



Lessard-Sams Outdoor Heritage Council

Integrating Habitat and Clean Water Phase 2
Laws of Minnesota 2023 Accomplishment Plan

General Information

Date: 06/08/2023

Project Title: Integrating Habitat and Clean Water Phase 2

Funds Recommended: \$3,269,000

Legislative Citation: ML 2023, Ch. 40, Art. 1, Sec. 2, subd. 5(m)

Appropriation Language: \$3,269,000 the first year is to the Board of Water and Soil Resources to acquire permanent conservation easements and restore and enhance wildlife habitat identified in One Watershed, One Plan for stacked benefit to wildlife and clean water. Up to \$85,000 of the amount is for establishing 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

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Location Information

County Location(s):

Eco regions in which work will take place:

- Forest / Prairie Transition
- Northern Forest
- Southeast Forest
- Prairie

Activity types:

- Protect in Easement

Priority resources addressed by activity:

- Forest
- Prairie
- Habitat
- Wetlands

Narrative

Abstract

Funds for RIM conservation easements build on Clean Water Fund (CWF) investments for restoration and protection projects that “stack” habitat and clean water benefits. Projects will be identified in watershed plans developed through BWSR's One Watershed, One Plan program, in which local governments strategically set priorities for clean water and habitat, target implementation, and set measurable goals. BWSR currently distributes CWF dollars to partnerships with approved plans for water quality projects. By offering a more comprehensive funding package, BWSR aims to incentivize local partnerships to focus on more multi-benefit solutions that use the Legacy funds at their full potential.

Design and Scope of Work

A RIM easement program will be established for land protection priorities identified in comprehensive watershed management plans (“watershed plans”) developed through BWSR's One Watershed, One Plan (1W1P) program. Outdoor Heritage Fund (OHF) dollars will be strategically paired with CWF dollars for implementation that stacks habitat and water quality benefits in priority areas as identified by watershed-based partnerships of local and tribal governments.

Through the 1W1P program, partnerships of soil and water conservation districts, counties, and watershed districts identify priorities for watershed protection and restoration, set measurable goals, and commit to targeted implementation actions (municipal and tribal governments may also participate in local planning). State agencies (BWSR, DNR, MDA, MDH, MPCA, EQB) are advisors in the planning process and partners in implementation. Watershed plans are comprehensive: they address water quality, water quantity, groundwater, drinking water, habitat, recreation, and more.

Once BWSR approves a watershed plan, we grant dollars from the CWF for actions in the plan that address water quality concerns identified in the watershed plan. BWSR's vision is for this water quality funding to be stable and reliable for the life of the Legacy Fund. An important piece of this vision is to streamline the administrative burdens for local governments associated with applying for and reporting on grants while maintaining appropriate oversight of state funds. This allows implementers to spend more time doing what they do best: implementation. A BWSR RIM easement program dedicated for watershed plans would similarly reduce the number of individual proposals submitted to the LSOHC by local governments.

Millions of dollars are spent on projects from both the CWF and the OHF that focus primarily on a singular set of goals: water quality or habitat. Resource professionals and fund managers know that while many of those projects have a primary purpose, they achieve multiple benefits to varying degrees. Managers of both funds have expressed a desire to be more intentional about spending Legacy funds to achieve habitat and water quality simultaneously. Furthermore, the state's current easement programs are limited - either to a specific resource type or focused geographic area. There is tremendous opportunity to do more strategic, multi-benefit work.

Through this new RIM program, BWSR would offer a more comprehensive set of funding opportunities, and therefore support more holistic, comprehensive implementation. OHF dollars would allow partnerships to meet land protection goals to maintain and enhance terrestrial and aquatic habitats while simultaneously using CWF money to address water quality in the same sub-watersheds (where needed) with actions like agricultural and urban best management practices, septic system upgrades, well sealing, shoreland restoration, stream stabilization and connectivity fixes, and more.

BWSR will establish a scoring and ranking system to evaluate easement requests from partnerships with approved watershed plans (we anticipate at least 30 approved plans by the time funding is available). The scoring and ranking approach will incorporate plan priorities, the degree to which projects are paired with Clean Water Fund dollars, and progress toward measurable goals set by local partnerships.

