



RIM Riparian and Floodplain Restoration SWCD Program Guidance



June 2024

Introduction

This guidance document outlines the enrollment criteria and conditions for landowner applications and sign-up for the RIM Reserve conservation easement program on eligible riparian lands. This guidance should be considered additive to existing RIM policy and procedure.

Program Manager

[Dusty Van Thuyne](#), Easement Programs Coordinator

Funding Availability (as of July 1, 2023)

Clean Water Fund (CWF) – \$8.872M available

Outdoor Heritage Fund (OHF) – \$8.562M available

Additional funding may be appropriated during future legislative sessions.

Goals of Program

The program goal is to restore and protect riparian and floodplain areas across the state to improve and enhance water quality and wildlife habitat. The land targeted for this program is existing row crop within a riparian area or a mapped floodplain. This will be accomplished through limited term and perpetual easements, with the flexibility to allow for limited working lands activities. Clean Water Fund easements may have the option of working lands activities within the terms of the easement. Outdoor Heritage Fund easements will not have the added flexibility but will have a haying and grazing [agreement](#) available as an option. Working lands activities are defined below.

Statute Requirements / Program Policy:

1. Easements will be acquired via the RIM Reserve program (Minnesota Statute (MS) [§103F.501](#)).
2. Easements funded with Clean Water Fund dollars may be perpetual or limited term (30-year) easements.
 - a. Minnesota Rules [8400.3110](#) requires an easement “acquired on restorable drained wetlands, replacement wetlands, or land for highway windbreak purposes” to be perpetual.

3. Easements funded with Outdoor Heritage Fund dollars must be perpetual (MS [§97A.056](#)).
4. Eligible land must have been owned by the landowner, or a parent or other blood relative of the landowner, for at least one year before the date of application.
5. Eligible landowner – an individual or entity that is not prohibited from owning agricultural land under MS [§500.24](#) and either owns eligible land or is purchasing eligible land under a contract for deed. Farm corporations need to be certified (or exempt) by the [Minnesota Department of Agriculture](#).
6. Additional RIM Reserve program general eligibility criteria are detailed within the *RIM Reserve Eligibility* and *Landowner Eligibility Types* sections of the [RIM Handbook](#).
7. Riparian/floodplain areas enrolled must be adjacent to public waters defined as: rivers/streams, public drainage systems, wetlands, and lakes as shown on the Public Waters Basin and Watercourse Delineations [layer](#).
 - a. "Public waters" means waters and wetlands as defined in MS [§103G.005](#), and inventoried under MS [§103G.201](#).
8. Areas adjacent to public waters subject to the Minnesota Buffer Law (MS [§103F.48](#)) are eligible to receive payment.
 - a. Non-crop areas are subject to the same 20% non-crop limit described in #6 of the **Sign-up Criteria Summary** section below and require upgrading to native vegetation as feasible.
 - b. A parcel **MUST** be compliant with MS [§103F.48](#) to be eligible for a RIM easement.
 - c. Acres subject to the Minnesota Buffer Law that are enrolled in an active CRP contract at the date of application are eligible to receive payment at the RIM Crop rate.
 - d. Acres subject to the Minnesota Buffer Law that are not enrolled in an active CRP contract at the date of application are eligible to receive payment at the RIM Non-Crop rate.
 - i. Upgrading to native vegetation will be required as feasible.
 - e. If the landowner is using an alternative practice and has a 16.5-foot buffer, the additional 35-foot is eligible to receive conservation practice payments to bring cover up to specifications.
 - i. Parcel compliance and the required buffer width with regards to alternative practices is determined by the SWCD (according to statute). MS [§103F.48](#)'s alternative practice provisions provide for several options for varying widths for required buffers by statute.
9. Areas adjacent to public drainage systems subject to the Minnesota Buffer Law (MS [§103F.48](#)) are not eligible to receive payment and should be excluded from the easement.
 - a. A parcel must be compliant with MS [§103F.48](#) to be eligible for a RIM easement.

