



## MEMORANDUM

**To:** Lessard-Sams Outdoor Heritage Council; Mark Johnson, LSOHC Executive Director  
**From:** Nick Bancks, Program Manager  
**Date:** September 9, 2019  
**Re:** Approval of Conservation Easement over Land with Existing CREP II Term Easement  
Appropriation: ML 2017 Chp. 91, Art. 1, Sec. 2, Subd. 3(c)

The Minnesota Land Trust would like to pursue acquisition of a permanent conservation easement over a tract of land in Elba Township, Winona County, Minnesota. This tract currently has a 45-year term Conservation Reserve Enhancement Program (CREP) easement in place on 52.5 acres of the 76-acre tract, which went into effect on July 2, 2007. The easement will expire on July 1, 2052. This particular easement was completed under the second iteration of CREP, known as CREP - Minnesota II.

CREP is a joint federal-state conservation program that is intended to protect environmentally sensitive cropland, such as the highly erodible land found on the tract, by removing land from crop production and converting it to native grasses, trees, or other native vegetation. Under CREP, the land is initially enrolled into a 10- or 15-year Conservation Reserve Program (CRP) contract (which is administered by the USDA Farm Service Agency (FSA)). In conjunction with the CRP contract, a Reinvest in Minnesota (RIM) easement is then placed over the property. These RIM easements are held by the State of Minnesota, and are generally perpetual; however, some RIM easements (such as the one on this parcel) are term easements. Participating landowners receive payment based upon the RIM easement term length and a percentage of the average township tillable average land value. Landowners are also eligible for cost-share from RIM on CREP conservation practices (up to 50%).

The landowners of this tract were paid \$42,262.50 by the State in 2007 for the 45-year easement, which encumbers 52.5 acres of land for the duration of the easement. They restored the 52.5 acres of cropland enrolled into the program to diverse native tallgrass prairie boasting over 100 different species of native forbs and grasses, and have actively managed the prairie with prescribed fire. In addition, they have worked to restore and enhance an additional 11 acres of oak savanna present on their property but not part of the portion currently encumbered by the CREP term easement.

The landowner approached the Minnesota Land Trust (MLT) in 2016 seeking to permanently protect 76 acres of their property. They applied to MLT's Southeast Blufflands Protection Program, which is funded by appropriations from the Outdoor Heritage Fund. Their tract scored highly in MLT's scoring protocols due to the quality of habitat and its adjacency to the North Branch Unit of Whitewater WMA. The landowner intends to donate all value associated with the permanent conservation easement. This would include full value donation over 23.5 acres of land not currently encumbered in the CREP program (and for which they have received no payment) and any residual value from the 52.5 acres of land currently under the 45-year term CREP easement.

Jamie Edwards, DNR Wildlife Supervisor for Whitewater WMA, has identified Henslow's Sparrow, a state-endangered species, on the tract. Jamie cited the strategic importance of preservation of the tract

to Whitewater WMA, as both a buffer to the state lands, and source of key habitat (prairie & oak savanna) available to wildlife species, such as the rusty patched bumble bee, that also utilize adjacent forest-fringe habitats on the WMA.

As outlined in the rules of the Outdoor Heritage Council, the Land Trust is requesting approval by the Council to secure a conservation easement over land with existing state protections. The associated OHF grant will cover all project costs incurred by the Land Trust related to the development and closing of the easement (title work, survey, habitat management plan, staff time, etc.) and long-term stewardship of the easement. The new conservation easement will protect lands not currently covered by the CREP easement and it will allow perpetual restrictions on the portion of the parcel covered by the term CREP easement, thereby making the existing state investments permanent.

Accompanying this memorandum is a map displaying the location of the CREP easement relative to other currently unprotected property associated with the parcel and the parcel's adjacency to Whitewater WMA, as well as a few photos of the property.