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?

This proposal will benefit both aquatic and upland species through permanent protection and restoration of forested, grassland, wetland, and riparian areas coupled with best management practices paid for by the CWF that limit erosion, sedimentation, and increased pollution loading associated with watershed disturbance. The targeted species for individual watersheds will vary.

In northern forests, key aquatic species include cold water species (cisco and lake trout) at risk from land conversion and climate change as well as cool-water species (walleye and northern pike) that face competition from warmer water species in northern Minnesota. Land protection in riparian areas will be targeted to the most sensitive shorelines, habitat for diving birds as well as shoreline-dependent species such as common loon. Northern forests also support bald eagle, gray wolf, and a host of game species, migratory songbirds, endangered, threatened, and special concern species, including red-shouldered hawk, and over 55 Species in Greatest Conservation Need (SGCN), including northern goshawk, black-throated blue warbler, wood turtle, and four-toed salamander.

More than 150 SGCN use grasslands for breeding, migration, and/or foraging. Species that will be targeted include: greater prairie-chicken, eastern meadowlark, western meadowlark, grasshopper sparrow, chestnut collared longspur, bobolink, Wilson's phalarope, sedge wren, plains hog-nosed snake, American badger, prairie vole, plains pocket mouse, eastern spotted skunk, monarch butterfly, regal fritillary.

SGCN wetland species that will benefit include common five-lined skink, two-spotted skipper, northern pintail, American black duck, upland sandpiper, sedge wren, western grebe, and rusty patched bumble bee. In addition to the SGCN, the threatened or endangered species targeted in this proposal include the Blanding's turtle, Dakota skipper and poweshiek skipper.

In the forest/prairie transition, habitat fragmentation, land conversion, and climate change threaten migratory bird species, gray wolf, and long-eared bat. This project will work to increase populations of those species by increasing habitat quality and quantity in predetermined priority areas.

The bluffslands of Southeast Minnesota have more SGCN need than any other ecological subsection in Minnesota. This project will work to increase populations of those species by increasing habitat quality and quantity in predetermined priority areas. .

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:

A central feature of the 1W1P program is the prioritize/target/measure approach.

Local partnerships set priorities with resource data and local values. Commonly used data include water quality trends, biological indicators (fish, plants, aquatic species), flooding problems, land disturbance and associated pollution loading, habitat quality including MN County Biological Survey, current land ownership status, stream stability, forest health, future risk of land conversion based on demographic, recreational value, and more. Partnerships use a public input process to gauge local values, which together with the data, inform priority issues (e.g. surface water quality protection or restoration, groundwater protection, riparian protection, stormwater management, habitat) and to identify the portions of the watershed (typically subwatersheds) where priority issues are most pressing.

Targeting consists of deciding which conservation projects, practices, or programs will be used - and where, specifically, they should be placed on the landscape. For example, plans target forest protection with an RAQ (riparian, adjacency, quality) scoring system. Parcels with shoreline that are adjacent to existing protected tracts and that have biologically significant species score highest and become priority for landowner outreach and protection work.

Partnerships set measurable goals to gauge their pace of progress. Two examples: 1) models show that a benchmark of less than 25% land disturbance is shown to correlate with high water quality. Partnerships can easily measure progress toward their forest protection goals with the land disturbance indicator. Once they have reached the goal for a subwatershed, they can move on to the next. 2) Each watershed plan is required to have a quantifiable water storage goal, which can be met with wetland restoration and protection. Other indicators in watershed plans include water quality, miles of shoreline protection, index of biological integrity, and metrics for stream stability and connectivity. Partnerships will address these with CWF project dollars along with permanent protection.

BWSR will establish a scoring and ranking system for this RIM program that will explicitly include permanent land protection factors that may not have been fully fleshed out during the 1W1P prioritization process.

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

- H5 Restore land, wetlands and wetland-associated watersheds
- LU10 Support and expand sustainable practices on working forested lands

Which two other plans are addressed in this program?

