



## Lessard-Sams Outdoor Heritage Council

RIM Buffers for Wildlife and Water - Phase X  
Laws of Minnesota 2022 Accomplishment Plan

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### General Information

**Date:** 06/20/2022

**Project Title:** RIM Buffers for Wildlife and Water - Phase X

**Funds Recommended:** \$4,392,000

**Legislative Citation:** ML 2022, Ch. 77, Art. 1, Sec. 2, subd. 2(f)

**Appropriation Language:** \$4,392,000 the second year is to the Board of Water and Soil Resources to acquire permanent conservation easements and restore habitat under Minnesota Statutes, section 103F.515, to protect, restore, and enhance habitat by expanding the riparian buffer program under the clean water fund for additional wildlife benefits from buffers on private land. Of this amount, up to \$111,000 is to establish a monitoring and enforcement fund as approved in the accomplishment plan and subject to Minnesota Statutes, section 97A.056, subdivision 17. A list of permanent conservation easements must be provided as part of the final report.

### Manager Information

**Manager's Name:** Dusty Van Thuyne

**Title:** CREP Coordinator

**Organization:** BWSR

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### Location Information

**County Location(s):**

**Eco regions in which work will take place:**

- Forest / Prairie Transition
- Southeast Forest
- Prairie
- Metro / Urban

**Activity types:**

- Protect in Easement
- Restore

**Priority resources addressed by activity:**

- Prairie

**Narrative****Abstract**

This continuation of the Reinvest in Minnesota (RIM) Reserve buffers program will protect and restore riparian areas, permanently protecting approximately 600 acres on 17 easements. This program will continue utilizing a science-based ranking and selection process and be implemented locally, working with Soil and Water Conservation District (SWCD) staff in targeted areas in the state. Historically, buffer funding was used to expand basic water quality buffers into larger buffers. The focus of the funding has been modified in recent phases to include larger areas (floodplain scale) rather than the narrower areas traditionally thought of as riparian buffers.

**Design and Scope of Work**

Riparian corridors containing healthy buffer and floodplain areas contribute to clean water and, when done correctly, provide critical wildlife habitat and travel corridors. The MN Buffer Law requires a modest buffer area on roughly 50% of these riparian areas but does not follow technical design criteria, accommodate flooding issues, and allows continued disturbance of these areas not favorable to wildlife. By extending the smaller required buffer area, we can create significantly better wildlife habitat while achieving multiple benefits. This partnership program between Outdoor Heritage Fund, Clean Water Fund, and potentially Conservation Reserve Program (CRP), would establish permanent riparian areas that provide both critical water quality improvements and improved habitat.

Criteria used to evaluate and prioritize parcels funded under this program include One Watershed One Plans or other comprehensive water plans, proximity to other permanently protected habitat, DNR Pheasant Action Plan, MN Prairie Plan, proximity to lands open to public hunting, overall size, and type of water resource being buffered. A competitive RIM Riparian application process for landowners will be used. Recent CREP enrollment for CP-21 (buffers) has fallen short of program goals due to practice limitations. The goal for this new phase will be funding from both LSOHC and Clean Water Funding as well as USDA when possible under existing or new CRP enrollment. Wider riparian areas provide long-term water quality treatment and increased habitat. Buffers that are established in proximity to other grasslands also function at a higher level within the landscape for grassland nesting birds and other wildlife.

Reinvest in Minnesota (RIM) Buffers program delivery will be supported by delivery through Soil and Water Conservation Districts (SWCDs) and administered by BWSR.

**How does the plan address habitats that have significant value for wildlife species of greatest conservation need, and/or threatened or endangered species, and list targeted species?**

Buffers are commonly viewed as simply a water quality practice, but buffers have positive impacts on wildlife due to their unique habitat. This is especially true for expanded width buffers enrolled through this program. Not only are grasslands protected or restored, detrimental impacts to stream-reliant biota is reduced. Many species of amphibians, such as the Northern Cricket Frog (endangered) rely on aquatic habitat during the breeding season and then spend most of their lives in upland habitat. In southeastern MN, reptiles such as the Blanding's Turtle

(threatened) rely on meandering streams, rivers, and adjacent lands.

