

Instructions and Procedure for Submitting an Easement Alteration Request: Private Landowner Request

Prior to submitting an easement alteration request, please read through the [Easement Alteration Policy](#) to ensure the request meets all conditions outlined in the policy. The Board will only consider requests that meet all policy conditions, and include all required documents and information described below.

Landowners must work with their local Soil and Water Conservation District (SWCD) to prepare the easement alteration request. SWCD should notify BWSR easement staff of pending requests, prior to SWCD board action.

Procedure for submittal:

1. SWCD must submit a GIS shapefile of the area proposed for release to karli.swenson@state.mn.us for review.
2. BWSR will verify easement boundary and determine accurate release acres
3. SWCD, working with landowner, fills out [Easement Alteration Request Form for Private Landowner Request](#) and gather all required documents and information prior to submitting request to BWSR. A complete request must include:
 - A. A letter from the landowner to the BWSR Board requesting the alteration, including the following information:
 - a. Easement number
 - b. Acres proposed for release and replacement (meeting replacement ratios in policy)
 - c. Description of proposed activity or impacts to the easement area
 - d. Explanation of why the activity must occur on easement lands, and there is no reasonable alternative
 - e. How impacts to the easement area will be minimized
 - B. A map clearly showing the existing easement boundary and the areas proposed for release and replacement.
 - C. A map showing proposed release and replacement areas with soil survey and/or national wetland inventory data.
 - D. A copy of the recorded deed showing land ownership of the replacement lands
 - E. A letter from the SWCD board recommending either approval or denial of the request and their reasoning.
 - F. A letter from the DNR Area Wildlife Supervisor* recommending approval or denial of the request, considering if natural resources benefits will be enhanced by the proposal.
- *For ACUB easements, a letter from Camp Ripley (in support or in opposition to the request) is required in place of DNR recommendation. This is to ensure that the request is compatible with the mission of Camp Ripley and the ACUB program.
- G. A GIS shapefile of the proposed release and replacement areas
- H. \$1000 non-refundable processing fee from landowner payable to BWSR.

4. SWCD staff can e-mail complete requests, along with the Easement Alteration Request Form to BWSR at bwsr.rim@state.mn.us.

5. At the time of request submittal, the landowner must mail the initial \$1000 administrative fee to:

MN Board of Water and Soil Resources
Attn: Sharon Doucette
520 Lafayette Road N, St. Paul, MN 55155

Please include the RIM Easement number in the memo of the check.

6. If the request meets all conditions and requirements outlined in the Easement Alteration Policy, BWSR staff will present the request to the RIM Reserve Committee at their next scheduled meeting. The landowner may be asked to attend the RIM Reserve Committee meeting to answer questions related to the request, and failure to attend the meeting may result in a recommendation for denial.
7. The Committee will vote on a recommendation to approve or deny the request. The RIM Committee will then make a recommendation to the BWSR Board at the next month's board meeting, and the Board will make the final vote to approve or deny the request. The landowner may be asked to attend the Board meeting to answer questions related to the request.
8. BWSR staff will inform the SWCD of approval or denial of the landowner's easement alteration request within 60 days of receipt of all the above required items.*
***IMPORTANT: Easements with certain funding sources may require outside approval from partner agencies or legislative councils before BWSR can alter the conservation easement. Examples include Federal ACUB easements and easements funded by LSOHC and LCCMR. In those cases, additional time will be necessary to seek the required approval from outside entities, before BWSR can amend the easement. Denial of alteration requests by partnering entities will result in BWSR denial of the request by default.**
9. **If a request is approved by the BWSR board (and any other required entities), an additional \$2000 administrative fee, paid by the landowner, is due to BWSR, prior to staff beginning title work and drafting of easement amendment documents.** Failure to pay the \$2000 administrative fee will result in cancellation of the easement amendment. BWSR will request the administrative fee after Board approval.
10. BWSR staff will draft an amended legal description and Exhibit A map and coordinate with the title company and SWCD to perform a title review of the amended easement area.
11. If a title review determines there are any objectionable encumbrances on the title pertaining to replacement acres, the landowner is responsible for clearing objectionable encumbrances, at landowner's cost, or the easement may not be amended. SWCD staff will work with landowner on any title requirements.
12. SWCD will draft an amended conservation plan using the revised easement boundary and send to BWSR for approval. According to the Easement Alteration Policy, the landowner is responsible for the cost of installing conservation cover on replacement acres, if necessary.
13. BWSR staff will draft the amended conservation easement and send to SWCD with the amended conservation plan to obtain landowner signatures. The SWCD will then coordinate with the title company to record the amendment and update the title insurance policy. Activities that would be in violation of the easement cannot occur on the release area until the easement amendment is recorded.