- Minnesota Forest Resource Council Landscape Plans
- Other : Locally developed comprehensive watershed management plans developed through BWSR's One Watershed, One Plan program

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

Northern Forest

- Protect shoreland and restore or enhance critical habitat on wild rice lakes, shallow lakes, cold water lakes, streams and rivers, and spawning areas

Prairie

- Protect, enhance, or restore existing wetland/upland complexes, or convert agricultural lands to new wetland/upland habitat complexes

Southeast Forest

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

Outcomes

Programs in forest-prairie transition region:

- Wetland and upland complexes will consist of native prairies, restored prairies, quality grasslands, and restored shallow lakes and wetlands ~ *A summary of wetland acres and associated native grasslands 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 outcomes are maintained. An increase of wetland and associated grassland habitat are expected to increase the carrying capacity of wetland and grassland dependent wildlife. This has a positive impact on both game and non-game species. We expect more abundant populations of endangered, threatened, special concern and game species as complexes are restored.*

Programs in the northern forest region:

- Forestlands are protected from development and fragmentation ~ *Healthy populations of endangered, threatened, and special concern species as well as more common species. A summary of the total number of forest land secured under easement through this appropriation will be reported. We expect sustained populations of endangered, threatened, special concern and game species as these easements are secured. On-site inspections are performed every three years and compliance checks are performed in the other two years to ensure maintained outcomes.*

Programs in prairie region:

- Protected, restored, and enhanced shallow lakes and wetlands ~ *A summary of wetland acres and associated native grasslands 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 outcomes are maintained. An increase of wetland and associated grassland habitat are expected to increase the carrying capacity of wetland and grassland dependent wildlife. This has a positive impact on both game and non-game species. We expect more abundant populations of endangered, threatened, special concern and game species as complexes are restored.*

Programs in southeast forest region:

- Stream to bluff habitat restoration and enhancement will keep water on the land to slow runoff and degradation of aquatic habitat ~ *A summary of forest 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 outcomes are maintained. An increase of wetland and associated grassland habitat*

are expected to increase the carrying capacity of wetland and grassland dependent wildlife. This has a positive impact on both game and non-game species. We expect more abundant populations of endangered, threatened, special concern and game species as complexes are restored.

Does this program include leveraged funding?

No

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.

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 are identified.

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 existing enforcement authorities. The amount listed for Easement Stewardship includes costs of SWCD regular monitoring, BWSR oversight and any enforcement necessary.

Provide an assessment of how your program celebrates cultural diversity or reaches diverse communities in Minnesota, including reaching low- and moderate-income households:

Each watershed planning effort includes a public engagement component. BWSR is actively working to address diversity, equity, and inclusion as an agency; as part of those efforts, BWSR is encouraging direct involvement and engagement of BIPOC and diverse communities in local planning. For example, BWSR recently updated the 1W1P Operating Procedures policy to require local partners to invite Minnesota Tribal Nations with reserved lands or rights in the planning boundary to participate in the planning process. The local planning process will be used to identify potential RIM easement locations. As this new program becomes established, BWSR will look for additional ways to ensure equitable use of funds to benefit BIPOC and diverse communities.

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 landowner and BWSR.

Who will be the easement holder?

The State of Minnesota through BWSR.

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

13

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 5 acres, whichever is smaller. There is no cost share for establishment of food plots and upon termination the landowners 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 BWSR's RIM Reserve Program that has over 7,000 easements currently in place. Easements are monitored annually for each of the first five

years and then every third year after that. BWSR, in cooperation with SWCDs, implement 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 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

Some lands could need grasslands, wetlands or forests restored.

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
Restorations complete	June 30, 2031
Easements recorded	June 30, 2027
Obtain applications from eligible landowners	June 30, 2025

Date of Final Report Submission: 11/01/2031

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, 2027;
- (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, 2031;
- (3) money appropriated for restoring or enhancing other land is available until June 30, 2028;
- (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	Leverage	Leverage Source	Total
Personnel	\$142,300	-	-	\$142,300
Contracts	\$28,900	-	-	\$28,900
Fee Acquisition w/ PILT	-	-	-	-
Fee Acquisition w/o PILT	-	-	-	-
Easement Acquisition	\$2,970,500	-	-	\$2,970,500
Easement Stewardship	\$84,500	-	-	\$84,500
Travel	\$5,600	-	-	\$5,600
Professional Services	-	-	-	-
Direct Support Services	\$26,800	-	-	\$26,800
DNR Land Acquisition Costs	-	-	-	-
Capital Equipment	-	-	-	-
Other Equipment/Tools	\$8,000	-	-	\$8,000
Supplies/Materials	\$2,400	-	-	\$2,400
DNR IDP	-	-	-	-
Grand Total	\$3,269,000	-	-	\$3,269,000