10. Average width requirements for riparian and floodplain easements:
 - a. 1,000-foot average minimum from the ordinary high water level of a lake, pond, or flowage.
 - b. 300-foot average minimum from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater.
 - c. Average width can be less than the minimums if there is a natural impediment beyond the landowner's control (e.g., a road or property line).
 - d. Waivers are available.
11. Crop cessation will be the main form of restoration – minimal funding is available for restoring altered hydrology through tile breaks, ditch plugs, etc. on perpetual easements.
12. Food plots may be allowed on easements enrolled, depending on location, and must be approved by BWSR prior to installation.

Sign-up Criteria Summary

1. Program is available statewide.
2. Applications will be accepted during the months of January, July, and October. Applications must be submitted by the last day of the applicable month.
3. MN Conservation Reserve Enhancement Program (CREP) eligible applications are not eligible for this program and must be submitted through a MN CREP batching period.
 - a. A landowner's desire to have food plots within the easement is **not** a reason to determine that the application is not MN CREP eligible.
4. The application must be at least 8-acres in size, unless waiver requirements are met.
5. A minimum scoring threshold may be set based on applications received in a given batching period. BWSR will provide additional guidance on scoring thresholds in the future.
6. The program is focused on cropland restoration, but non-cropped areas can be included if necessary, up to a maximum of 20% of the cropland acreage. An approved waiver will be required to include non-cropland exceeding 20%.
7. Existing vegetation subject to MS §[103F.48](#) between eligible cropland, including existing Conservation Reserve Program (CRP) contracts, and public water source must be included in the easement acreage and is subject to the 20% limitation described in #6.
8. Existing vegetation subject to MS §[103F.48](#) between eligible cropland and public drainage system must be excluded from the easement.
9. Priority should be placed upon land under existing CRP contracts.
10. Whenever possible, land on both sides of a river, stream, or drainage system must be enrolled.

Additional detail on sign-up criteria is provided on the following pages.

Working Lands Activities

For the purposes of this program, working lands activities are defined below. Minnesota Natural Resources Conservation Service (NRCS) Conservation Practice Standards and Job Sheets should be followed. Working lands activities must be part of an approved conservation plan prior to implementation.

- Haying
 - Requires an approved haying agreement/plan.
- Grazing
 - Requires a conservation grazing plan that meets NRCS Grazing Management Plan standards and must be completed or approved by a certified plan writer.
- Silvopasture
 - Requires a conservation grazing plan that meets NRCS Grazing Management Plan standards completed or approved by a certified plan writer and an approved tree planting plan.
- Orchard or nut trees
 - Requires an approved tree planting plan.
- Timber harvest
 - Requires an approved forest management plan.
- Other prior approved activity with a proposed management plan that clearly meets program goals

Easement Payment Rates

RIM Rates will be utilized for applications submitted through this program. The RIM Rates are different than the MN CREP Rates. The most current RIM Rates at time of application should be used. Contact bwsr.rim@state.mn.us to obtain rates for your county. Rates and below percentages are subject to change as new information becomes available. Crop history is defined within the [RIM Handbook](#).

Table 1. Payment Rate by Easement Type

Easement Type	Crop – 32.5% of RIM Crop Rate; Non-Crop – 32.5% of RIM Non-Crop Rate	Crop – 65% of RIM Crop Rate; Non-Crop – 65% of RIM Non-Crop Rate	RIM Crop Rate; RIM Non-Crop RIM
RIM Riparian and Floodplain Restoration (Perpetual)			X
RIM Riparian and Floodplain Restoration: Working Lands (Perpetual)		X	

Easement Type	Crop – 32.5% of RIM Crop Rate; Non-Crop – 32.5% of RIM Non-Crop Rate	Crop – 65% of RIM Crop Rate; Non-Crop – 65% of RIM Non-Crop Rate	RIM Crop Rate; RIM Non-Crop RIM
RIM Riparian and Floodplain Restoration (Limited)		X	
RIM Riparian and Floodplain Restoration: Working Lands (Limited)	X		

Enrolling Non-Cropland

Land that does not meet crop history requirements for enrollment may be enrolled if it benefits the application and/or provides additional water quality and wildlife benefits. These additional non-cropland areas will be subject to all easement conditions and must meet RIM eligibility requirements. All non-cropland must abut or adjoin some portion of the application area except when divided by narrow non-easement corridors (e.g., driveways, ditches, or watercourses).

