

A small, white ghost-shaped pin with a smiling face, positioned above the word "OR" in the "TRICK OR TREAT" text.

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**RIM 201**

**BWSR Academy 2013**



*presented by....*

# ***The Easement Witches***

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# History

'Citizen Commission to Promote Hunting and Fishing in MN', (established by Gov. Perpich) proposes the concept of RIM in 1984

Reinvest in Minnesota Resources Act -- **103F.505 Purpose and Policy**

RIM Reserve was established in 1986; first appropriation \$10M

Early easements ('86 & '87) were 10 year easements

Highly erodible land was only eligible land type in first years

Many other eligible land types were added by legislation in the late '80s

Permanent Wetland Preserves (PWP) was added in 1991 as part of WCA



# History

1994

MN River Citizens' Advisory Comm. adopts plan to restore the MN River.

Top two recommendations are:

- 1) Restore floodplains and riparian areas,
- 2) Restore wetlands

BWSR allocates 50% of all RIM funds to easements in the MN River Watershed

1997

First RIM-WRP partnership  
30-year NRCS easement plus a perpetual RIM easement

1998

MN River CREP

2005

CREP II in the Red River, Lower Mississippi, Missouri/DesMoines watersheds

2007

RIM-WRP Partnership with NRCS

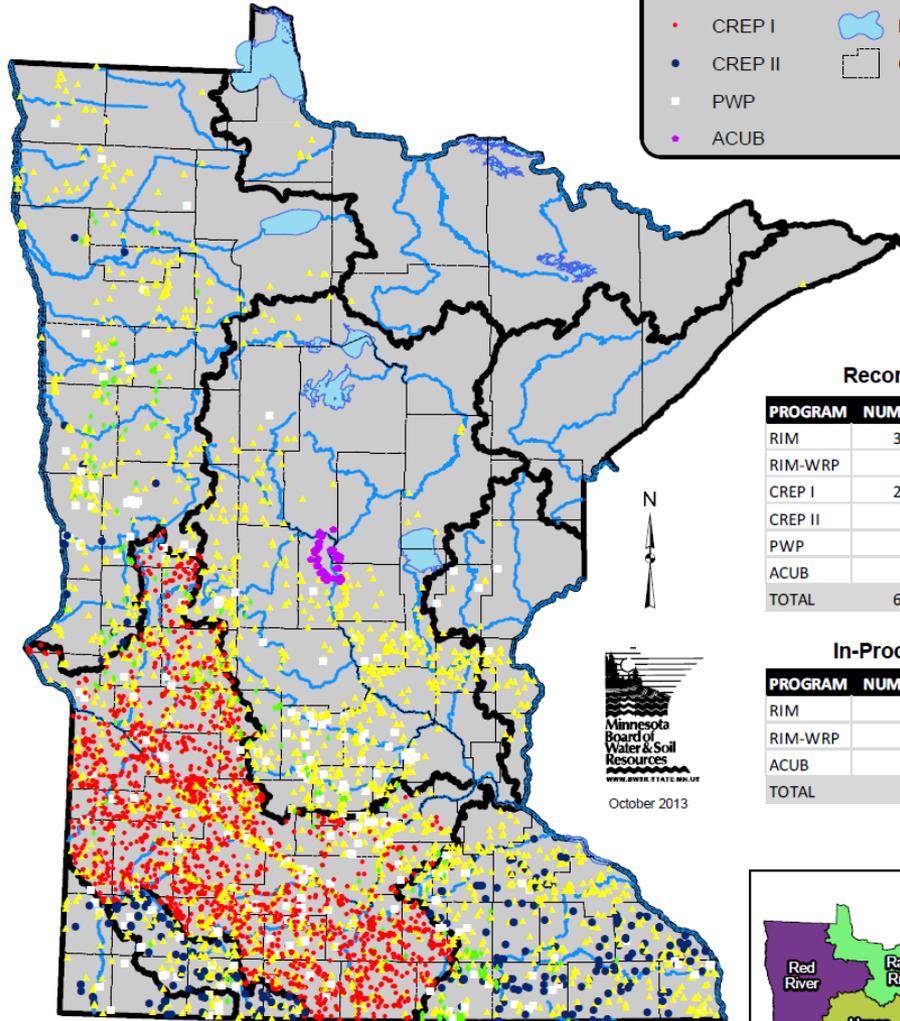
2009 and onward – CWF, OHF, Bonding, ENRTF, NGB, ??

