

REINVEST IN MINNESOTA (RIM) RESERVE ELIGIBILITY INFORMATION

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A. RIM RESERVE OVERVIEW AND ELIGIBLE LANDS

A.1 Purpose and Policy Statement

The Reinvest in Minnesota (RIM) Resources Law of 1986, Minnesota Statutes, sections 103F.501 to 103F.531, as amended, states:

" It is the purpose of [the program] to keep certain marginal agricultural land out of crop production to protect soil and water quality and support fish and wildlife habitat. It is state policy to encourage the retirement of marginal, highly erodible land, particularly land adjacent to public waters, drainage systems, wetlands, and locally designated priority waters, from crop production and to reestablish a cover of perennial vegetation."

A.2 Program Goals

- ❖ Reduce groundwater contamination potential
- ❖ Improve surface water quality
- ❖ Eliminate or reduce off-site deposition of nutrients, sediment or pesticides
- ❖ Enhance retention of surface runoff
- ❖ Control Floods
- ❖ Reduce erosion
- ❖ Protect and improve fish and wildlife habitat
- ❖ Enhance biological diversity
- ❖ Improve private forest management

A.3 Definitions of Eligible Lands

As stated in the above purpose and policy statement, the objective of the RIM Reserve program is to retire agricultural lands. Agricultural land is defined in the program administrative rules as follows:

"Agricultural land" means land devoted for use as pasture or hayland or to the production of horticultural, row, close grown, introduced pasture, or introduced hayland crops, or to growing nursery stocks, or for pasturing domestic livestock or dairy animals, or for use as animal feedlots, and may include contiguous land associated with the production of the above".

Therefore, to be eligible for RIM Reserve a land parcel must be located within, or be contiguous to lands meeting the agricultural land definition. Specific eligible land types are listed below.

Sensitive Groundwater Area

Land with crop history that includes a geographic area defined by natural features where there is a significant risk of groundwater degradation from activities conducted at or near the land surface.

Riparian Lands

Agricultural lands adjacent to public waters, drainage systems, wetlands, or locally designated priority waters identified in a comprehensive local water management plan.

Wetland Restoration Area

Lands containing drained wetlands that are practical to restore to their pre-drainage condition and where the state is able to secure the necessary land rights of adjacent landowners. "*Drained wetland*" means a former natural wetland that has been altered by draining, dredging, filling, leveling or other manipulation sufficient to render the land suitable for agricultural crop production. This alteration must have occurred before December 23, 1985, and must have been legal. (Creating a wetland, or restoring a wetland to an elevation or area beyond its pre-drainage condition, is not considered wetland restoration.)

Marginal Agricultural Cropland Area

Land with crop history that is composed of class IIIe, IYe, V, VI, VII, or VIII land as identified in the *land capability classification system* of the United States Department of Agriculture.

Pastured Hillside

Land on a hillside that is used for pasture and is devoted to the production of forage.

Living Snowfence Area

Agricultural land within 300 feet of the right-of-way of a highway; the land must have a strip or belt of trees, shrubs or grass barriers at least six rows deep.

Woodlots on Agricultural Land

A distinct tract of naturally forested land that is surrounded by agricultural land.

Abandoned Building Site on Agricultural Land

A distinct tract of land which was formerly inhabited as a home site or farmstead and that is surrounded by agricultural land.

B. RIM RESERVE PROGRAM ELIGIBILITY CRITERIA

B.1 General Criteria

The land is owned by individuals, family farms, family farm partnerships, authorized farm partnerships, family farm corporations, authorized farm corporations, some general partnerships, or estates and testamentary trusts. Definitions can be found in the *Landowner Definition* section. In addition to meeting the definition, authorized farm corporations or authorized farm partnerships must provide proof that they are registered with the Minnesota Department of Agriculture. Nonprofit organizations are not eligible to convey a RIM Reserve easement to the state.

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.

Easement areas must be at least five acres in size or must be a whole field as defined by the USDA Farm Services Agency (FDA). **Exceptions: living snowfence, agricultural woodlot, riparian lands, restorable wetlands, or abandoned building site.**

The land must not be enrolled under another easement whose purpose conflicts with, or substantially duplicates, the terms of a RIM Reserve conservation easement. Conservation easements must be evaluated on a case-by-case basis to determine whether or not they substantially duplicate the RIM Reserve easement. For example, land enrolled in USDA's Wetland Reserve Program (WRP) with a perpetual easement would not be eligible because that program has purchased the same land rights that a RIM Reserve easement purchases, i.e., specifically preventing cropping and grazing and requiring the establishment and maintenance of conservation practices.

