BWSR

RIM Wetlands

General Program Guidance Document

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1. General RIM Program Eligibility Requirements

Land being enrolled in the easement must meet the following requirements:

- 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.
- 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.
- The application must be greater than or equal to 8 acres in size. If the application is less than 8 acres, a minimum size waiver can be requested if part of a group project where cumulative acres are greater than or equal to 8.
- The land must not be encumbered by another conservation easement that is as restrictive as RIM.
- The land must not be in violation of DNR Shoreland, WCA, USDA Swampbuster/Sodbuster or Buffer requirements.
- Wetlands restored within RIM easements cannot be used for mitigation purposes.
- RIM Wetland restoration easements must be perpetual (MS §103F.515).
- Lands determined to be eligible for enrollment in CREP are not eligible for enrollment in RIM Wetlands. The desire to include food plots within the application area is not a reason to determine that the application is not CREP eligible.

General eligibility requirements for RIM may be found in the RIM Reserve Eligibility and Landowner Eligibility chapters of the RIM Handbook. Specific details regarding additional eligibility requirements and enrollment criteria for RIM Wetlands is provided throughout this guidance document.

Appendix 2 provides information about the RIM Peatlands program, a sub-program of RIM Wetlands, including eligibility criteria for lands that may qualify for restoration as a peatland.

2. Land Eligibility and Enrollment Limits

The purpose of the RIM Wetlands Program is to restore and protect previously drained and altered wetlands and adjacent eligible upland areas across the State using RIM conservation easements. 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 or other easement programs containing less restrictive terms.

A. Drained and Altered Wetland Areas

Lands containing drained and altered wetlands are eligible for enrollment and easement payment 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 (includes cropped and non-cropped lands)
- Partially Drained/Altered Wetlands (includes cropped and non-cropped lands)

- Previously Restored Wetlands

B. Qualifying Adjacent Lands

Lands that buffer drained and altered restorable wetland areas are also eligible for enrollment and easement payment compensation if they meet any of the following criteria.

i. Adjacent Cropped Land (land meeting program crop history requirements)

Adjacent cropped uplands that qualify as having eligible cropping history are eligible up to eight (8) acres for each eligible acre of wetland to be restored (**8:1 ratio**).

Uplands that have been enrolled in CRP for 2 out of the last 5 years before easement application and met FSA cropland criteria at the time of CRP enrollment are considered as having eligible cropping history and can be included as part of eligible cropped adjacent lands.

ii. Non-Cropped and Other Adjacent Lands

The enrollment and payment for additional, adjoining lands that lack qualifying crop history will be limited to **20%** of the sum of eligible restorable wetland area and eligible cropped adjacent land area. To qualify, these additional areas of non-cropped and other adjacent lands must meet 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. BWSR staff will review these areas by the overall acreage of the area as well as by the percentage of the overall application.
- Lands that are needed to provide better and or more manageable/enforceable easement boundaries.
- Lands that are needed to enable the planned restoration of wetlands.
- Eligible non-cropped drained and altered wetland areas that are deemed unrestorable at the 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 or watercourses exist within the easement area.

C. Waivers

A waiver can be requested for applications that exceed the enrollment limits above. Waiver requests must be able to clearly demonstrate the benefits and need for enrolling the additional land areas. Requests for waivers should be discussed with the Program Manager and must be approved before submittal of the RIM Wetlands application.

In the absence of an approved waiver, acres exceeding the above defined limits may be enrolled in the easement but will not receive easement payment– see **ADDITIONAL LANDS** below**.**

3. ADDITIONAL LANDS

In addition to lands that exceed allowable enrollment limits as defined in **Section 2** above, there are other situations where land is not monetarily compensated for. This includes, but may not be limited to, the following areas:

A. Public Waters and Public Waters Wetlands

Areas containing Public Waters and Public Waters Wetlands, as identified by DNR through specific OHW determinations or other reasonable determinations, are eligible for enrollment but cannot be compensated for.