# Minnesota's State-Funded Conservation Easements

## 1986 - October 2013

### State Easement Programs

- RIM Reserve
  - RIM-WRP
  - CREP I
  - CREP II
  - PWP
  - ACUB
- ⊖ River Basins
  - ~ Major Rivers
  - ⊖ Major Lakes
  - Counties



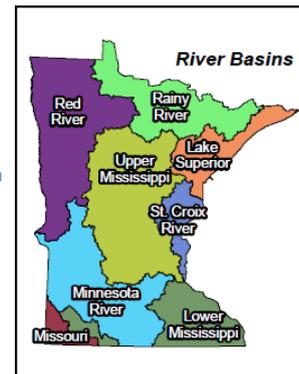
#### Recorded:

PROGRAM	NUMBER	ACRES
RIM	3,098	84,359
RIM-WRP	393	35,632
CREP I	2,492	99,999
CREP II	283	7,160
PWP	301	11,507
ACUB	86	11,887
<b>TOTAL</b>	<b>6,653</b>	<b>250,542</b>

#### In-Process:

PROGRAM	NUMBER	ACRES
RIM	359	11,586
RIM-WRP	159	10,592
ACUB	3	396
<b>TOTAL</b>	<b>521</b>	<b>22,574</b>

  
 Minnesota Board of Water & Soil Resources  
 www.BWSR.STATE.MN.US  
 October 2013



RIM Reserve: Minnesota's RIM easement program removes lands from agricultural production to benefit water quality and fish and wildlife habitat.

RIM-WRP: Minnesota's Reinvest in Minnesota (RIM) Reserve Program combined with federal Wetland Reserve Program (WRP).

CREP I: Conservation Reserve Enhancement Program (CREP), combines RIM Reserve with the federal Conservation Reserve Program (CRP). Easements must be in the Minnesota River basin.

CREP II: Conservation Reserve Enhancement Program (CREP), combines RIM Reserve with the federal Conservation Reserve Program (CRP). Easements must be in the Red, Missouri, or Lower Mississippi River basins.

PWP: Rim Reserve Permanent Wetland Preserves (PWP) for existing wetlands at high risk of being drained or filled.

ACUB: Army Compatible Use Buffers is a partnership with the US Army to acquire easements that provide for land conservation and prohibit development of critical open areas near Camp Ripley.



