



# **RIM Wetlands**

## **General Program Guidance Document**

### **3/1/24**

Included in this guidance document is important information relating to the RIM Wetlands Program. While similar to other RIM Reserve programs, there are some key differences for this program that will be important to understand to successfully submit and process funded applications.

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#### **A. GENERAL RIM PROGRAM ELIGIBILITY REQUIREMENTS**

General eligibility requirements for the RIM Wetlands program can be summarized as follows:

- a. 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.
- b. 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.
- c. To meet RIM crop history requirements, the land must have been in agricultural crop production for at least 2 of the past 5 years before the date of application.
- d. The offer must be greater than or equal to 8 acres in size. If the offer is less than 8 acres, a minimum size waiver can be requested if it is part of a group project where cumulative acres are greater than or equal to 8.
- e. The land must not be encumbered by another restrictive conservation easement.
- f. The land must not be in violation of DNR Shoreland, WCA, USDA Swampbuster/Sodbuster or 103E Buffer regulations.
- g. Wetlands restored within RIM easements cannot be used for mitigation purposes.

Additional detail on general eligibility requirements for RIM may be found in the [RIM Reserve Eligibility](#) and [Landowner Eligibility](#) chapters of the RIM Handbook. More specific details regarding additional eligibility requirements and enrollment criteria for the RIM Wetlands program are provided throughout this guidance document.

## **B. LAND ELIGIBILITY**

The purpose of the RIM Wetlands Program is to restore and protect previously drained and altered wetlands and adjacent native grasslands or other important vegetated buffers on secured conservation easements across the State.

Considering this, all applications must contain and enable the restoration of drained and altered wetlands and/or provide for permanent protection of prior restored wetlands completed through CRP or other short term conservation programs.

**Drained and altered wetland areas** are eligible for enrollment and easement payment compensation if they include at least one of the following and if a majority of the identified wetland areas are deemed substantially restorable or prior restored at time of application:

- Farmed/Cropped Existing, Natural Wetlands (not drained)
- Effectively Drained/Altered Wetlands
- Partially Drained/Altered Wetlands
- Previously Restored Wetlands

**Qualifying adjacent lands** that buffer drained and altered restorable wetland areas are also eligible for enrollment and easement payment compensation.

### **Cropped Adjacent Land (meets program crop history requirements)**

Cannot exceed eight (8) acres for each eligible acre of wetland to be restored (8:1 ratio).

Upland that is currently or was recently enrolled into CRP and meets program cropping history criteria is eligible for consideration as cropped adjacent land.

### **Non-Cropped and Other Adjacent Lands**

Limited to 20% of the total area of restorable wetlands and eligible cropped adjacent lands. These additional areas must meet at least one of the following criteria:

- Lands that would otherwise be landlocked or inaccessible due to the proposed easement. Examples include small, wooded areas within a cropped area, rock outcroppings, steeply sloped areas, and areas of existing wetland. This does not include large non-crop areas adjacent to a public water.
- Lands that are needed to provide better and or more manageable/enforceable easement boundaries.
- Lands that are needed to enable the restoration of planned wetlands.
- Includes eligible non-cropped drained and altered wetland areas that are deemed unrestorable at time of application.

Qualifying adjacent lands must abut or adjoin some portion of the eligible, restorable wetland areas within the application. Exceptions to this include situations where narrow non-easement corridors including roads, driveways, ditches, watercourses, etc. exist between the offered easement parcels.

## **Waivers**

A waiver process exists for situations where it is desired to exceed these defined enrollment limits for lands eligible for easement payment compensation. Waiver requests must be able to clearly demonstrate the benefits and need for enrolling and paying for the additional land areas. Requests for waivers should be discussed in **advance** with the Program Manager and must be approved by the Easement Section Manager **prior** to submittal of the RIM Wetlands application.

In the absence of an approved waiver, the enrollment of acres exceeding the defined limits must be treated as donated lands (see **DONATED LANDS** below).

## **C. REQUIRED APPLICATION DOCUMENTS AND SUBMITTAL INFORMATION**

Refer to the [RIM Wetlands Program](#) page on BWSR's website for a list of required general easement application materials. Included in the RIM Wetlands Program page is a supplemental forms workbook that contains additional application materials specific to the RIM Wetlands program. Included is a checklist of required additional maps, a site eligibility worksheet, a site assessment form, and scoresheet. Please review all of this to ensure all required information and documents are included in the application package prior to submitting to BWSR, as only complete applications will be considered for funding.

Applications for RIM Wetlands will be considered for funding on a batch period basis. Times and dates for specific batch periods will be periodically announced by the State. Current batching periods are listed on the [easement programs application calendar](#).

To be considered for funding, applications must be submitted via U.S mail and sent to 520 Lafayette Road North St. Paul, MN 55155. This process helps avoid security issues with sending personal landowner information (i.e., W9 form) via email.

## **D. APPLICATION SCORING AND RANKING**

Applications for RIM Wetlands must be scored locally using the RIM Wetlands program score sheet located within the RIM Wetlands Program form's Excel Workbook. Scores will be reviewed and ranked as part of funding decisions that will be made for each announced batch period.

The identification of drained and altered wetlands and an evaluation of their restorability is a critical part of assessing program eligibility and scoring. Before an application for the program can even be considered, it must be determined that drained and altered or previously restored wetlands exist within the application area. For scoring purposes, it must also be demonstrated that identified wetlands can be considered as being feasibly restorable or have already been restored.

Applications that do not include detailed information in support of this will be considered as incomplete and NOT considered for funding. It will be important to address and identify WHAT is drained and altered or prior restored, HOW the identified wetlands are/were drained and altered, and WHERE the identified wetlands exist. Included is understanding the differences between depressional and non-depressional wetland landscapes as it relates to how application areas are scored.

## **E. EASEMENT PAYMENT INFORMATION**

The payment provided to landowners for the state's conservation easement will be determined by completing the [Conservation Easement Financial Worksheet \(CEFW\)](#) which is a required document for application submittal. The easement payment calculated by the CEFW considers area of land within the application area that falls in one of three categories, land with a crop history, land without a crop history and donated lands. Current RIM Township Payment Rates as provided by the program are also entered on the CEFW for which a total easement payment amount can be calculated.

Eligible, qualifying lands that meet RIM program crop history requirements are able to receive payment under the **RIM Crop** payment rate. Note - most existing CRP acres will qualify as meeting RIM crop history criteria and be eligible for this payment rate. Eligible, qualifying lands that do not meet RIM crop history requirements are eligible to receive payment under the **RIM Non-Crop** payment rate.

## **F. 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:

### **1. 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.

### **2. 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 RIM Wetlands 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 the RIM Wetlands 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 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.

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

See **Appendix 2** below.

#### **G. CONSERVATION PLANS AND PRACTICE PAYMENTS**

A conservation plan will need to be prepared in support of the RIM easement.

Current CRP contract areas that are enrolling into RIM 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.

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.

## Appendix 1. Determining the Extent of Restorable Wetland Acres

The identification and evaluation of drained and altered wetlands is an important part of assessing RIM Wetlands eligibility as well as preparing RIM conservation plans for funded applications. The following information addresses this important topic and is consistent with RIM program guidance and other RIM Programs (i.e., MN CREP).

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 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

## 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

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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 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”***