



2015 Reinvest in Minnesota (RIM) Reserve

Wetlands Program

Eligibility Guidance Document

1/16/15

The purpose of the RIM Wetlands Program is to identify and enroll under permanent easement lands that contain drained/altered wetland ecosystems and adjoining buffers where the functions and values of those wetland ecosystems can be restored. Applications that will facilitate the restoration and protection of depressional wetlands and their associated grassland landscapes will receive funding priority over other types of restorable drained and altered wetlands.

The following guidance and eligibility information should be used when evaluating applications for the new 2015 RIM Wetlands Program.

To assist with determining site eligibility, a **Site Eligibility Form** has been developed. This form is included in the application worksheet document file and must be completed and submitted with each application.

GENERAL PROGRAM CRITERIA:

- This is a standalone program where perpetual RIM Reserve Conservation Easements will be secured on private properties to restore and permanently protect wetlands and grassland habitats.
- The property owner must be eligible for RIM (see landowner eligibility below).
- The property must be capable of supporting a conservation easement and be free of other easements or legal agreements that may conflict with or serve the same general purpose as the RIM easement.

LANDOWNER ELIGIBILITY:

- The land must have been owned by the applicant, parent of the applicant or a blood relative of the applicant for at least one year before the date of application.
- All partnerships and corporations except Limited Liability Partnerships and General Partnerships must currently be certified, or become certified by the Minnesota Department of Agriculture. Those partnerships and corporations that have a funded application will need to become certified prior to the state issuing the RIM Agreement.

LANDS IN OTHER PROGRAMS:

- RIM-WRP applications that have been cancelled by notice of either the landowner or the program after December 19th, 2014 are not eligible.
- CRP Policy (updated 1/16/15)
 - ❖ See the RIM/CRP Partnership Overview and Guidance for eligible practice types and modification process.
 - ❖ General CRP Practices CP3, 3A, 4D (woody component), 25, and 42, as well as Continuous CRP Practices not stated in the above-mentioned memo, must not be included as part of the restorable wetland area and must not be impacted hydrologically in order to be eligible for enrollment. If eligible for enrollment, these practice areas are eligible for donation only.
- Lands enrolled in USFWS Agreements and Easements are subject to RIM Reserve Policy dated December 23, 2014.

SITE ELIGIBILITY:

- Applications must be a minimum of 20 acres in size. Exceptions to this are:
 - ❖ Application will allow the restoration of a drained wetland that is common to other permanently protected conservation lands (RIM, WRP, WMA's, WPA's, etc.) where acknowledgement of the restoration goal is provided by the other affected property owner or program representative.
 - ❖ Application is being submitted as part of group project where more than one applicant (easement) is needed to adequately restore a wetland or group of wetlands. These applications should meet program eligibility requirements as a group and not individually. The same Site Evaluation Form and Site Eligibility Form should be prepared and used with each applicable application.
- The property must contain drained and altered wetlands that can be restored. This includes:
 - ❖ Effectively drained and altered wetlands.
 - ❖ Partially drained and altered wetlands.
 - ❖ Farmed or cropped existing, natural wetlands.
 - ❖ Wetlands that were previously restored through another program.

The process to define eligible drained and altered wetland areas is described later under the "Determining Drained and Altered Wetland Areas" heading.

- Eligibility requires that a majority (more than 50%) of the identified drained and altered wetland acres be restorable as a result of placing an easement or easements on the identified property(s). It is expected that a reasonable effort shall be made to determine restorability for each identified restorable wetland.
- To be considered for wetland restoration eligibility and scoring, restoration must be significant for the wetland type in terms hydrologic or functional gain.

DRAINED AND ALTERED WETLAND AREAS:

The identification and evaluation of drained and altered wetlands is an important part of eligibility assessment. By definition drained/altered wetlands include wetland areas where the hydrology, vegetation or soils have been altered or removed, adversely affecting the functions and values of the former wetland. This is a fairly broad definition and includes all physically "drained" and "altered" wetlands along with "non-drained" farmed or cropped wetlands that meet program cropping history requirements. The enrollment of these drained and altered wetlands and subsequent restoration of hydrology and/or vegetation constitutes the defined area of restorable wetland within each application.

Drained and altered wetland areas are best identified within a parcel through the identification and mapping of hydric soils. The NRCS Web Soil Survey will easily display for each identified parcel the extent and area of all hydric and non-hydric soil map units (SMU). It also will provide 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 also varies from site to site for the same soil map unit. In addition, mapping variances and errors do exist and may not always accurately represent the actual extents of site wetlands. Because of this, an accurate assessment of the drained and altered wetlands on a site requires review of additional data and resources.

A list of resources to review and consider when identifying drained and altered wetland areas includes:

- NRCS Web Soil Survey
- 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)
- Last but not least, sound professional judgment

Another important aspect of eligibility and application scoring is the preliminary determination of the extent of wetland restoration that can be performed. It is recognized that not every drained wetland on a site will be restorable. However, eligibility requires functional restoration on a majority (more than 50%) of the drained wetland acres within an application. Restoration is defined as removing, blocking, manipulating or otherwise rendering inoperable any existing on-site wetland drainage system(s) and/or other wetland alteration(s) in an attempt to restore hydrology and vegetation to these former wetland areas.

It is not required or expected that any detailed site assessment or survey work be conducted to support this initial determination for eligibility. It will be expected though, that at a minimum, available resources, including LiDAR data and drainage information/maps will be reviewed, and when deemed necessary, a site visit performed to help make this initial determination.