B. Drainage Systems

For many wetland restorations to be considered feasible, it will be necessary for all or portions of existing surface drainage ditches to be included as part of the RIM easement. This includes both cropped and non-cropped ditches and watercourses that will be plugged, filled, or otherwise abandoned as part of planned wetland restoration work. When their enrollment is necessary for successful restoration of planned wetlands, these ditch areas can be included as part of the lands eligible for easement payment.

For ditches and watercourses that cannot be abandoned as part of planned restoration activities because their continued use benefits other lands, it is preferable to exclude the ditch or watercourse and its right-of-way from the RIM easement area. When it's not practicable to exclude them, these ditches and their associated right-of-way can be included as part of the RIM easement area but will not be eligible for easement payment. This applies to both public and private drainage ditches. If not legally defined through an existing 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 on each side of the ditch).

Lands that contain public or private subsurface drainage tile can be included in the easement area. When feasible, these subsurface drainage systems will be disabled, abandoned, and/or modified to facilitate the restoration of planned wetland areas.

When functioning drainage systems are located within the boundaries of a RIM easement, the easement allows the landowner or other appropriate party to perform necessary, continued maintenance and repairs to the drainage system. For additional information, see BWSR's Conservation Easement Drainage Systems Maintenance Administrative Policy document.

4. Easement Payment Information

Payment for the RIM easement will be determined by completing the Conservation Easement Financial Worksheet (CEFW) required for application submittal. Crop and non-crop acres as well as Current RIM Township Payment Rates are entered on the CEFW and a total easement payment will be determined.

The easement payment calculated by the CEFW considers land within the application area that is eligible for easement payment. Acres that are not monetarily compensated for are reported on the CEFW with no payment calculation.

Eligible, qualifying lands that meet RIM program crop history requirements receive payment under the **RIM Crop** payment rate. To be eligible for this payment rate, enrolled areas must have been in agricultural crop production for at least 2 of the past 5 years immediately prior to the date of the easement application. Most acres in an existing CRP contract will qualify as meeting RIM crop history criteria and be eligible for this payment rate. BWSR staff will provide additional guidance for payment on lands enrolled in CRP or other, less restrictive land conservation programs.

Eligible, qualifying lands that do not meet RIM program crop history requirements will receive the **RIM Non-Crop** payment rate.

5. Required Application Documents and Submittal Information

Refer to the RIM Wetlands Program webpage for a list of required easement application materials, including a workbook with application materials specific to the RIM Wetlands program, a checklist of required maps, a site eligibility worksheet, a site assessment form, and scoresheet. Please ensure all required information and documents are included in the application package prior to submitting to BWSR.

Applications for RIM Wetlands will be considered for funding during batching periods. Current batching periods are listed on the easement programs application calendar. Applications must be submitted by the last day of the applicable month.

To be considered for funding, applications must be submitted via U.S mail and sent to BWSR, Attn: Easements, 520 Lafayette Road North, St. Paul, MN 55155. Mailing is currently necessary to protect personal landowner information (including social security numbers) that may be at risk through email.

6. Application Scoring and Ranking

Applications for RIM Wetlands must be initially scored by SWCD staff using the RIM Wetlands program score sheet located within the RIM Wetlands Workbook. Scores will be reviewed and ranked as part of funding decisions that will be made for each batching period.

The identification of drained and altered wetlands and an evaluation of their restorability is a critical part of assessing program eligibility and scoring. For an application to be considered and scoring reviewed, it must be determined that restorable drained and altered wetlands or previously restored wetlands exist within the application area.

Applications that do not include detailed information in support of these requirements will be considered incomplete and not considered for funding until all information is received for application review. It is important to identify the wetlands that are drained and altered or previously restored, how the identified wetlands are/were drained and altered, and where the wetlands exist. It is also important to understand the difference between depressional and non-depressional wetland landscapes and how application areas are scored. See Appendix 1 for further guidance.

