

Site Inspection Requirements

Routinely inspecting RIM easements is a requirement of the funding BWSR receives from the legislature for all easement programs. Site inspections are a mechanism to ensure all requirements of the easement and conservation plan are being followed, and also an opportunity to build and maintain relationships with easement landowners. This may include providing suggestions for enhancement of vegetation and maintenance of the land or structures to ensure the easement is serving the conservation goals.

1. Timeline of Required Site Inspections

Easement funding requirements stipulate an easement must be inspected on-site for the first five consecutive years after the easement is recorded, then every third year thereafter.

The following table contains an example site inspection schedule for an easement recorded between February 2029 and February 2030. (Easements recorded after February begin the site inspection cycle in the following year.)

First 5 Site Inspection Cycles	Begin 3 Year Site Inspection Rotation
2030 – 1 st Site Inspection	2035 – No Inspection
2031 – 2 nd Site Inspection	2036 – No Inspection
2032 – 3 rd Site Inspection	2037 – Inspection Year
2033 – 4 th Site Inspection	2038 – No Inspection
2034 – 5 th Site Inspection	2039 – No Inspection
	2040 – Inspection Year

If a compliance concern is noted on the easement, that easement will be flagged for a follow-up on-site inspection every year until the compliance concern is resolved.

2. Annual Inspection Activities Timeline

A list of the easements required to be inspected will be provided to SWCDs annually in March. All easements on the list need to be inspected on-site prior to the last business day of October of that year.

The following table outlines annual site inspection activities by month.

Month	Action
March	Site Inspection Lists E-mailed to SWCD
March-October	SWCD conducts on-site inspections
October (Last Business Day)	Signed Site Inspection List due to BWSR
November-December	BWSR reviews all compliance concerns and boundary issues noted during inspections and provides guidance to SWCDs

3. Annual Site Inspection Lists

The list of easements that require on-site inspections in a given year are emailed to SWCDs annually in March. Any easements requiring re-inspection due to a prior compliance concern are highlighted with a brief

description of the concern included. The annual email will include the date the signed site inspection list is due to be returned to BWSR, and a link to the Site Inspection Form and guidance on the BWSR Website. When all site inspections are complete for that year, the SWCD staff who completed the inspections must sign and return the list to BWSR. The signature certifies all sites were inspected on-site and all compliance concerns have been reported to BWSR.

Site Inspection Preparation

1. Review Aerial Images, Easement Boundary & Easement Documents

Prior to the on-site inspections, the SWCD should review each easement boundary in the [BWSR RIM Public Boundary Layer](#) using the most recent aerial photography available. Compare the boundary shapefile to the Exhibit A map and legal description from the recorded easement document. This review should identify if there appears to be encroachment or other uses in the easement area not consistent with the conservation plan, and whether the easement boundary shapefile appears accurate. If any encroachments are visible, those areas should be inspected thoroughly while on site. If the easement boundary shapefile appears inaccurate, contact Peter Jordet (peter.jordet@state.mn.us) to review the easement boundary prior to inspecting the site.

If the SWCD has a handheld GPS device available, download boundary information to the device before going into the field so that the site can be inspected using the most accurate spatial data.

The SWCD should confirm that landowner information is current by comparing it with County Assessor data. To prepare for the site inspection, review the terms and conditions in the recorded easement document. Easement terms and conditions have evolved over time, so requirements are not the same for all easements.

2. Prepare Forms

A site inspection form must be completed for each easement on the site inspection list provided by BWSR that year. A copy of the [Site Inspection Form](#) is available on the BWSR Website. Field staff should obtain the form from the website each year as the form may have been updated since its last use. Inspectors should not use copies of the form from prior years.

Prior to visiting a site, fill out the following information on the form:

1. The easement and landowner information at the top of the form, including the inspector's name and the current landowner's information.
2. If ownership had changed, checked the "Yes" box and submit an [Ownership Change](#) to the RIM general e-mail address: bwsr.rim@state.mn.us
3. Pre-fill each "Practice Area" and "Practice/Code" under the Practice Conditions section. This information will be found on the conservation plan. Please ensure the most recent, BWSR-approved conservation plan is used.