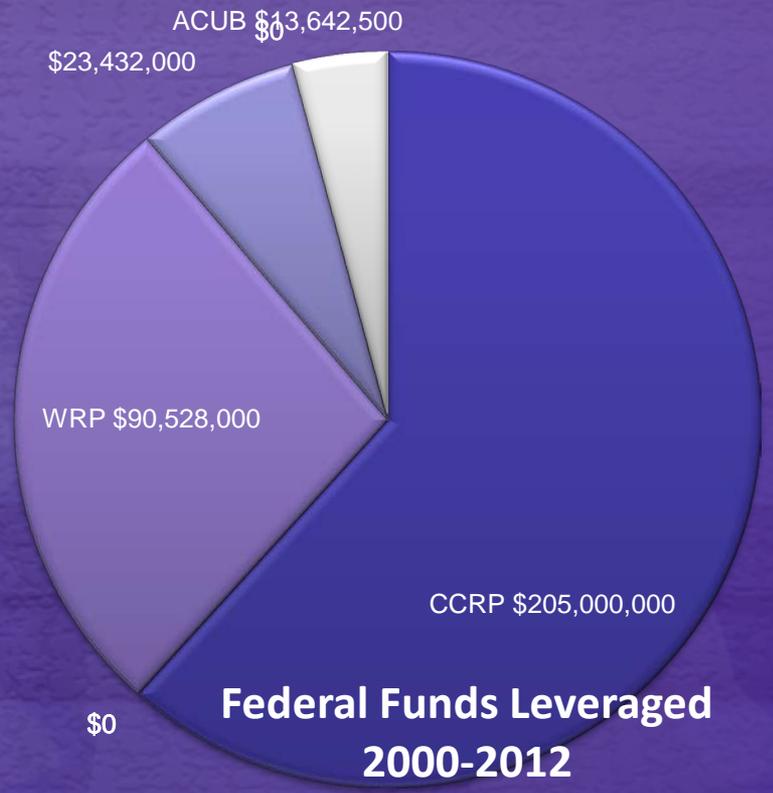
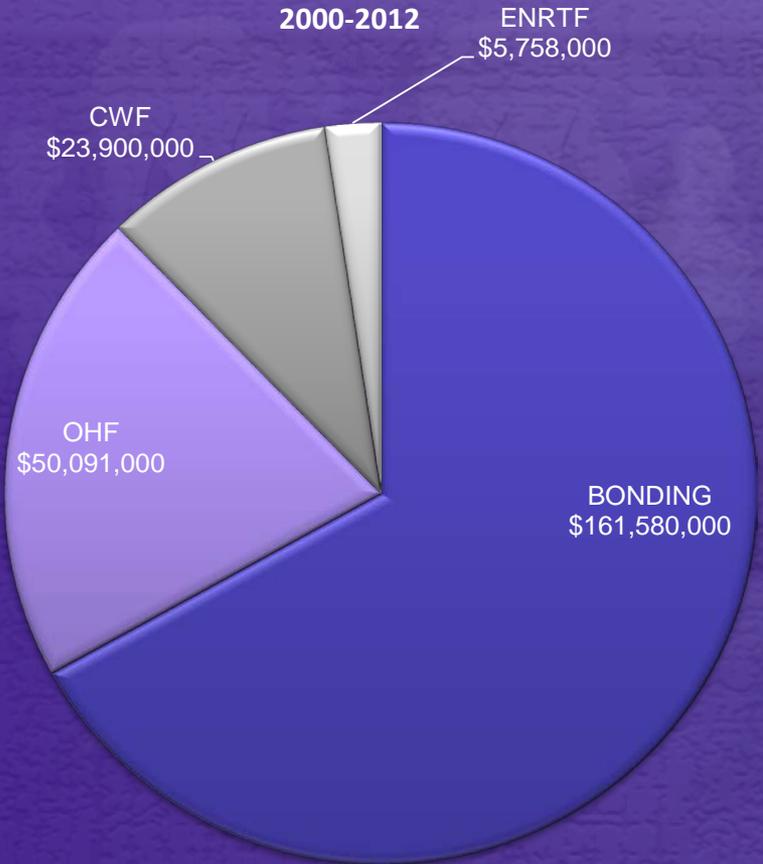
***‘to protect soil and water quality and support fish and wildlife habitat’***

**RIM’s focus has been riparian and wetland restoration easements since 1992 when Gov. Carlson issued his challenge to clean up the MN River**



# RIM Reserve Funding

State Funding Sources  
2000-2012





# Accomplishments

Past and  
recent  
activity

**6,129**  
**easements**  
**220,350**  
**Acres**  
**(and 100s**  
**in**  
**process)**

# wetland restoration easements



9. 3. 2002

# riparian easements





# What IS a Conservation Easement?

An easement is a legal recorded document that becomes part of the permanent public record for that piece of land.

A voluntary agreement between a landowner and qualifying private or governmental organization that sets forth specific restrictions on future land use.

Acquiring an easement is a purchase of some of the legal rights to the property and uses the same process as a fee title sale of the land.

In MN, the legal basis for state easements as a conservation tool is provided for in Chapter 84C of the Minnesota Statutes.



# Key Aspects of Conservation Easements

Landowner retains title to property and all associated rights and obligations of ownership aside from those that are restricted and transferred to the State in the easement.

Property retains its private status; an easement DOES NOT require that land be accessible to the public.

Runs with the title to the land; all future owners are bound by it's terms.

A new easement does not affect previously recorded documents.

May affect property's resale value.

May, or may not, lower property tax assessments.



# What a Conservation Easement is not....

- ??

- ??

- ??

- ??

