



September 28, 2016

Announcements

BWSR Academy

BWSR Academy is right around the corner. It is back at Cragun's this year, so mark your calendars for October 24th–26th. The Easement Section will have four RIM sessions and a Farm Bill Assistance Workshop geared towards educating new employees on the RIM process and serving as a refresher for experienced staff. View the 2016 Academy schedule and registration information here:

<http://www.bwsr.state.mn.us/academy/index.html>.

RIM Site Inspections

Site inspection season is well underway, and this is a friendly reminder that signed site inspection reports are due in our office by **Friday, September 30th**. In addition to the signed site inspection list, you are required to submit to BWSR copies of any site inspection forms with one or more practice areas marked 'poor' or any question on the back of the form answered 'Yes', as those would indicate potential compliance concerns. It is recommended that any potential compliance concerns be documented with GPS and photos whenever possible.

We also encourage taking photos of the positive aspects of the RIM sites you visit and sharing those with us as well! Examples include grassland or wetland restorations with a diversity of native vegetation, wildlife/pollinators observed enjoying the restored habitat, or anything else notable that documents restoration success!

Please submit your completed, signed site inspection reports and forms to the BWSR St. Paul office (attn. Easements) or e-mail them (and your photos!) to karli.tyma@state.mn.us.

Friendly Reminders

Ownership Changes

If sending ownership change documents to the St. Paul office via e-mail, please use the general RIM e-mail (bwsr.rim@state.mn.us) instead of e-mailing staff directly since we will now have a number of staff working on processing ownership changes.

Title Commitments

When sending title commitments to BWSR staff, it is important to review the title commitment so you can obtain copies of exceptions listed as encumbrances on title. A few examples of this are utility easements, drainage agreements, or the need to obtain mortgage consents. You are highly encouraged to gather this

information and send it with the title commitment as a package. This is because when commitments are sent to BWSR without these items, the title commitment is put on hold and no further processing can be done until the items are received. Also important to note: title agents are responsible for gathering these documents and sending them to you, the SWCD, along with the title commitment. You do not have to gather these documents on your own. If there are questions about this topic, please contact Kristie Mack at BWSR. Our RIM Handbook is also very helpful and specific about spelling out who is responsible for what regarding title work.

General Inquiry Emails

Please send general inquiries and electronic documents to: bwsr.rim@state.mn.us. Please put the easement number in the Subject Line of the email.

Mailings to BWSR

When mailing documents to BWSR, please put the easement number in the documents or on a post it note for reference. If you are working on documents with an attorney's office or title company, please advise them to note the easement number on any documents they send to our office.

Thank you!

Email Communication

When receiving e-mails from RIM Staff, especially regarding issues with title work, it is extremely important to relay the information to the title agent as soon as possible to help keep the easement process moving. When e-mails from RIM Staff are not addressed in a timely manner, the processing of your landowner's easement comes to a complete halt, delaying the overall processing timeline and decreasing landowner satisfaction. Unnecessary inefficiencies and additional delays are created when RIM Staff have to handle a file several times to resolve an issue due to e-mails not being addressed.

Also, it is extremely important to respond back to the original RIM Staff person who made the request. Responding to a different RIM Staff person can cause confusion and delays because not all RIM Staff work on every file.

When e-mailing a title commitment to RIM Staff, the e-mailed copy must be a legible, clean copy. RIM Staff cannot accept or work with e-mailed copies that are illegible or have marks on them due to poor copy quality.

No Closings

When is a Closing Not a Closing? RIM easements are not "closed" by a title agent. Closings occur only on RIM-WRP Easements where NRCS coordinates say 'closing'. An actual real estate closing includes a specific set of processes and costs that do not occur with RIM Easements. Once a RIM easement is signed and notarized, the easement is given to the title agent by SWCD Staff to complete the following steps:

- 1) complete a Gap check,
- 2) if no new encumbrances, record the Easement, and
- 3) complete a Final Title Insurance Policy.

If a title agent inquires about scheduling a closing, please inform them that there will not be a traditional closing. The final directions to complete a RIM Easement are sent in a letter attached to the easement for signature. If there are questions on those directions, please call the appropriate RIM staff person for help.

Easement Legal Descriptions & Boundary Staking

Recently the BWSR easement staff started a new process for developing conservation easement legal descriptions and boundaries. Those SWCDs with 2014 and 2015 approved RIM applications have most likely been exposed to this new process already. The main reason for doing this is to make sure that the easement area map, or exhibit A, accurately depicts the boundary the landowner envisions in the field. Easement boundary accuracy has become very important given the widespread use of GIS, especially for monitoring and compliance issues.

The difference between the old and new process is that BWSR now sends out a revised ArcGIS shapefile easement boundary to the SWCD for review and approval with the landowner prior to sending out the RIM Agreement for landowner signatures. This revised boundary may be slightly different from the shapefile submitted with the application because it has been reconciled with section lines, right-of-ways, and property boundaries. This BWSR-prepared GIS shapefile should be reviewed thoroughly with the landowner in the field using GPS to locate the boundary for the landowner to see. You could flag the boundary, where possible, to aid in this process.

Once the landowner concurs with the boundary, SWCD staff should prepare a new Conservation Easement Financial Worksheet (CEFW) to match the new acreage, since crop and/or non-crop acres likely changed. When BWSR easement staff receives the revised CEFW we will proceed with preparing and mailing out the RIM Agreement for landowner signature.

The revised GIS shapefile must also be used for the boundary to create the conservation plan for the easement, and permanently stake and post the easement boundary in the field as soon as possible based on crop and field conditions. Posts should be placed at all easement corners, and a minimum of every 500 feet along straight and curved boundaries. BWSR will supply signs for the posts and will reimburse SWCDs for the cost of steel fence posts and sign attachment hardware purchased.

The GIS shapefile boundary will make it much easier to monitor easements and locate boundaries if posts go missing or crop encroachment violations occur.