3. Notify the Landowner

Though the conservation easement grants the State and its agents the right to access the site for monitoring and enforcement, it is ideal to contact the landowner to notify them before the easement will be inspected. This is done out of courtesy to the landowners and for the safety of staff inspecting the easement. The

landowner is not required to be present during the inspection. However, having a landowner present can be beneficial for both the inspector and the landowner.

On-site Visit

During the on-site visit, SWCD staff assess and rate the condition of each conservation practice area and determine any maintenance or management needs. The easement area and easement boundary are also monitored for compliance concerns or encroachment. On-site inspections may include follow-up visits for previously identified compliance concerns to determine if adequate resolution has occurred.

Filling out Site Inspection Forms

The [RIM Easement Site Inspection form](#) must be filled out during each on-site visit. The following guidance provides details on each section of the site inspection form.

1. Conservation Practice Condition

Field staff should inspect each practice area delineated on the easement's most recent, BWSR-approved Conservation Plan. Based on field observations, the vegetation condition of each practice area should be rated using the following options on the form's drop-down menu:

Good – *the practice is established as planned; minimal or no maintenance is needed.*

Fair – *the practice is adequate, but some maintenance is suggested.*

Poor – *the practice needs attention; management is necessary to meet practice specifications.*

Each rating is based on whether or not the practice is consistent with the planned condition, and the observer's best professional judgement of the need for vegetation maintenance or management. Suggested or necessary maintenance should be described in the text box adjacent to the practice condition. For example, if the planned practice is a native grass/forb planting and there are many volunteer trees or shrubs growing in the practice area, the suggested maintenance might be "Control invasive/woody vegetation".

Field staff should keep in mind that older easements may have been planted with introduced species as the planned conservation practice. In those cases, a field dominated by smooth brome grass, for example, might still be considered in "Good" condition, because the practice is established "as planned". On the other hand, a practice area that was intended to be native grasses and forbs, but is dominated by introduced species, would not be considered "Good" based on the above descriptions. The rating should be based on the *planned* condition.

If a practice area is given a "Poor" rating, this prompts the need to send the site inspection form into BWSR by the site inspection due date. A practice area marked "Poor" will not necessarily be considered a compliance concern, unless it is clearly the result of landowner negligence (such as dominated by uncontrolled noxious weeds) or other actions that have inhibited vegetation establishment. In those cases, the issue should be noted in the Easement Compliance section of the form. If re-installation of a practice seems necessary to meet conservation plan goals, the SWCD should note that in the "suggested maintenance" box on the form, and consider sending in a [PIRF](#) if the failure is beyond the landowner's control.

2. Easement Compliance

This section of the form is used to identify activities or easement conditions that are non-compliant with the easement terms. If any of the listed compliance concerns are observed within the easement boundary during the on-site inspection, field staff should document those observations on the form by checking “Yes” next to the compliance concern. Any compliance concerns observed should also be documented with photographs and GPS data to show the location and extent of the concern.

A. Unauthorized crops are planted on the easement or there is crop encroachment

This concern would include any crops planted within the easement boundary that are not authorized by the easement, not authorized as a Compatible Use, or wildlife food plots not approved by BWSR in the RIM Conservation Plan. It also includes crop encroachment into the easement area by the landowner or neighboring farming operation.

Certain easements, such as RIM Drinking Water easements, may allow perennial agricultural crops as an approved practice. So, in some instances, certain cropping practices may be authorized and therefore would not be considered a compliance concern. Refer to the easement document and/or BWSR-approved conservation plan if it is unclear whether or not a food plot or perennial cropping practices have been authorized.

On any easement, crops that were established prior to the easement being recorded are allowed to remain through the end of the growing season in the year the easement was recorded.

If wildlife food plots are present that are not authorized in the BWSR-approved conservation plan, this should be noted as a compliance concern. To resolve, the SWCD needs to send an amended Conservation Plan to BWSR for review and approval, before the food plot is considered authorized.* Existing unauthorized food plots are not guaranteed to be approved. Landowners may be required to terminate the food plot(s) and re-establish appropriate cover at their own expense. See [RIM Food Plot Guidelines](#) for further information.

*Food plots are not allowed on MN CREP Cropland acres on easements with an active CRP contract. See [MN CREP General Program Guidance](#) for additional information.