The enrollment of non-cropland will be limited by the acreage of cropland enrolled. If non-cropland is being enrolled utilizing this provision, documentation is required on submitted maps citing which eligibility category (described below) is being utilized. Maps and acreage documentation are required. Appropriate documentation must be included on maps provided. BWSR reserves the right to not approve non-cropland acres.

Other Lands

The total acreage of non-cropland is limited to no more than 20% of the acres being enrolled as cropland, and could include the following:

- **Landlocked Areas:** Areas owned by the applicant that would otherwise be landlocked or inaccessible due to the proposed easement. Examples may include small, wooded areas within a cropped area, rock outcroppings, steeply sloped areas, and areas of existing wetland.
- **Minnesota Biological Survey Areas of Biodiversity Significance or the Minnesota Wildlife Action Plan: Wildlife Action Network (WAN) Areas:** Areas that include priority threatened habitat. A map showing the species of concern and location of the area within the easement is required.
- **Areas Needed to Provide Manageable Easement Boundaries:** Areas that enable more practical and manageable easement boundaries. Examples include land along a property boundary or areas necessary to provide straight easement boundaries.

- Non-Cropped Lands Needed to Enable Wetland Restoration: Drainage ditches, partially drained wetland areas, and other non-cropped areas necessary for wetland restorations. *This category is only applicable to perpetual easements.*

Minnesota Buffer Law

Land subject to MS §[103F.48](#) is eligible to receive an easement payment if adjacent to a public water. Non-crop areas are subject to the same 20% non-crop limit described in #6 of the **Sign-up Criteria Summary** section above and require upgrading to native vegetation as feasible. Land adjacent to a public drainage system should be excluded from the easement to avoid overlap with drainage authority rights-of-way/easements and to avoid future maintenance conflicts/disturbance. If the landowner is using an alternative practice and has a 16.5-foot buffer along a public water, the additional 35-feet is eligible to receive conservation practice payments to bring cover up to specifications.

Waivers

Requests for waivers **must** be discussed in advance with the Program Coordinator and **must** be approved by BWSR prior to submittal of the application.

Waivers may be submitted to address minimum size and width requirements or non-cropland in excess of the limits listed above. Waiver requests for additional non-cropland must clearly demonstrate the benefits and need for enrolling the additional acres.

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

Donated Lands

There may be situations where enrollment of land that is ineligible for easement payment is desirable or necessary. These areas will be accepted as part of the RIM easement as donated lands. For example, RIM policy states that all Public Waters and Public Waters Wetlands are eligible for enrollment but shall not receive payment. Program preference is to exclude these areas from the easement where the public water is not entirely within the easement. In some situations, it may be more practical to include all or portions of these areas within the easement as donated land.

Subsurface Drainage Tile

Easement lands containing subsurface drain tile are eligible for easement enrollment and payment in accordance with previously discussed eligibility and enrollment criteria. The terms and conditions of a RIM easement do not prohibit necessary, lawful maintenance of existing public and private subsurface drainage tile systems. Said maintenance is the responsibility of the landowner or others and does not become the state's responsibility as a result of the easement.

RIM Conservation Plan

A conservation plan is required for all RIM easements. For land under an existing CRP contract, no changes in vegetative cover will be required. However, vegetative diversity of the area should be reviewed and increased if necessary and possible.

RIM conservation plans use practice codes that identify the type of practice to be established or that exist within the easement. Practice codes that include restoration (vegetative or hydrologic) have an associated per acre maximum reimbursement.

Only restoration work that is completed after the RIM easement agreement has been fully executed can be reimbursed, therefore seed purchase and restoration work should not be done until the agreement has been executed. Requests for reimbursement can only be made after the easement has been recorded and final legal review has been completed. BWSR will not reimburse for restoration costs incurred if the easement is not recorded and approved. Common RIM practices on easements are listed below along with maximum state cost-share.