Personnel

Position	Annual FTE	Years Working	Funding Request	Leverage	Leverage Source	Total
Engineering Staff	0.07	3.0	\$30,400	-	-	\$30,400
Easements Staff	0.19	6.0	\$111,900	-	-	\$111,900

Amount of Request: \$3,269,000

Amount of Leverage: -

Leverage as a percent of the Request: 0.0%

DSS + Personnel: \$169,100

As a % of the total request: 5.17%

Easement Stewardship: \$84,500

As a % of the Easement Acquisition: 2.84%

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

Acres have been scaled accordingly.

Personnel

Has funding for these positions been requested in the past?

-

Contracts

What is included in the contracts line?

The contract 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?

Perpetual monitoring and enforcement costs have been calculated at \$6,500 per easement. We anticipate acquiring approximately 12 easements with this money. 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 enforcement.

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 only includes traditional travel costs of mileage, food and lodging.

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 direct support services costs that are directly related to and necessary for each request based on the type of work being done. These calculations are reviewed annually.

Other Equipment/Tools

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

Posts and signs to mark 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	132	131	131	131	525
Enhance	-	-	-	-	-
Total	132	131	131	131	525

Total Requested Funding by Resource Type (Table 2)

Type	Wetland	Prairie	Forest	Habitat	Total Funding
Restore	-	-	-	-	-
Protect in Fee with State PILT Liability	-	-	-	-	-
Protect in Fee w/o State PILT Liability	-	-	-	-	-
Protect in Easement	\$817,300	\$817,200	\$817,300	\$817,200	\$3,269,000
Enhance	-	-	-	-	-
Total	\$817,300	\$817,200	\$817,300	\$817,200	\$3,269,000

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	-	132	131	131	131	525
Enhance	-	-	-	-	-	-
Total	-	132	131	131	131	525

Total Requested Funding within each Ecological Section (Table 4)

Type	Metro/Urban	Forest/Prairie	SE Forest	Prairie	N. Forest	Total Funding
Restore	-	-	-	-	-	-
Protect in Fee with State PILT Liability	-	-	-	-	-	-
Protect in Fee w/o State PILT Liability	-	-	-	-	-	-
Protect in Easement	-	\$817,300	\$817,100	\$817,300	\$817,300	\$3,269,000
Enhance	-	-	-	-	-	-
Total	-	\$817,300	\$817,100	\$817,300	\$817,300	\$3,269,000

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	\$6,191	\$6,238	\$6,238	\$6,238
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	-	\$6,191	\$6,237	\$6,238	\$6,238
Enhance	-	-	-	-	-

Target Lake/Stream/River Feet or Miles

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 - Sign up criteria is attached](#)

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

Local partnerships set priorities by looking at multiple information sources and local values. Commonly used data include water quality trends, biological indicators (fish, plants, aquatic species), land disturbance and associated pollution loading, habitat quality including MN County Biological survey, current land ownership status, stream stability, forest health, future risk of land conversion, demographics, recreational value, and more. Targeting is selecting conservation projects, practices, or programs that address the priority issue and and specific placement on the landscape.

Partnerships set measurable goals to gauge their pace of progress. For example, they can easily measure progress toward their forest protection goals with the land disturbance indicator. Once they have reached the goal for a subwatershed, they can move on to the next. Another example is each watershed plan is required to have a quantifiable water storage goal, which can be met with wetland restoration and protection. Other indicators in watershed plans include water quality, miles of shoreline protection, index of biological integrity, and metrics for stream stability and connectivity. These will be addressed through CWF-supported projects along with permanent protection.

BWSR will establish a scoring and ranking system to evaluate easement requests from partnerships with approved watershed plans (we anticipate at least 38 approved plans by the time funding is available). The scoring and ranking approach will incorporate plan priorities, the degree to which projects are paired with CWF dollars, and progress toward measurable goals set by local partnerships.