B. Unauthorized Haying or Grazing

This concern would include any haying or grazing activities within the easement boundary that are not authorized by the easement, the BWSR-approved conservation plan, or a BWSR-approved Haying and Grazing Agreement. Certain easement types allow haying and/or grazing as a standard practice, with an approved haying or grazing plan as part of the Conservation Plan. Refer to the easement document and/or approved Conservation Plan if it is unclear whether or not grazing is an authorized use of that easement.

Other easement types may have an approved [Haying and Grazing Agreement](#) that allows for temporary, limited use of these practices for native vegetation management. In these instances, the SWCD should still be monitored to make sure the conditions and restrictions of any authorized haying or grazing plans are being met. All other instances of haying or grazing within the easement boundary should be noted as a compliance concern.

C. Structures

The easement prohibits the building of structures within the easement area. Examples of prohibited structures include, but are not limited to, houses, garages, cabins, barns, sheds and other outbuildings,

animal enclosures, grain bins, silos, fences (except in approved grazing plans), pools and swing sets. Wind turbines, utility and cell towers are also considered structures and would be considered a compliance concern UNLESS a pre-existing utility easement was in place prior to the RIM easement (or they were authorized by BWSR). Refer to the easement's title insurance documents to verify if a utility easement was in place prior to RIM easement acquisition. New utilities cannot be constructed on the conservation easement area without prior authorization from BWSR.

Temporary deer stands or hunting blinds *may* be considered compatible with the conservation easement, if the footprint is small and they have minimal or no impacts on vegetation or conservation practices. Deer stands or hunting blinds are only considered compatible with the conservation easement IF:

- they do not have permanent features, such as foundations, cement footings or supports permanently anchored to the ground;
- they do not inhibit vegetation growth or result in any modification of wildlife habitat or planned conservation practices;
- they are of minimal or reasonable size (no greater than 50 square ft.)

Abandoned or dilapidated deer stands or hunting blinds are considered junk or debris and should be removed from the easement. SWCDs must use their discretion to determine when a temporary deer stand or hunting blind seems reasonable or problematic, but ultimately, BWSR has the authority to ask that any stands or blinds be removed. Any areas damaged during removal must be restored at the landowner's cost.

D. Dumping or Storage of Materials, Equipment or Junk

The easement prohibits dumping, storage or placement of any materials, substances, or objects within the easement area. Any pre-existing junk piles or equipment storage should have been identified prior to easement acquisition and are required to be removed at the landowner's cost per the Agreement for Conservation Easement. Any new or ongoing storage, dumping, or placement of any materials, objects, equipment, junk, or debris (including new rock piles, or spoil from ditch cleaning) should be noted as a compliance concern.

E. Dumping, Storage, or Landfill of Solid or Hazardous wastes

The easement area may not be used to dump, store, or landfill any solid or hazardous waste, including municipal sewage sludge, manure or bio-solids. This also includes household or agricultural hazardous waste or containers.

F. Unauthorized Tree Removal

The easement prohibits removal or harvest of trees in the easement area, except as provided in a BWSR-approved conservation plan or forest management plan for habitat improvement purposes. See guidance on [Forest Management on RIM Easements](#) for further information on allowed forest management practices and the process for BWSR authorization.

Prior authorization is not needed for:

- Invasive species control, such as buckthorn removal
- Removal of dead or downed timber
- Cutting up to 10 cords of firewood for personal use annually
- Removal of trees from embankments or water control structures
- Removal of beaver dams (following DNR regulations)

- Woody brush management in grassland practice areas
- Maintenance of **existing** forest roads or trails for management purposes that were in place at the time of easement acquisition (and depicted on the BWSR-approved conservation plan)
 - Cannot be gravel or pavement, and cannot be widened or moved without prior authorization (forest action plan)
 - Any new trails for forest management purposes must be pre-authorized through a forest action plan to be considered in compliance with the easement

If there is tree removal or harvesting that does not meet the above conditions or has not been authorized through a forest management action plan, note it as a compliance concern.

G. Noxious Weeds

Both the conservation easement, and MN State law require landowners to eradicate, or control prohibited noxious weeds on their property. A list of prohibited noxious weeds can be found [here](#). If noxious weeds are present and are not being controlled by the landowner, this is both an easement compliance concern and a potential violation of MN Noxious Weed Law. The compliance concern should be reported to BWSR and could also be reported to the County Ag Inspector who has jurisdiction over noxious weed control at the county level. Landowners who don't voluntarily comply with noxious weed laws may be subject to fines or other penalties.