The Sedge Wren, a Species of Greatest Conservation Need (SGCN) most commonly associated with grassland habitat, is encountered in buffer areas. Bird use is influenced by buffer width with greater widths experiencing greater abundance and diversity of birds and grassland species. However, bird use is negatively associated by the amount of edge exposure. In an effort to limit edge exposure, sites that may serve as corridors or expand current complexes receive higher weight using this program's scoring and ranking process.

Diverse vegetation, access to a water resource, and protection from pesticides are important to Minnesota's native pollinator species. BWSR's native vegetation guidelines and pollinator initiative have outlined the RIM Program's commitment to protecting native pollinators. Complexes and corridors targeted through RIM Buffers provide areas that are safe from pesticides and are natural passageways for pollinators. Targeted pollinator species include the Monarch Butterfly and solitary bee species including Leafcutter Bees, Mason Bees, and Yellow-faced Bees.

SGCN in the RIM Buffers area include the Five-lined Skink, Two-spotted Skipper, Northern Pintail, American Black Duck, Grasshopper Sparrow, Upland Sandpiper, Sedge Wren, Dickcissel, and Western Grebe. In addition to the SGCN, the threatened or endangered species targeted in this proposal include the Dakota Skipper, Poweshiek Skipperling, and Rusty Patched Bumble Bee.

### **Describe how the plan uses science-based targeting that leverages or expands corridors and complexes, reduces fragmentation or protects areas identified in the MN County Biological Survey:**

Through a combination of targeted outreach, eligibility screening, and a scoring and ranking process, each site is considered on its benefits to the surrounding landscape, as well as the site-specific features.

During the application process, a review of adjacent permanent habitat and easement size is conducted to evaluate a site's importance as a corridor or extension to an existing habitat complex. Other examples of the science-based targeting used include drainage to shallow lakes, buffering along lakeshore, planned vegetative diversity, and proximity to land open to public hunting.

As we implement this phase, we will utilize similar science-based considerations that have been historically used by the RIM Buffers Program.

### **Which two sections of the Minnesota Statewide Conservation and Preservation Plan are most applicable to this project?**

- H2 Protect critical shoreland of streams and lakes
- H7 Keep water on the landscape

### **Which two other plans are addressed in this program?**

- Long Range Plan for the Ring-Necked Pheasant in MN
- Outdoor Heritage Fund: A 25 Year Framework

### **Which LSOHC section priorities are addressed in this program?**

#### **Forest / Prairie Transition**

- Protect, enhance, and restore wild rice wetlands, shallow lakes, wetland/grassland complexes, aspen parklands, and shoreland that provide critical habitat for game and nongame wildlife

**Metro / Urban**

- Protect habitat corridors, with emphasis on the Minnesota, Mississippi, and St. Croix rivers (bluff to floodplain)

**Prairie**

- Protect expiring CRP lands

**Southeast Forest**

- Protect, enhance, and restore habitat for fish, game, and nongame wildlife in rivers, cold-water streams, and associated upland habitat

**Does this program include leveraged funding?**

Yes

**Explain the leverage:**

\$3,872,000 from a ML2021 Clean Water Fund appropriation.

**Per MS 97A.056, Subd. 24, Please explain whether the request is supplanting or is a substitution for any previous funding that was not from a legacy fund and was used for the same purpose.**

This funding request is not supplanting existing funding or a substitution for any previous funding.

**Non-OHF Appropriations**

Year	Source	Amount
2008, 2011, 2012, and 2014	Bonding	17,640,206
2009-2021	Clean Water Fund	64,772,000

**How will you sustain and/or maintain this work after the Outdoor Heritage Funds are expended?**

BWSR is responsible for monitoring and enforcement of RIM easements. BWSR partners with local SWCDs to carry out oversight, monitoring and inspection of conservation easements. Easements are inspected every year for the first five years beginning the year after the easement is recorded. Thereafter, on-site inspections are performed every three years and compliance checks are performed in the other two years. SWCDs document findings and report to BWSR on each site inspection conducted. A non-compliance procedure is implemented when potential violations or problems are identified.

Perpetual monitoring and enforcement costs are \$6,500 per easement. This value is based on using local SWCD staff for monitoring and existing enforcement authorities. The amount listed for Easement Stewardship includes costs of SWCD regular monitoring, BWSR oversight and any enforcement necessary.