Unused (abandoned) wells on the proposed easement area must be properly sealed before the easement can be conveyed. All associated costs to properly seal the wells are the responsibility of the landowner. Properly sealed means in accordance with Minnesota Statutes 1031.301 and the Minnesota Dept. of Health's well code, Minnesota Rules Chapter 4725.

Hazardous substances, buried tanks, pollutants, or contaminants on the proposed easement area must be properly removed or cleaned up before the easement can be conveyed (recorded). All associated costs to do so are the responsibility of the landowner.

No structures, temporary or permanent, can be located on the easement area. Existing structures must be removed prior to conveying the easement, and all costs associated with the removal are the responsibility of the landowner.

Perpetual easements are, by law, required to be considered highest priority. Wetland restoration areas and living snowfences **must** be perpetual. Limited duration easements of no less than 20 years may be considered for enrollment in SWCDs where the SWCD has received formal approval by the BWSR.

Public Waters and Public Waters Wetlands identified on the DNR Public Waters inventory are eligible for enrollment and should be included in the easement as donated acres. This does not apply when they are offered for enrollment as a wetland restoration.

Public surface drainage ditches, including one rod of the ditch bank, cannot be included in paid acreage and therefore should be enrolled as donated acres. **This does not apply when the drainage ditch is offered for enrollment as part of a wetland restoration or replacement wetland project.**

B.2 Specific Criteria

Specific considerations or restrictions may pertain to individual eligible land types. The following 11 items specify requirements that must be met for the land to comply with the crop history definition, or for the land to be eligible as riparian land, a wetland restoration area, a marginal agricultural cropland area, living snowfence, pastured hillside, agricultural woodlot, abandoned building site or replacement wetland.

All lands that will be compensated at the "land with crop history" easement payment rate must meet the crop history criteria below.

Crop History

Acres have been in agricultural crop production for at least two of the last five years (complete, annual cropping seasons) prior to the date of application. Introduced hayland and introduced pasture qualifies as crop history if the area has been cultivated in a rotation of row crops or small grains, or interseeded with introduced or native species, at least twice during the 10 years prior to the date of application, and has been harvested or grazed at least two of the five years prior to the date of application. Acres enrolled in a federal or state conservation program at a cropland rate two of the past five years qualify as crop history.

Riparian Lands

The area should have crop history or be pasture that is actively being grazed two of the last five years. Narrow corridors or buffers of natural vegetation between the cropped or pastured area and the riparian source may be included in the easement. Landowners should be encouraged to donate these buffer areas, particularly acres that exceed 10% of the easement area.

"Adjacent to" is a subjective decision the SWCD must make. Generally, the field should be in close proximity to the riparian source and a direct conveyance route (e.g., gully, waterway, culvert, etc.) for surface water should exist between the field and the riparian source.

Wetland Restoration Area

Wetland restoration area(s) must have wetlands that were legally drained and are restorable. "Restorable" means that the project is financially practical and technically feasible. A wetland that has been temporarily restored by a beaver dam is considered restorable. "Financially practical" wetland restoration costs (excluding easement payments) should not exceed \$1,000 per acre of restored wetland. "Technically feasible" wetland restorations cannot negatively impact adjacent lands not being enrolled in a RIM easement unless property rights are obtained.

The drained wetland must have been sufficiently altered to render the basin suitable for agricultural crop production. This does not necessarily refer to present conditions. SWCDs will need to make a subjective decision regarding this eligibility issue and will not be required to provide documentation proving cropping suitability.

Restored wetland cannot be used to mitigate other wetland losses. All wetland restorations must be perpetual; no limited duration wetland restorations will be considered for enrollment in to the program.

Adjacent lands may be enrolled as part of the easement area under the following conditions as outlined below.

Adjacent land without qualifying crop history cannot exceed one acre for each acre of wetland to be restored (a 1:1 ratio).

Example 1 shows an easement area which contains some land with a previous cropping history and some land without it. Once the wetland has been restored the maximum amount of non-cropped adjacent lands to the wetland area cannot exceed an acreage ratio of 1:1. Additional adjacent lands that have a cropping history can be included in the easement as long as the ratio of all adjacent lands to the wetland area once restored does not exceed 4:1. Any other additional lands to be included in the easement cannot be compensated.