H. Unauthorized Mowing or Spraying of Chemicals

The conservation easement prohibits both mowing and spraying of chemicals, except when necessary for weed control or vegetation establishment and management purposes. Use of herbicides for weed control should follow [best management practices](#) and care should be taken to not cause excessive damage to native vegetation.

Temporary mowing of trails for access to areas of the easement for conservation management purposes is considered allowable uses, as long as vegetation is allowed to regenerate when not in use. Temporary access trails should be no wider than the minimum width necessary to carry out management practices.

Mowing of fire breaks is allowed when planning a controlled burn. Vegetation must be allowed to regenerate after the burn is conducted.

Excessive mowing of trails, mowing of yards or large areas of the easement should be treated as a compliance concern.

I. Surface or Subsurface Mining

The easement prohibits extraction or mining of gravel, rock, topsoil or minerals from the easement area by surface or subsurface mining. Any of these activities, when done by the landowner or their agent, are not in compliance with the conservation easement. In certain circumstances, severed mineral rights that predated the easement may be held by another person or entity. In such cases, extraction of minerals in a manner that does not disturb the surface of the easement would not be considered a violation. Any surface disturbance of the easement from mining activities should be documented and reported as an easement compliance concern.

J. Unauthorized Modification of Vegetation, Wildlife Habitat or Natural Features

This concern applies to any activity that modifies or alters vegetation, topography or hydrology within the easement area in a manner that is inconsistent with the BWSR-approved conservation plan or was not

authorized, in writing, by BWSR (such as a compatible use). This concern would also include failure to restore the easement area to its prior condition after authorized maintenance or repair of [existing drainage systems](#), maintenance of pre-existing utilities, or any other pre-authorized temporary disturbance.

Certain modifications to the easement area may be allowed through Compatible Use Authorization. Otherwise, any unauthorized activity that modifies vegetation, topography or hydrology within the easement area should be considered a compliance concern.

K. Wetland Water Levels have been altered

The easement allows only the State or its agents to manage or control water levels associated with wetlands within the easement area. Water control structures should not be tampered with or modified by the easement landowner, without state approval, aside from clearing problematic vegetation. (Beaver dam removal is an allowable activity, following [DNR regulations](#), and is not considered an easement compliance concern.)

New tile outlets into restored wetlands within the easement are also considered a compliance concern, if not previously reviewed and authorized by BWSR.

L. Prior Compliance Concerns

If the site inspection is a follow-up inspection to check on previously noted compliance concern, the area of concern should be inspected to ensure that the concern has been sufficiently resolved. The inspector should answer “Yes” that this is a follow-up inspection for a previous concern. If the compliance concern has not been successfully resolved since the last inspection, check “Yes” when asked if the concern is still present. If the prior concern is resolved upon the follow-up inspection, the SWCD should check “No” that the concern is no longer present but should still send the site inspection form in to BWSR so that the easement can be removed from the follow-up inspection list and marked as resolved.

If any of the above concerns are observed during the on-site inspection, the SWCD should describe the concern in the text box on the form in more detail. It is also important that the compliance concern(s) be photographed and documented with GPS to capture the location and extent of the concern(s) while in the field.

3. Easement Maintenance Concerns

Easement maintenance concerns are issues identified on the easement that are not necessarily a compliance concern but may signal a problem on the easement that needs attention. Easement maintenance concerns observed during site inspections should be reported so that they can be addressed before becoming a larger problem. Some of the easement maintenance concerns listed may trigger a follow-up action from BWSR, assistance from BWSR to address the issue, or alert the landowner that maintenance is suggested.

A. Easement Boundary is not marked or posted

Most newer easements (beginning in 2017) require boundary posting as a condition of the easement. Refer to the easement document to verify whether or not boundary posting is mandated. For these easements, BWSR will consider it a compliance concern if the boundary is not posted, or posts have been removed.

The permanent marking and staking of the easement boundary should normally take place at easement corners and at 500-foot intervals along the easement boundary.

Some older easements did not have a boundary posting requirement written into the easement language. However, it is still strongly suggested that all easement boundaries be posted to prevent encroachment, and to clarify the location to eliminate any confusion. Boundary posts and sign hardware are a reimbursable expense for SWCD staff under the current MJPA.