**Actions to Maintain Project Outcomes**

Year	Source of Funds	Step 1	Step 2	Step 3
2022-Ongoing	Landowner Responsibility	Maintain compliance with easements.	-	-
2022-Ongoing	Stewardship Account	Inspections every year for the first five years; then every third year.	Corrective actions of any violations.	Enforcement action taken by MN Attorney General office.

## How will the program directly involve, engage, and benefit BIPOC (Black, Indigenous, People of Color) and diverse communities:

For our statewide programs, BWSR will pilot designating a percentage of the easement acquisition budget line for applicants who self-certify as emerging farmers or from underserved populations, including Black, Indigenous, or People of Color (BIPOC). If funds remain at the end of a predetermined number of scoring/ranking periods and there are no additional applicants, the remaining funds would be added to the larger easement acquisition pool of funding.

### Activity Details

#### Requirements

**If funded, this program will meet all applicable criteria set forth in MS 97A.056?**

Yes

**Is the land you plan to acquire (easement) free of any other permanent protection?**

Yes

**Who will manage the easement?**

The easements secured under this project will be managed as part of the MN Board of Water and Soil Resources (BWSR) RIM Reserve Program. Easements are monitored annually for each of the first 5 years and then every 3rd year. BWSR, in cooperation with Soil and Water Conservation Districts, implements a stewardship process to track, monitor quality and assure compliance with easement terms. Under the terms of the Reinvest In Minnesota (RIM) Easement program, landowners are required to maintain compliance with the easement. A conservation plan is developed with the landowner and maintained as part of the easement. Basic easement compliance costs are borne by the landowner, periodic enhancements may be cost shared from a variety of sources.

**Who will be the easement holder?**

The easements secured under this project will be managed as part of the MN Board of Water and Soil Resources (BWSR) RIM Reserve Program. Easements are monitored annually for each of the first 5 years and then every 3rd year. BWSR, in cooperation with Soil and Water Conservation Districts, implements a stewardship process to track, monitor quality and assure compliance with easement terms. Under the terms of the Reinvest In Minnesota (RIM) Easement program, landowners are required to maintain compliance with the easement. A conservation plan is developed with the landowner and maintained as part of the easement. Basic easement compliance costs are borne by the landowner, periodic enhancements may be cost shared from a variety of sources.

**What is the anticipated number of easements (range is fine) you plan to accomplish with this appropriation?**

17

**Will restoration and enhancement work follow best management practices including MS 84.973 Pollinator Habitat Program?**

Yes

**Is the restoration and enhancement activity on permanently protected land per 97A.056, Subd 13(f), tribal lands, and/or public waters per MS 103G.005, Subd. 15?**

Yes

**Where does the activity take place?**

- Permanently Protected Conservation Easements

## Land Use

### Will there be planting of any crop on OHF land purchased or restored in this program?

Yes

#### Explain what will be planted:

In certain circumstances, wildlife food plots are an allowable use on RIM easements as part of an approved conservation plan. Food plots on narrow buffers, steep slopes, and wet areas are not allowed. RIM policy limits food plots to 10% of the total easement area or five acres, whichever is less. There is no cost-share for establishment of food plots and upon termination, the landowner must re-establish vegetation as prescribed in the conservation plan at their expense. Food plots are infrequently used by landowners, to date less than 3% of RIM easements have food plots.

### Will the eased land be open for public use?

No

### Are there currently trails or roads on any of the proposed acquisitions?

Yes

#### Describe the types of trails or roads and the allowable uses:

Existing trails and roads are identified during the easement acquisition process and are often excluded from the easement area if they serve no purpose to easement maintenance, monitoring, or enforcement. Some roads and trails, such as agricultural field accesses, are allowed to remain.

### Will the trails or roads remain and uses continue to be allowed after OHF acquisition?

Yes

#### How will maintenance and monitoring be accomplished?

Under the terms of the RIM easement, landowners are required to maintain compliance with the easement. Easements are monitored annually by SWCDs in cooperation with BWSR for the first five years and then every third year after easement acquisition to assure compliance with easement terms.