Example 1



Restorable wetland area = **11.2 acres**
 $11.2 \times 4 = 44.8$ acres (4:1 maximum)
Adjacent lands without a cropping history = **9.3 acres** (1:1 maximum)

Maximum allowable adjacent lands -
Maximum allowable adjacent lands without crop history =
Maximum allowable adjacent lands with crop history
 $44.8 - 9.3 = 35.5$ acres

Restorable wetland area +
Adjacent lands without cropping history +
Maximum allowable adjacent lands with crop history =
Maximum allowable easement area

$11.2 + 9.3 + 35.5 = 56.0$

Example 2 shows an easement area which does not contain any adjacent land with a previous cropping history. Again, once the wetland is restored the maximum amount of adjacent lands to the wetland cannot exceed an acreage ratio of 1:1. This example also illustrates how an existing undrained wetland area can be included in the allowable easement area (payable by RIM Reserve).

Example 2



Restorable wetland area = **5.1 acres**
Maximum allowable adjacent lands without a cropping history
(including existing wetland area = **5.1 acres (1:1 maximum)**)

Restorable wetland area +
Adjacent lands without cropping history =
Maximum allowable easement area

$$5.1 + 5.1 = 10.2$$

Adjacent lands with qualifying crop history cannot exceed four acres for each acre of wetland to be restored (4:1 ratio). The combined total cannot exceed 4:1 as illustrated in the example below.

Example 3 shows an easement where the entire area had a previous cropping history. Once the wetland has been restored the maximum amount of eligible adjacent lands to the wetland area cannot exceed a ratio of 4:1.

Example 3



Restorable wetland area = **6.3 acres**
 $6.3 \times 4 = 25.2$ acres (4:1 maximum)
Maximum allowable adjacent lands with crop history = **25.2**

Restorable wetland area +
Maximum allowable adjacent lands with crop history =
Total easement area

$6.3 + 25.2 = 31.5$
Maximum allowable easement area = **31.5**

Please contact your board conservationist or central office staff if you have specific questions relating to wetland restoration areas. General and specific guidelines are often complicated for projects involving multiple applications for a wetland restoration easement.

Marginal Agricultural Cropland Areas

All acres must have been in agricultural crop production for at least two of the last five years prior to the date of application (see [Crop History](#) above for a complete definition.)

The easement area must include at least 50% eligible soil types from the [approved eligible soils list](#).

Living Snowfence Area

All acres must have been in agricultural crop production for at least two of the last five years prior to the date of application (see [Crop History](#) above for a complete definition.) A windbreak of at least six rows of woody vegetation will be established and will benefit resource protection (i.e., reduce wind erosion or enhance wildlife habitat). The easement area must be located within 300 feet of the highway right-of-way, and must be approved by the County Highway Engineer or Minnesota Dept. of Transportation Highway Engineer, whichever is applicable. There is no minimum size requirement for this easement type, and all easements must be perpetual.

Pastured Hillides

The easement area must have been actively pastured two of last five years. At the time of application the easement area must show evidence of excessive erosion due to overgrazing.

Woodlots on Agricultural Land

Agricultural land means land devoted for use as pasture or hayland, or to the production of horticultural, row, close grown, introduced pasture, introduced hayland crops, or to growing nursery stock, or for the pasturing of domestic livestock or dairy animals, or for use as animal feedlots, and may include contiguous land associated with the production of the above. There is no minimum size requirement for this easement type.

Abandoned Building Sites on Agricultural Land

A distinct tract of land which was formerly inhabited as a homesite or farmstead and that is surrounded by agricultural land. There is no minimum size requirement for this easement type. All existing buildings must be removed from the easement area and all building foundations must be filled prior to conveyance of the easement. Removal of all buildings, filling of building foundations and the associated costs are the responsibility of the landowner. All wells on the easement area must be properly sealed prior to the conveyance of the easement and all associated costs are the responsibility of the landowner.

Sensitive Groundwater

All acres must have been in agricultural crop production for at least two of the last five years prior to the date of application (see [Crop History](#) above for a complete definition.)

C. CALCULATION OF PAYMENT RATES

Payment rates are established on an annual basis by the BWSR. The current basis for the rates is:

TYPE OF LAND	PERPETUAL	LIMITED
Lands with Crop History ¹	90% of the ATAMV ²	60% of the ATAMV
Lands Without Crop History	60% of the ATAMV	40% of the ATAMV

¹**Cropped** means the area has been planted to agricultural crops for two of the past five years prior to the date of application or is introduced pasture or hayland that has been interseeded or in a rotation of row crop or small grain at least twice in the last 10 years and has been harvested twice in the last five years. (See [*Specific Criteria*](#) for a full definition.)

²**ATAMV** stands for the Assessor's Township Average Market Value or other factor as established annually by the state board.

Refer to the current township payment rates provided by BWSR for specific township payment rates in your area.