7. Conservation Plans and Practice Payments

A conservation plan is prepared in support of the proposed 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 increase vegetative diversity with RIM enrollment due to the permanency of these sites.

RIM conservation plans use practice codes that identify the type of conservation practice that exists within the easement and/or those that will be established. RIM practice codes that include restoration (vegetative or hydrologic) have an associated per acre maximum reimbursement payment. Reimbursement will be provided by the state for eligible activities, not to exceed these maximum amounts.

Food plots may be allowed on easements enrolled, depending on location, and must be approved by BWSR prior to installation. Seeds treated with neonicotinoids are prohibited.

Appendix 1. Determining the Extent of Restorable Wetland Acres

The identification and evaluation of drained and altered wetlands is an important part of assessing an application's eligibility for RIM Wetlands as well as preparing RIM conservation plans for funded applications. The following information addresses this 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 when farming has ceased and hydrophytic vegetation has been established.
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, hydrologic restoration is still considered accomplished as "minimally restored" upon establishment of hydrophytic vegetation within these areas.

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 conservation plans.

Drained and altered wetland areas are best identified by first observing areas of mapped hydric soils. The NRCS Web Soil Survey provides the extent and area of all hydric and non-hydric soil map units. It also provides 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 extent of a former wetland. Therefore, 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 additional resources to review and consider when identifying drained and altered wetland areas includes:

- 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)
- Professional judgment

Appendix 2: Peatlands Subprogram

Included in this appendix is important information relating to the RIM Wetlands-Peatlands subprogram. The goal of the Peatlands subprogram is to identify, restore, and protect Minnesota's peatland resources for the climate and carbon storage benefits they provide. Dedicated funding for the restoration of drained and altered peatlands is available as part of the RIM Wetlands Program.

For program purposes, a peatland is defined as *a type of wetland ecosystem characterized by natural, high accumulations of organic matter derived from decaying plant material under relatively constant soil saturation. Peatlands are dominated by actively forming peat and a significant layer, typically a foot or more, of accumulated peat*. To simplify this, drained and altered wetlands that contain histosol soils on a majority of their acres will potentially be eligible for this dedicated funding. Histosol soils are typically identified as peat or muck soils.

Applications received during scheduled RIM Wetlands batching periods will be reviewed by BWSR staff to determine if potential sites qualify for peatlands funding. Criteria that will be considered include' but may not be limited to':

- A majority of the restorable wetland acres must be located on Histosol soils. BWSR's Potentially Restorable Peatlands mapping tool can be used to provide initial screening for histosols, which can be verified through the Web Soil Survey (check *Suitabilities and Limitations for Use/Soil Taxonomy Order*).
- The majority of the identified wetland acres must be drained or altered and deemed restorable. Lands that are part of the restored peatland do not need cropping history to be eligible. Land included in the easement that is not part of the peatland being restored must request a waiver to exceed 20% of the sum of eligible restorable wetland area and eligible cropped adjacent land area as required for RIM Wetlands. The easement payment will be calculated using the current land cover (crop or non-crop).
- A majority of the restored wetland area on histosol soils should be capable of being hydrologically restored to a continuously saturated water regime and be relatively stable, not subject to long duration periods of drying or flooding.

Enrollment and restoration of other wetland types within the application area is allowed, which can help with scoring and funding determinations. For peatlands funding, however, the majority of identified drained and altered wetlands will need to meet the above criteria.

Additional Considerations:

- Sites potentially eligible for peatlands funding still need to meet all other eligibility criteria for the RIM Wetlands program.
- Applications should be prepared like all other RIM Wetlands applications and submitted during scheduled batching periods.
- Considering the importance of restoring this wetland resource and the unique landscapes in which they are often located, scoring thresholds for funding consideration will be lower than for other, non-peatland wetland applications. There is no currently no minimum score established.
- Applications not selected for peatlands funding will still be eligible for funding as part of the regular RIM Wetlands Program.