A conservation plan is developed with the landowner and maintained as part of each easement. Basic easement compliance costs are borne by the landowner, periodic enhancements may be cost-shared from a variety of sources.

### Will new trails or roads be developed or improved as a result of the OHF acquisition?

Yes

#### Describe the types of trails or roads and the allowable uses:

Though uncommon, new trails could be developed if they contribute to easement maintenance or benefit the easement site (e.g., fire breaks, berm maintenance). Unauthorized trails are in violation of the easement.

#### How will maintenance and monitoring be accomplished?

The easements secured under this project will be managed as part of the BWSR RIM Reserve Program that has over 7,000 easements currently in place. Easements are monitored annually for the for each of the first five years and then every third year after that. BWSR, in cooperation with SWCDs, implement a process to

track, monitor quality, and assure compliance with easement terms.

Under the terms of the RIM Reserve Program, landowners are required to maintain compliance with the easement. A conservation plan is developed with the landowner and maintained as part of each easement. Basic easement compliance costs are borne by the landowner, periodic enhancements may be cost-shared from a variety of sources.

**Will the acquired parcels be restored or enhanced within this appropriation?**

Yes

Vegetative restoration is planned to occur and these restoration costs are included in the easement acquisition amount.

**Will the land that you acquire (fee or easement) be restored or enhanced within this program's funding and availability?**

Yes

**Timeline**

Activity Name	Estimated Completion Date
Activity 3 - restorations completed, and final report submitted	June 30, 2030
Activity 2 - easements recorded	June 30, 2026
Activity 1 - obtain applications from eligible landowners	June 30, 2024

**Date of Final Report Submission:** 11/01/2027

**Availability of Appropriation:** Subd. 7. Availability of Appropriation

(a) Money appropriated in this section may not be spent on activities unless they are directly related to and necessary for a specific appropriation and are specified in the accomplishment plan approved by the Lessard-Sams Outdoor Heritage Council. Money appropriated in this section must not be spent on indirect costs or other institutional overhead charges that are not directly related to and necessary for a specific appropriation. Money appropriated to acquire land in fee may be used to restore, enhance, and provide for public use of the land acquired with the appropriation. Public-use facilities must have a minimal impact on habitat in acquired lands.

(b) Money appropriated in this section is available as follows:

(1) money appropriated for acquiring real property is available until June 30, 2026;

(2) money appropriated for restoring and enhancing land acquired with an appropriation in this act is available for four years after the acquisition date with a maximum end date of June 30, 2030;

(3) money appropriated for restoring or enhancing other land is available until June 30, 2027;

(4) notwithstanding clauses (1) to (3), money appropriated for a project that receives at least 15 percent of its funding from federal funds is available until a date sufficient to match the availability of federal funding to a maximum of six years if the federal funding was confirmed and included in the original approved draft accomplishment plan; and

(5) money appropriated for other projects is available until the end of the fiscal year in which it is appropriated.





**Budget**

Budget reallocations up to 10% do not require an amendment to the Accomplishment Plan.

**Totals**

Item	Funding Request	Antic. Leverage	Leverage Source	Total
Personnel	\$164,700	-	-	\$164,700
Contracts	\$36,600	-	-	\$36,600
Fee Acquisition w/ PILT	-	-	-	-
Fee Acquisition w/o PILT	-	-	-	-
Easement Acquisition	\$4,023,500	-	-	\$4,023,500
Easement Stewardship	\$110,500	-	-	\$110,500
Travel	\$7,700	-	-	\$7,700
Professional Services	-	-	-	-
Direct Support Services	\$34,700	-	-	\$34,700
DNR Land Acquisition Costs	-	-	-	-
Capital Equipment	-	-	-	-
Other Equipment/Tools	\$11,000	-	-	\$11,000
Supplies/Materials	\$3,300	-	-	\$3,300
DNR IDP	-	-	-	-
<b>Grand Total</b>	<b>\$4,392,000</b>	<b>-</b>	<b>-</b>	<b>\$4,392,000</b>

**Personnel**

Position	Annual FTE	Years Working	Funding Request	Antic. Leverage	Leverage Source	Total
Eco Engineering	0.06	3.0	\$25,300	-	-	\$25,300
Easements	0.24	6.0	\$139,400	-	-	\$139,400

**Amount of Request:** \$4,392,000

**Amount of Leverage:** -

**Leverage as a percent of the Request:** 0.0%

**DSS + Personnel:** \$199,400

**As a % of the total request:** 4.54%

**Easement Stewardship:** \$110,500

**As a % of the Easement Acquisition:** 2.75%

**How will this program accommodate the reduced appropriation recommendation from the original proposed requested amount?**

Fewer easements will be funded, acres protected and restored is reduced.

