR is seeking to restore wetlands on the landscape that have been lost or significantly degraded as a result of drainage, fill, or excavation. To meet program requirements and maximize the amount of credits generated by the restoration, eligible sites should meet the following criteria:

- Wetlands were historically present at the site or are present in a degraded condition and the physical characteristics of the site will allow for hydrologic and/or vegetative restoration to take place;
- Because of limits in state and federal wetland banking rules, a majority (more than 50%) of the acres within the proposed easement area should be restorable wetlands (drained and/or degraded);
- The characteristics of the site and the proposed easement boundary should support an upland buffer adjacent to planned restored wetlands that is a minimum width of 25 feet and an average width of 50 feet;
- The property must be free of other easements or legal agreements that may conflict with or serve the same purpose as the wetland banking easement;

## **What types of sites are preferred?**

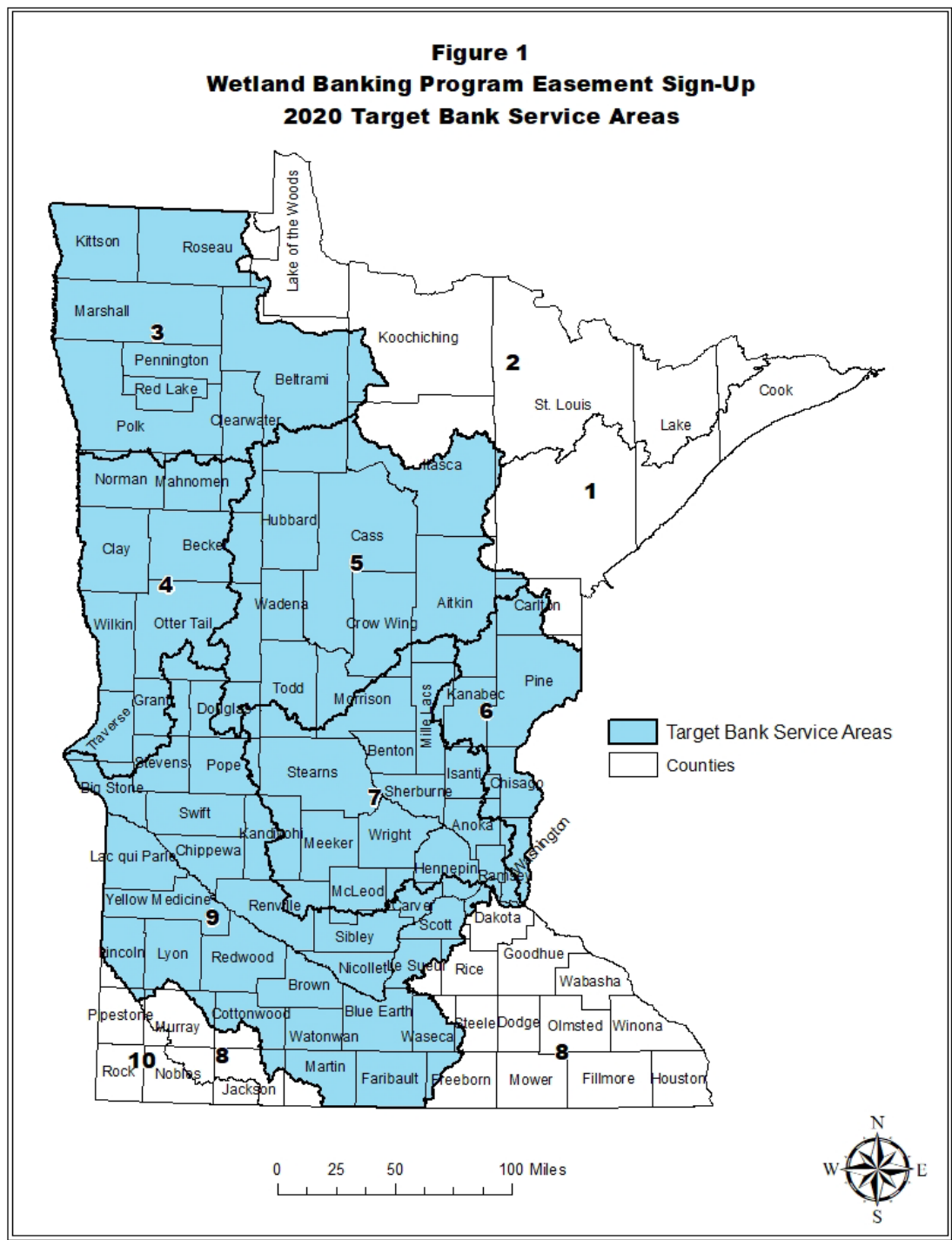
In general, sites which have restorable wetlands are preferred because they will yield the greatest amount of wetland banking credits. For example, restoration of a former wetland that is effectively drained will generally yield more credit than a partially drained wetland with infrequent cropping or haying due to periodic wetness. Both sites in this example are eligible, but the fully drained and cropped site will be preferred. Other characteristics of preferred sites include:

- Sites that address aquatic resource impairments or goals for wetland restoration established in an approved watershed plan;
- For proposals in the St. Croix River watershed (Bank Service Area 6) and the Middle Mississippi River Watershed (Bank Service Area 7), sites that are located in a catchment prioritized for wetland banking by BWSR (see Attachment B)
- Sites that are a minimum of 80 acres in size;
- Sites that can be restored as closely as possible to a historical condition without reliance on structures;
- Sites that historically had wetland types that are declining in numbers in the watershed or region, provide habitat for threatened or endangered species, or serve as wildlife corridors and connections;