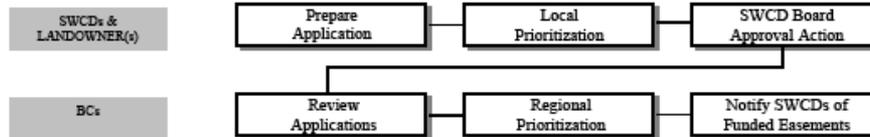
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# Easement Processing

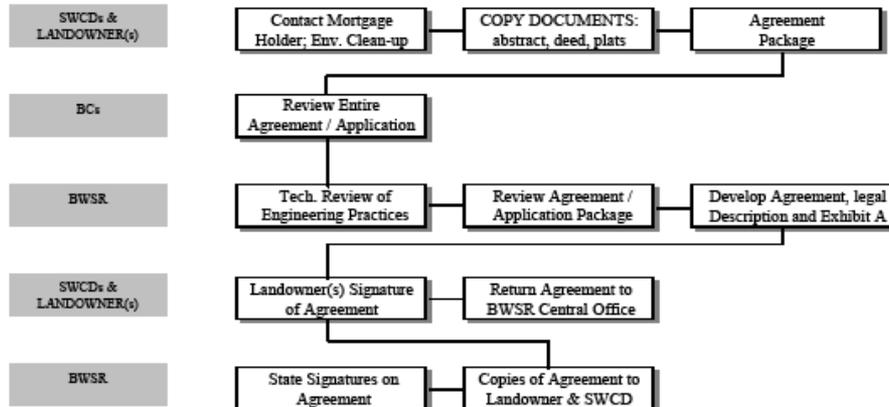
- **Three distinct stages:**
  - **Application**
  - **Agreement**
  - **Easement**

# CONSERVATION EASEMENT ACQUISITION FLOWCHART

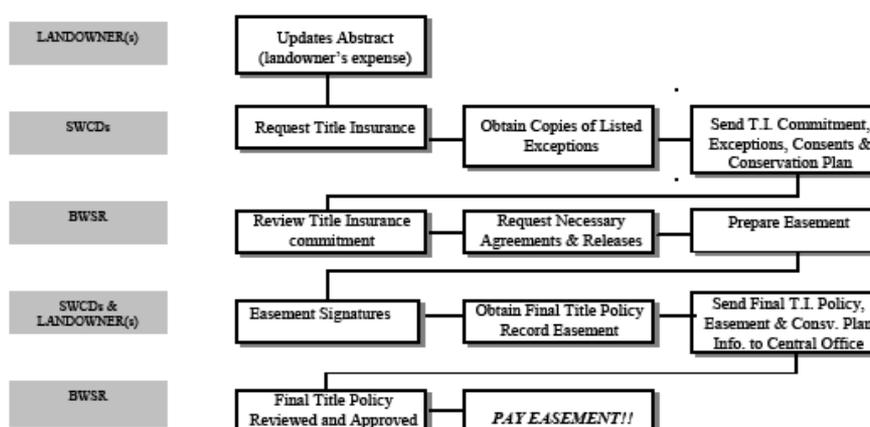
## Application Stage



## Agreement Stage



## Easement Stage





1-13-12

## 2012 RIM-WRP Program Process Summary Flow Chart

### Application

- Prepare & submit applications – FO
- Applications selected for funding – NRCS SO & BWSR CO
- WRP Agreement & RIM Draft Agreements and other forms sent to field office for landowner signatures – NRCS SO & BWSR CO

### Offer and Agreement

- WRP Agreement signed and returned – FO
- Send in BWSR RIM Agreement Information Form - FO

### Easement Acquisition & Closing

- Legal survey & All Appropriate Inquiry ordered – NRCS SO & BWSR CO
- If final acres change after survey:
  - Revised crop & non-crop acres sent – FO
  - WRP Note To File and RIM Agreement mailed for signatures – NRCS SO & BWSR CO
  - Documents signed and returned – FO
- Work with l/o to develop RIM & WRP conservation plans - FO

- Title clearing process – NRCS SO & BWSR CO
- Office of General Council approves WRP easement
- RIM Easement is prepared – BWSR CO
- State Attorney General Approves
- RIM easement is provided to NRCS for closing – BWSR CO
- Closing occurs, NRCS & SWCD staffs are present – FO
- Landowner paid for easement at or soon after closing – NRCS SO
- RIM easement payment issued after easement is recorded and Final Title Policy is received from NRCS and MN Attorney General approves



# The SWCD Checklist

An invaluable reference for items needed and steps to take throughout the easement acquisition process.