**Personnel**

**Has funding for these positions been requested in the past?**

Yes

**Please explain the overlap of past and future staffing and position levels previously received and how that is coordinated over multiple years?**

This is Phase 10 of an ongoing program. These funds will pay for staff time spent on new easements associated with this Phase.

## **Contracts**

**What is included in the contracts line?**

The contracts line amount will be used for payments to SWCD staff for easement implementation. Estimated restoration costs are included in the easements acquisition line.

## **Easement Stewardship**

**What is the number of easements anticipated, cost per easement for stewardship, and explain how that amount is calculated?**

17 easements at \$6,500 per easement. Perpetual monitoring and enforcement costs have been calculated at \$6,500 per easement. This value is based on using local SWCD staff for monitoring and landowner relations and existing enforcement authorities. The amount listed for Easement Stewardship covers costs of the SWCD regular monitoring, BWSR oversight, and any enforcement necessary.

## **Travel**

**Does the amount in the travel line include equipment/vehicle rental?**

No

**Explain the amount in the travel line outside of traditional travel costs of mileage, food, and lodging**

The travel line will only be used for traditional travel costs.

**I understand and agree that lodging, meals, and mileage must comply with the current MMB Commissioner Plan:**

Yes

## **Direct Support Services**

**How did you determine which portions of the Direct Support Services of your shared support services is direct to this program?**

BWSR calculates and periodically reviews and updates direct support services costs that are directly related to and necessary for each request based on the type of work being done.

## **Other Equipment/Tools**

**Give examples of the types of Equipment and Tools that will be purchased?**

Steel posts and signs to mark the easement boundaries.

## **Federal Funds**

**Do you anticipate federal funds as a match for this program?**

No

**Output Tables**

**Acres by Resource Type (Table 1)**

Type	Wetland	Prairie	Forest	Habitat	Total Acres
Restore	-	-	-	-	-
Protect in Fee with State PILT Liability	-	-	-	-	-
Protect in Fee w/o State PILT Liability	-	-	-	-	-
Protect in Easement	-	600	-	-	600
Enhance	-	-	-	-	-
<b>Total</b>	-	<b>600</b>	-	-	<b>600</b>

**Total Requested Funding by Resource Type (Table 2)**

Type	Wetland	Prairie	Forest	Habitat	Total Funding
Restore	-	\$270,000	-	-	\$270,000
Protect in Fee with State PILT Liability	-	-	-	-	-
Protect in Fee w/o State PILT Liability	-	-	-	-	-
Protect in Easement	-	\$4,122,000	-	-	\$4,122,000
Enhance	-	-	-	-	-
<b>Total</b>	-	<b>\$4,392,000</b>	-	-	<b>\$4,392,000</b>

**Acres within each Ecological Section (Table 3)**

Type	Metro/Urban	Forest/Prairie	SE Forest	Prairie	N. Forest	Total Acres
Restore	-	-	-	-	-	-
Protect in Fee with State PILT Liability	-	-	-	-	-	-
Protect in Fee w/o State PILT Liability	-	-	-	-	-	-
Protect in Easement	60	60	120	360	-	600
Enhance	-	-	-	-	-	-
<b>Total</b>	<b>60</b>	<b>60</b>	<b>120</b>	<b>360</b>	-	<b>600</b>

**Total Requested Funding within each Ecological Section (Table 4)**

Type	Metro/Urban	Forest/Prairie	SE Forest	Prairie	N. Forest	Total Funding
Restore	\$26,900	\$26,900	\$54,200	\$162,000	-	\$270,000
Protect in Fee with State PILT Liability	-	-	-	-	-	-
Protect in Fee w/o State PILT Liability	-	-	-	-	-	-
Protect in Easement	\$410,100	\$410,100	\$827,200	\$2,474,600	-	\$4,122,000
Enhance	-	-	-	-	-	-
<b>Total</b>	<b>\$437,000</b>	<b>\$437,000</b>	<b>\$881,400</b>	<b>\$2,636,600</b>	-	<b>\$4,392,000</b>