## **Does the location of the site matter?**

Yes, BWSR is restricting this sign-up to the following Wetland Bank Service Areas (BSAs) 3, 4, 5, 6, 7, and 9 (see Figure 1). This includes all or portions of the following counties: Aitkin, Anoka, Becker, Beltrami, Big

Stone, Blue Earth, Brown, Carver, Carlton, Cass, Chippewa, Chisago, Clay, Clearwater, , Cottonwood, Crow Wing, Dakota, Douglas, Faribault, Freeborn, Grant, Hennepin, Hubbard, Isanti, Itasca, Jackson, Kanabec, Kandiyohi, Kittson, Koochiching, Lac qui Parle, , Lake of the Woods, Le Sueur, Lincoln, Lyon, Mahnommen, Marshall, Martin, McLeod, Mille Lacs, Morrison, Murray, Nicollet, Norman, Otter Tail, Pine, Pennington, Pipestone, Polk, Pope, Ramsey, Red Lake, Redwood, Renville, Rice, Roseau, Scott, Sibley, St. Louis, Steele, Stevens, Swift, Todd, Traverse, Wadena, Waseca, Washington, Watonwan, Wilkin, and Yellow Medicine. Applicants can determine if a site is in one of these areas by using the “Wetland Banking Interactive Web Map” at <http://maps.bwsr.state.mn.us/banking/>.



### **What about lands enrolled in other programs?**

Some lands previously restored and/or enrolled in other conservation programs (i.e. Conservation Reserve Program) could generate wetland credits in very specific situations. However, because determining the amount of credit generated from these sites is more complicated and the credit yield is typically less, these situations are not preferred projects and are not being sought under this sign-up.

### **How does a perpetual conservation easement affect a property?**

A perpetual conservation easement must be acquired by the State before any restoration activity takes place. The easement restricts certain activities in the restoration area, such as cropping, grazing, haying, grading, and vehicular traffic but the landowner retains ownership of the parcel. The easement *does not* restrict land ownership changes and it allows for hunting and other passive recreational uses. The easement *does not* allow public access, it only allows state and federal agencies access for implementation and easement monitoring purposes. If the easement is not adjacent to a public road, an access easement will be required from a public road to the easement. After construction, BWSR will typically monitor the site for a period of five years to ensure that it is developing consistent with the restoration plan. After BWSR has monitored the site for five years and completed any corrective actions that may be necessary, the landowner takes on greater responsibility for maintaining the site in accordance with the restoration plan and perpetual conservation easement.

### **How many sites will be selected for the program?**

BWSR has approximately \$5.5 million dedicated for wetland credit development. Some or all of these funds may be used for easement sign-up projects. BWSR is also seeking applications for other project development options concurrently though other options and will make decisions between the options based on the selection criteria and the overall best value for the State. Additional funds may become available during the open period of this announcement and, if so, could increase the number of projects selected. BWSR has a goal of pursuing at least one project in each BSA shown on Figure 1 with the funds available. However, it is not possible to know exactly how many sites and associated projects that will be selected because we cannot reasonably predict the size, scope, and cost of potential projects that may be identified. Based on previous easement sign-ups and requests for proposals we anticipate that between seven and fifteen projects may be selected.

### **What is the process for deciding which sites/projects to fund?**

The steps in the review and selection process relevant to the landowner/applicant are provided below:

1. Applications due on or before 2:30 PM on May 21, 2020
2. Initial screening, evaluation and agency coordination of application materials (May 22 to July 26, 2020)
3. Sites selected and notification provided to landowners August 27, 2020

Depending on characteristics of the site and weather conditions, a field inspection/investigation may take place during the review of submitted applications.

Landowners may continue to utilize their property (cropping, haying, etc.) during this period. BWSR only requests that applicants allow the agency reasonable access to the site.

### **If my site is selected, what do I have to do?**

Once BWSR has selected a site for project development, the landowner will be kept informed throughout the acquisition, design and implementation phases of the project (usually through the local SWCD representative). BWSR will finalize project design and easement boundaries through mutual agreement

with the landowner. Once the easement is recorded and the landowner is paid, BWSR will typically have the landowner hire and pay contractors while being fully reimbursed by the State. The SWCD will work with the landowner to facilitate this process. The landowner is *not* responsible for any project planning or oversight.

### **How do I apply?**

Landowners interested should contact their local SWCD office to obtain help determining if their site is a good candidate for the wetland banking program. The SWCD staff can also provide assistance with preparing the application materials for submittal to BWSR. Application materials are also available on the BWSR website.

Applications submitted must be received by U.S. Mail or courier in the BWSR St. Paul Office no later than 2:30pm Central Time, May 21, 2020. Email and faxed proposals will not be considered.

### **Further Questions?**

Questions can be directed to the SWCD where the project site is located or to the following BWSR Wetland Banking Staff

**BWSR Staff:** Dennis Rodacker, Wetland Mitigation Project Manager, [dennis.rodacker@state.mn.us](mailto:dennis.rodacker@state.mn.us) or (651) 666-0913 or Tim Smith, Wetland Mitigation Coordinator, [tim.j.smith@state.mn.us](mailto:tim.j.smith@state.mn.us) .