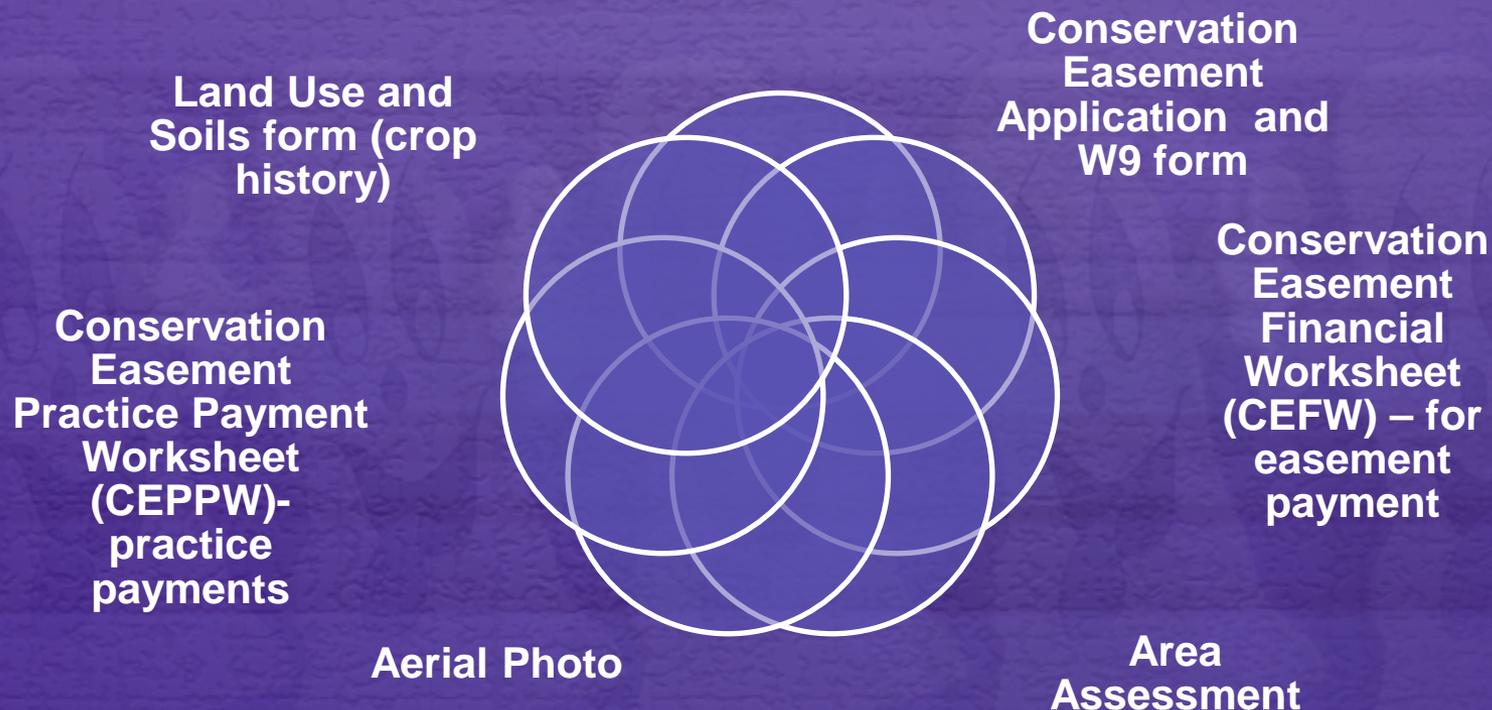
*Available at ~*

*<http://www.bwsr.state.mn.us/easements/handbook/index.html>*



# The Application Package

Refer to your SWCD Checklist!!



All forms Available at ~ <http://www.bwsr.state.mn.us/easements/handbook/index.html>

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# The Agreement Package

Refer to your SWCD Checklist!!

Agreement Information Form

Copy of the deed

Other items as required -items to clarify ownership, such as:

corporation or partnership docs

government lot maps and/or plat maps

death certificates

divorce decree, etc.