**Average Cost per Acre by Resource Type (Table 5)**

Type	Wetland	Prairie	Forest	Habitat
Restore	-	-	-	-
Protect in Fee with State PILT Liability	-	-	-	-
Protect in Fee w/o State PILT Liability	-	-	-	-
Protect in Easement	-	\$6,870	-	-
Enhance	-	-	-	-

**Average Cost per Acre by Ecological Section (Table 6)**

Type	Metro/Urban	Forest/Prairie	SE Forest	Prairie	N. Forest
Restore	-	-	-	-	-
Protect in Fee with State PILT Liability	-	-	-	-	-

Protect in Fee w/o State PILT Liability	-	-	-	-	-
Protect in Easement	\$6,835	\$6,835	\$6,893	\$6,873	-
Enhance	-	-	-	-	-

## Target Lake/Stream/River Feet or Miles

## Outcomes

### Programs in forest-prairie transition region:

- Protected, restored, and enhanced aspen parklands and riparian areas ~ *A summary of the total acres acquired through this appropriation will be reported. On-site inspections are performed every three years and compliance checks are performed in the other two years to ensure maintained outcomes. An increase of native grassland habitat is expected to increase the carrying capacity of grassland-dependent wildlife. This would have a positive impact on both game and non-game species. We expect more abundant populations of endangered, threatened, special concern and game species as these areas are restored.*

### Programs in metropolitan urbanizing region:

- A network of natural land and riparian habitats will connect corridors for wildlife and species in greatest conservation need ~ *A summary of the total acres acquired through this appropriation will be reported. On-site inspections are performed every three years and compliance checks are performed in the other two years to ensure maintained outcomes. An increase of native grassland habitat is expected to increase the carrying capacity of grassland-dependent wildlife. This would have a positive impact on both game and non-game species. We expect more abundant populations of endangered, threatened, special concern and game species as these areas are restored.*

### Programs in prairie region:

- Expiring CRP lands are permanently protected ~ *A summary of the total acres acquired through this appropriation will be reported. On-site inspections are performed every three years and compliance checks are performed in the other two years to ensure maintained outcomes. An increase of native grassland habitat is expected to increase the carrying capacity of grassland-dependent wildlife. This would have a positive impact on both game and non-game species. We expect more abundant populations of endangered, threatened, special concern and game species as these areas are restored.*

### Programs in southeast forest region:

- Rivers, streams, and surrounding vegetation provide corridors of habitat ~ *A summary of the total acres acquired through this appropriation will be reported. On-site inspections are performed every three years and compliance checks are performed in the other two years to ensure maintained outcomes. An increase of native grassland habitat is expected to increase the carrying capacity of grassland-dependent wildlife. This would have a positive impact on both game and non-game species. We expect more abundant populations of endangered, threatened, special concern and game species as these areas are restored.*

## Parcels

*For restoration and enhancement programs ONLY: Managers may add, delete, and substitute projects on this parcel list based upon need, readiness, cost, opportunity, and/or urgency so long as the substitute parcel/project forwards the constitutional objectives of this program in the Project Scope table of this accomplishment plan. The final accomplishment plan report will include the final parcel list.*

### **Parcel Information**

#### **Sign-up Criteria?**

[Yes](#)

#### **Explain the process used to identify, prioritize, and select the parcels on your list:**

Through a combination of eligibility screening followed by a scoring and ranking process, the RIM Buffers program evaluates each application on the potential to restore ecological functions and values; optimizing wildlife habitat benefits and providing other benefits including water quality. Each site is evaluated on its benefits to the surrounding landscape and any site-specific features that are important for permanent protection of habitat.

During the application process, a review of adjacent permanent habitat and easement size is conducted to indicate a site's usefulness as a corridor or as an extension of an existing habitat complex.

BWSR will continue to utilize similar science-based considerations as have been historically used by the RIM Buffers Program.