Upon completion of this analysis, it is expected that aerial photos will be prepared that clearly show the following:

- 1) The location and extents of all identified drained and altered wetlands on the site that are being claimed as the wetland restoration area. This includes all eligible restorable as well as unrestorable wetland areas. Note that certain cropped wetland areas can instead be claimed and shown as part of the “Cropped Adjacent Lands” area if eligible (see requirements below).
- 2) The location and extents of all restorable wetlands on the site along with basic restoration strategies that are anticipated as being needed (ditch plugs, tile blocks, etc.). For depressional wetlands, show estimated ponded areas (depressions) in addition to the overall estimated restored wetland area. This is necessary to support scoring of the site.

Upon being selected for funding, each easement application will undergo a comprehensive site analysis which, in many cases, will include a topographic survey and comprehensive drainage assessment of the parcel. The results of this analysis will be reviewed to verify program eligibility. The results will also be used to help define planned easement boundaries with respect to the restoration needs of the site.

BUFFER REQUIREMENTS:

To the extent practicable, applications must include an adequate vegetated buffer around each restorable/restored wetland. Buffers are important for the health and function of restored wetland areas. No set criterion is given for this, as circumstances will vary for each application. The state does reserve the right to reject an application, regardless of score, where inadequate buffer is included as part of the application offer.

The enrollment of adjacent lands as a buffer to the identified drained and altered wetland areas is limited to **8:1** (maximum of eight (8) acres of buffer for each acre of eligible drained/altered wetland enrolled). Further restrictions on the use and definition of buffer are as follows:

- Cropped Adjacent Land – Cropped lands adjacent to restored wetland areas that meet program crop history criteria can be enrolled as a buffer with no limits other than the general 8:1 maximum enrollment requirement. This includes cropped uplands as well as certain cropped wetland areas that upon restoration will serve as suitable grassland nesting cover. Land that is currently or was recently enrolled into CRP and meets program cropping history criteria is eligible for consideration as cropped adjacent land buffer.
- Other Adjacent Land - Other eligible lands include woodlands, existing wetlands, ditches and other watercourses that do not meet the above definitions for “Cropped Adjacent Land”. The enrollment of these other eligible lands as a buffer will be limited to no more than 20 percent of the sum of the total acres of eligible drained/altered wetlands and the eligible “Cropped Adjacent Land” buffer areas.

DONATED LANDS:

Occasionally, it will be desired to include as part of the application certain lands that are ineligible for enrollment or are otherwise ineligible for easement payment. In certain situations, these areas will be allowed as part of an application as donated acres.

The enrollment of donated areas should be considered to address the following:

- To simplify the description and enforcement of an easement boundary.
- To benefit the function and value of restored wetlands.

Donated acres will not affect eligibility limits with respect to the maximum 8:1 criteria for buffer enrollment or the 20 percent limit on “other lands”. In other words, an application could exceed either of these criteria if the amount exceeded is enrolled as eligible donated acres.

Donated acres will be considered part of the easement area and will be subject to all easement restrictions and conditions. In addition, conservation plans prepared for the easement shall include all donated acres and conservation practice funds will be available for these areas, as needed.

Examples of eligible donated acres include:

A. Public Waters and Public Waters Wetlands

RIM Reserve Program policy states that all Public Waters and Public Waters Wetlands as identified by DNR through specific OHW determinations or other reasonable determinations are eligible for enrollment but shall not receive easement compensation. Program preference is to exclude these protected areas from enrollment altogether. However, in some situations, it will be more practicable as part of the easement boundary definition to include all or portions of these identified areas within the easement area. In doing so, these DNR protected areas must be included as donated acres.

There are two exceptions to this requirement, they are:

- 1) Restorable Public Waters and Public Waters Wetlands - There are no easement compensation restrictions on Public Water and Public Waters Wetland Areas that are currently drained or altered when their physical restoration is planned as part of the project’s enrollment. This exception does not pertain to previously restored public waters and public water wetlands. These areas should be treated as normal public waters and public water wetlands that can be enrolled as necessary, but shall receive no easement compensation.
- 2) Cropped Public Waters and Public Waters Wetlands - Public Water and Public Waters Wetland Areas that meet the program’s definition of crop history are also allowed enrollment and easement compensation. These areas should be treated as restorable or unrestorable cropped drained or altered wetlands or as farmed, natural wetlands and compensated accordingly.

B. Drainage Ditches

Existing drainage ditches that will no longer serve a useful purpose or otherwise benefit adjoining upstream properties are eligible for enrollment and compensation. This includes, but may not be limited to, ditches that will be plugged, filled, or otherwise abandoned as part of easement enrollment and any planned restoration work.

For all other ditches, it is expected that continued maintenance of the ditch systems will occur. The terms and conditions of a RIM easement will allow maintenance of functioning drainage systems by the landowner. Therefore, when practicable, the ditch and right-of-way should be excluded from the application area. When not practicable, these ditches and an associated right-of-way for them can be included as part of the application area but must be treated as donated acres. This applies to both public and private drainage ditches. If not already legally defined through 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 – for each side of ditch).

There is no specific policy in terms of when a functioning ditch should be included in or excluded from an easement application area. However, program guidance is if a ditch borders an application area (lies on property line) preference is to exclude it from the application. If the ditch traverses through an easement, unless it is a major ditch that can easily be excluded by description, include it as donated acres.

Note that subsurface drainage tile that will continue to serve and provide drainage benefits to other lands will also be allowed maintenance by the landowner per the terms of the RIM easement. There is however, no requirement to donate the area of land above these underground drainage systems.