## Photos



Prairie panoramic view from bluff top (looking east towards Whitewater WMA)



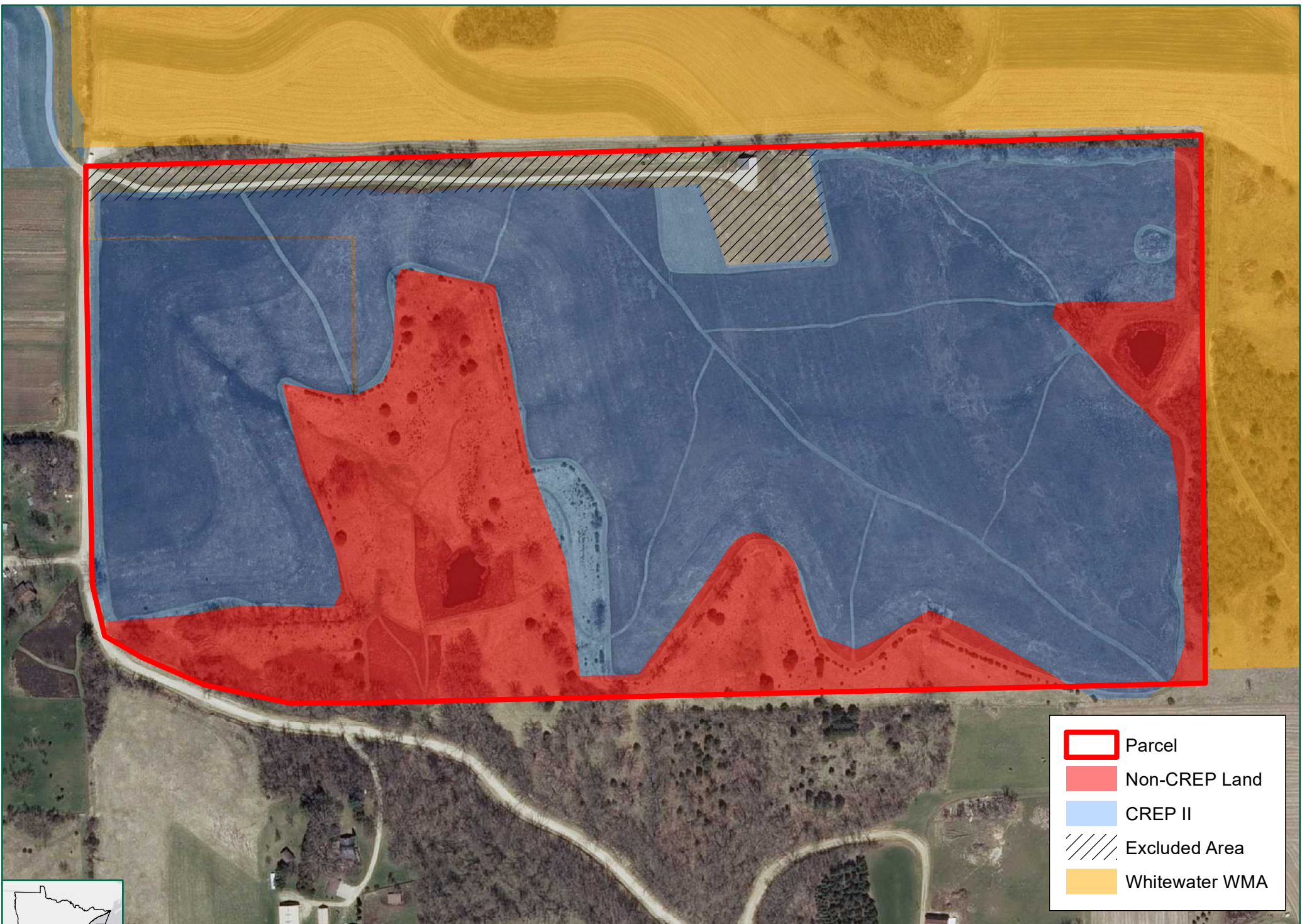
Oak savanna on non-CREP portion of tract








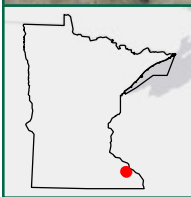


Species diversity in restored prairie





-  Parcel
-  Non-CREP Land
-  CREP II
-  Excluded Area
-  Whitewater WMA



# Whitewater II Property