MN power of attorney form (who can sign for someone else)



# Agreement Information Form

- Stipulates who is to receive payment for easements and practices. *Easement payments must go to owner.*
- 1031 Like-kind Land Exchanges: 1031 exchange co. is payee with the landowner listed as co-payee.
- Co-payees will be listed on check .  
State does not do assignment to pay contractors directly for practice payment reimbursements like USDA.



# The Agreement for Conservation Easement AKA "The Agreement"

BWSR prepares the Agreement for landowner signature based on information received from the field.

The SWCD sends signed agreement back to BWSR St. Paul for the state's signature.

One fully executed document is sent to the landowner, and a copy to the SWCD along with a letter explaining the next steps.

**DO NOT RECORD THE AGREEMENT!!!!**



# The Easement Phase

Title commitment reviewed



Objectionable items cleared (this is where the real fun happens)



Easement prepared and sent for landowner signature



# Title Insurance - Don't Be Afraid!

Three very important resources.....

- Easement Stage – (Handbook Chapter)
- Title Insurance Procedures – quick reference guide for you.
- Specimen Title Insurance Policy – you and your title agent should both have a copy.

*Available at ~*

<http://www.bwsr.state.mn.us/easements/handbook/index.html>

*(under the Handbook Chapters heading)*

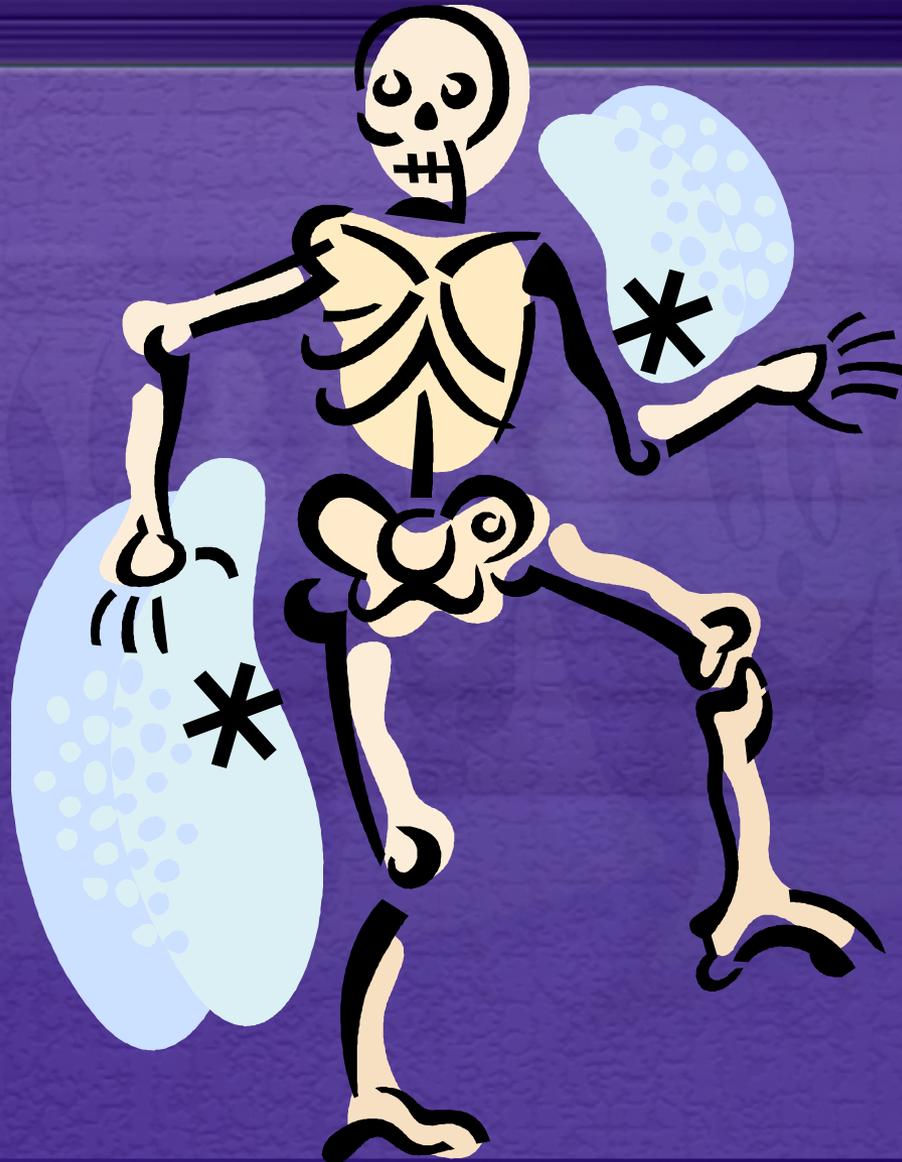


# What's a Title Commitment? And How Do I Get One??



A title commitment is a document issued by a title agent that outlines the agent's intent to issue a final title **policy** and what the policy will cover.

# Anatomy of a Title Commitment



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# Anatomy of a Title Commitment

- Schedule A -- The Who, What, and Where of the property
- Schedule BI – Hoops we must jump through
- Schedule BII – All the nasties...  
AKA “the devil’s in the details”



# Reimbursement for Title Expenses

- The state will reimburse the SWCD for expenses incurred relating to the purchase of the title insurance policy. (Use the Reimbursement Request form)
- Updating of the abstract is not included in the above, this cost is responsibility of the landowner. *If your county has electronic land records, title agent may not need updated abstract.*



# After Recording

## SWCD Roles with Long-Term Management on Easements

- Stake easement boundary
- Submit cost share vouchers
- Stewardship –
- Inspection and monitoring
  - Violations
  - Ownership changes

# RIM Reserve Conservation Easements

An aerial photograph showing a large, irregularly shaped pond with blue water, surrounded by green grassy areas. The pond is situated in a landscape of brown, tilled agricultural fields. The background shows more fields and some distant structures under a clear sky.