Table 2. Maximum Cost-Share Amount per Acre by Conservation Practice

Practice Code/Name	Maximum \$/Acre
RR-2a Native Grasses to be Established	\$450
RR-2PP Pollinator Planting to be Established	\$600
RR-3a Tree and/or Shrub Planting to be Established	\$400
RR-8 Wetland Restoration	\$1,200
RR-15 Grazing Infrastructure	\$300
RR-FP Wildlife Food Plot	\$0

RR-15 (Grazing Infrastructure) is available for permanent fence, water tanks, plastic piping, pumps, and grazing plans – up to 50% of total eligible costs not to exceed \$300 per acre for grazing infrastructure on perpetual conservation easements and up to 100% of total eligible costs not to exceed \$3,800 per grazing plan on perpetual conservation easements. Grazing plans must meet NRCS Grazing Management Plan standards and must be completed or approved by a certified plan writer. No cost-share for RR-15 is available for limited term easements.

RR-FP (Wildlife Food Plot) may be an eligible practice for easements enrolled under this sign-up. Factors that should be taken into consideration when determining location of food plots include, but are not limited to, flooding frequency, ordinary high water mark, location of wetlands/hydric soils, slope, etc. BWSR reserves the right to not approve wildlife food plot acres.

For additional information on conservation plans, refer to the following sections in the [RIM Handbook](#):

- *Conservation Plan Development* for RIM conservation plan development
- *Practice Specifications* for information on practices and eligible costs
- *Conservation Plan Implementation* for installation periods and cost-share process

Easement Types

Clean Water Fund easements may have the option of working lands activities within the terms of the easement and can be limited term or perpetual in length. Outdoor Heritage Fund easements will not have the added flexibility but will have a haying and grazing [agreement](#) available as an option and will be perpetual in length.

Table 3. Funding Source Available by Easement Type

Easement Type	CWF	OHF
RIM Riparian and Floodplain Restoration: Working Lands (Limited)	X	
RIM Riparian and Floodplain Restoration (Limited)	X	
RIM Riparian and Floodplain Restoration: Working Lands (Perpetual)*	X	
RIM Riparian and Floodplain Restoration (Perpetual; haying/grazing agreement option)*	X**	X

*Easements containing restorable drained wetlands must be perpetual

**If OHF funding unavailable

Working Lands = haying, grazing, silvopasture, orchard or nut trees, timber harvest

Forms and Items Needed to Complete the RIM Application Materials

A complete application package containing all the items listed in the document titled [RIM Application Guidance](#) should be prepared and submitted directly to:

BWSR Easement Section
 520 Lafayette Road North
 St. Paul, MN 55155

Email GIS shapefile of proposed easement boundary to the RIM Inbox (bwsr.rim@state.mn.us) with a copy of the signed application page. Include name of applicant, county, and easement program in the email subject line. Shapefile must include at least .shp, .shx, .dbf, and .prj files. Easement acres in shapefile must match acres listed on application and CEFW. **Do not include any other application materials when emailing shapefile.**

Program and policy questions can be directed to Dusty Van Thuyne (dusty.vanthuyne@state.mn.us), easement processing questions can be directed to Lucy Dahl (lucy.dahl@state.mn.us).

History

Description of Revisions	Date
<p>Added language under Statute Requirements / Program Policy item #8 to clarify land subject to the Minnesota Buffer Law that is enrolled in an active CRP contract is eligible for payment and should be included in the easement.</p>	12/22/2023
<p>Added language under Statute Requirements / Program Policy item #8 to clarify land subject to the Minnesota Buffer Law that is not enrolled in an active CRP contract is eligible for payment, subject to the 20% non-crop limitation, and should be included in the easement.</p> <p>Added language under Sign-Up Criteria Summary item #3 to further explain MN CREP eligible applications need to be submitted through a MN CREP batching period.</p> <p>Updated the Easement Payment Rates used for this program from 2023 to the most current RIM Rates at time of application.</p> <p>Updated the email address GIS shapefiles are submitted from Pat Sherman to the RIM Inbox.</p>	06/01/2024