

## **Instructions and Procedure for Submitting an Easement Alteration Request:** **Public Infrastructure, Utilities, or other Public Needs Projects**

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.

Entities should 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 will obtain a GIS shapefile (.shp) or CAD drawing (.dwg) of proposed area of easement impact (proposed release area) and send to [karli.swenson@state.mn.us](mailto:karli.swenson@state.mn.us) for review.
2. BWSR will verify easement boundary and determine acreage for partial release.
3. BWSR will determine compensation due for partial release based on acreage, project type, and rates determined by policy, including conservation practice reimbursements. BWSR will send completed calculation sheet to SWCD.
4. SWCD will fill out [Easement Alteration Request Form for Public Infrastructure Projects](#) and gather all required documents and information prior to submitting request to BWSR.

A complete request must include:

- A. A letter from the entity proposing the partial release, including the following information:
    - a. Easement Number
    - b. Acres proposed for release
    - c. Description of the project and impacts to the easement area
    - d. How the request will fulfill a public need or improve public health or safety
    - e. Why there is no reasonable alternative to impacting the easement and how easement impacts have been minimized to the extent feasible
  - B. A map clearly outlining the existing easement boundary and the areas proposed for release.
  - C. Deed (if entity holds fee title) or Easement (if entity holds easement interest) for release area. If the entity does not hold fee title or easement, a letter from the landowner giving permission for the alteration is required.
  - D. A letter from the SWCD board, recommending either approval or denial of the request and their reasoning.
  - E. For ACUB easements, a letter from Camp Ripley in support or in opposition to the request (should be requested by SWCD). This is to ensure that the request is compatible with the mission of Camp Ripley and the ACUB program.
  - F. For utility projects under jurisdiction of the MN Public Utilities Commission, the Certificate of Need and Route Permit are required.
  - G. Other documentation such as project plans, surveys, soils maps, wetland or other regulatory compliance information, as requested.
5. SWCD staff can e-mail complete requests, along with the easement alteration request form to BWSR at [bwsr.rim@state.mn.us](mailto:bwsr.rim@state.mn.us).

6. At the time of request submittal, the entity should mail the \$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 easement number in the memo of the check.

7. When all required items are received, and if the request meets all conditions of the Easement Alteration Policy, BWSR staff will present the request to the BWSR Executive Director for a decision.
8. BWSR staff will notify the entity and SWCD of approval or denial of their easement alteration request within 60 days of receipt of complete request and the processing fee.\*

**\*IMPORTANT: Easements with certain funding sources may require outside approval from partner agencies or legislative councils before BWSR can alter the conservation easement. These 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 alter the easement. Denial of alteration requests by funding authorities or partnering agencies will result in BWSR denial of request by default.**

9. When all required approvals have been obtained, BWSR will provide an invoice for total amount of compensation due to BWSR for the release of easement acres.
10. Once final payment is received, BWSR staff will begin drafting the official partial release documents and will send to the SWCD for recording when complete. This process may take 1-2 months. If entities need to begin construction or bidding prior to recordation of the partial release, BWSR can grant permission in writing for those activities to occur before the easement release is recorded, after the release is approved by the executive director and applicable outside entities and all fees are paid for the release.