- **Monitoring**
- **Management**
- **Enforcement**

# Stake Easement Boundaries

- **Very important where cropland is adjacent!**
- **Non-linear boundaries**
- **Stakes and fence posts are a reimbursed expense**



# Inspection Schedule

- Every year for 5 years after recording
- Every 3<sup>rd</sup> year thereafter
- Use site inspection form and make sure landowner gets a copy!!



# Inspections Are Important!

- Meet with landowner or operator if possible
- Provide guidance on issues that need attention



# ~ Not Allowed ~

- Permanent cabin, home or any other storage facility
  - Cell towers
  - Wind generators
  - Driveways
  - Wells, septic systems
  - Dumping of any solid wastes
  - Timber harvest without an approved plan
  - Motocross tracks
  - Big game shooting preserves
- (The above list is not to be considered all inclusive)*

# Examples of Violations





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# ~ Allowed ~

**Activities that do not destroy the cover:**

- **Deer stands and hunting blinds**
- **Camping**
- **Limited mowing of trails for camping / hunting access**
- **Motorized vehicles only if they do not destroy cover causing erosion**
- **Horseback riding**

***Be reasonable and use common sense!!***



# You find a violation ... then what?

- 1. Turn around and run.
- 2. Pretend you don't see the problem.
- 3. Revise the conservation plan to include all non-native invasive species.
- 4. Note the violation on the inspection form and notify the landowner of your findings.

SWCD



BWSR BC



BWSR  
Board



Attorney  
General



# RIM Services Grants

- Currently \$345,000 ≈ \$70 / easement from general fund revenues

## In addition:

- BWSR has been reimbursing SWCDs at \$2,000 per easement for new program initiatives (RIM-WRP, SE Flood, RRVRI)
- Some sign-ups also allow for up to \$3,500 per easement for technical assistance related to wetland

restoration



# Easement Alterations

**BWSR has authority to alter or terminate easements – MS 103F.535 subd.5 – if it determines that the “public interest and general welfare are better served” by the alteration or release.**

**See our website for more info.**



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**Luke Anderson, Easement Processing Staff**

**Tom Garry, Easement Processing Staff**

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A mallard duck is captured in mid-flight, its wings fully extended. The duck has a distinctive blue-green head, a white breast, and a dark body. Its red feet are visible as it moves through the air. The background is a soft-focus natural setting with green foliage and a body of water.

***RIM Reserve easements must  
continue to make wildlife  
habitat and clean water a  
priority!***

***~Thanks for your time~***