If there appears to be a discrepancy between the recorded easement boundary, the BWSR public boundary shapefile, and the assumed location by the landowner or SWCD, contact BWSR to do a boundary review before proceeding with boundary posting.

B. Site is Dominated by Undesirable Vegetation

This would be the place to note when a site is dominated (>50% cover) by introduced species or invasive species, EVEN IF the planned practice was existing or introduced vegetation. The main purpose of this maintenance concern is for the SWCD to take note and inform BWSR that the site may benefit from [vegetation enhancement](#) and a conservation plan amendment, to upgrade cover. BWSR will track sites with poor vegetation establishment to help guide the use of available vegetation enhancement funding, and the need to request additional funding in the future. If the site meets the criteria for vegetation enhancement, the SWCD should consider sending in a vegetation enhancement request if the landowner is willing to participate in upgrading vegetation on the easement.

If the site does not meet the criteria for vegetation enhancement funding, or funding is currently unavailable, the SWCD should still suggest management practices to the landowner that may improve vegetative cover on the easement.

C. Trees are growing on berms or embankments (wetland restoration easements only)

If trees or shrubs are growing on dikes or earthen embankments, it is important to inform the landowner that maintenance is necessary to protect the integrity of the embankment. Necessary maintenance of water control structures, such as controlling woody vegetation, is required of the landowner as a condition of the easement. If this concern is noted, field staff should document with photographs to show the severity of the concern and suggest the proper maintenance strategy to the landowner. Concerns noted here should also be reported, [using this link](#), for further review and assessment by BWSR engineering.

D. Visible rodent damage on embankments (wetland restoration easements only)

Rodent damage on dikes or earthen embankments is a concern, as burrowing activities by animals like muskrats, beavers, and groundhogs can weaken the structural integrity of these water-retention structures. These animals create extensive tunnel systems that cause erosion, seepage, and, in severe cases, breaches or failures. If rodent damage is observed during the site inspection, it should be noted on the site inspection form and documented with photographs. Concerns noted here will be forwarded to BWSR engineering for further review and assessment.

E. Wetland restoration structures appear to be failing (wetland restoration easements only)

If any observations during the on-site inspection indicate that a water control structure might be failing or in need of repair, such as severe erosion, seepage, or breaches, it is important to document those observations on the site inspection form, with photographs, and describe the observations in the text box on the site inspection form. Concerns noted here should also be reported, [using this link](#), for further review and assessment by BWSR engineering and the site may be considered for use of easement enhancement funding to assist with repairs if the easement is eligible.

SWCD Signature and Date

By signing the site inspection form, the SWCD staff conducting the on-site inspection is certifying that they completed the inspection on the date noted, and that any observations noted are true to the best of their knowledge. If any compliance concerns were noted during the onsite inspection, the SWCD staff, by signing, is confirming they will notify BWSR of those observations.

Post-Inspection

Return Required Documentation to BWSR

When on-site visits are complete for the year, several items need to be completed and returned to both BWSR and the landowner.

The following items must be emailed to BWSR:

1. A pdf of the signed Site Inspection List
2. For any inspections that identified a compliance concern or maintenance concern, send a separate email for each easement including the following:
 - a. A PDF of the signed site inspection form
 - b. A PDF map showing the location and extent of the compliance or maintenance concern
 - c. Photos of the concern taken during site visit (.jpg or .jpeg)
3. If a "Practice Area" in the *Conservation Practice Condition* section of the form was marked "Poor", e-mail a pdf of the site inspection form to BWSR with suggested management/maintenance of the practice area noted on the form. This will not necessarily constitute a compliance concern and the easement will likely remain on the regular three year inspection cycle. These sites may be eligible for future vegetation enhancement funds, if the practice failure was out of the landowner's control.

BWSR Boundary/Compliance Review

If the inspection did identify a compliance concern, please wait to communicate the concern to the landowner until BWSR has reviewed the easement boundary and verified the non-compliance. BWSR will contact the SWCD when this process is complete.

After BWSR has confirmed the boundary and non-compliance the SWCD will send the following items to the landowner:

1. A letter notifying the landowner of the easement was inspected and a compliance concern was noted.
2. A map of the compliance concern location.
3. A copy of the site inspection form completed for the easement.

If the inspection did not identify a compliance concern, the SWCD may send a copy of the site inspection form to the landowner after the inspection has been completed.