



## Environment and Natural Resources Trust Fund (ENRTF) M.L. 2017 LCCMR Work Plan

**Date of Submission:** November 22, 2017

**Date of Next Status Update Report:** January 31, 2018

**Date of Work Plan Approval:**

**Project Completion Date:** June 30, 2022

**Does this submission include an amendment request?**

**PROJECT TITLE:** Conservation Reserve Enhancement Program (CREP)

**Project Manager:** Dave Rickert

**Organization:** Minnesota Board of Water and Soil Resources

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**Location:**

**Region:** Central, Metro, Northwest, Southwest, Southeast

**Counties:** Becker, Big Stone, Blue Earth, Brown, Carver, Chippewa, Clay, Cottonwood, Dakota, Dodge, Douglas, Faribault, Fillmore, Freeborn, Goodhue, Grant, Hennepin, Houston, Jackson, Kandiyohi, Lac qui Parle, Le Sueur, Lincoln, Lyon, Martin, McLeod, Meeker, Mower, Murray, Nicollet, Nobles, Olmsted, Otter Tail, Pipestone, Pope, Redwood, Renville, Rice, Rock, Scott, Sibley, Stearns, Steele, Stevens, Swift, Todd, Traverse, Wabasha, Waseca, Watonwan, Wilkin, Winona, Wright, Yellow Medicine

**Total ENRTF Project Budget:**

**ENRTF Appropriation:** \$13,500,000

**Amount Spent:** \$0

**Balance:** \$13,500,000

**Legal Citation:** M.L. 2017, Chp. 96, Sec. 2, Subd. 08I

**Appropriation Language:** \$2,729,000 in fiscal year 2017 and \$5,771,000 the first year and \$5,000,000 the second year are from the trust fund to the Board of Water and Soil Resources to acquire permanent conservation easements and restore land under Minnesota Statutes, section 103F.515. This work may be done in cooperation with the federal Conservation Reserve Enhancement Program. This appropriation is available until June 30, 2021, by which time the project must be completed and final products delivered.

## **I. PROJECT TITLE: Conservation Reserve Enhancement Program (CREP)**

## **II. PROJECT STATEMENT:**

The Minnesota Conservation Reserve Enhancement Program (MN CREP) is a federal and state partnership designed to improve water quality and provide habitat in the 54 County area through establishing buffers, restoring wetlands, and protecting groundwater resources. The primary objectives of this entire CREP are to reduce phosphorus by 19,200 pounds per year, Nitrogen by 1,220,000 pounds per year, and sediment runoff by 123,000 tons per year. Total annual load reductions for the 4,200 acres include 1,300 lbs. of total Phosphorus, 100,800 lbs. of total nitrogen and 8,600 tons of sediment.

This program will also reduce hydrological impacts to surface waters and increase infiltration for groundwater recharge. An expansion of wetland and prairie habitat availability through this program may alleviate pressure on those species that are most sensitive to habitat changes occurring on the landscape. The MN CREP will target 60,000 acres in areas of southern and western Minnesota facing significant water quality challenges, to protect and improve our natural resources for future generations.

The MN CREP is designed to help improve water quality and provide habitat in the 54 County area by establishing and maintaining buffers of permanent vegetation between eligible waterbodies and adjacent agricultural cropland, restoring and maintaining wetlands, establishing permanent vegetative cover in wellhead protection areas, and to establish beneficial habitat for terrestrial and aquatic habitat. Reinvest In Minnesota (RIM) permanent conservation easements will be secured in combination with a 15 year CRP contract to provide permanent protection for these important natural resource benefits. This \$13.5 million proposal will leverage a significant USDA match to restore and protect approximately 4,200 acres with 336 individual landowners.

Minnesota continues to see a net loss of grasslands and Conservation Reserve Program (CRP) acres each year. This exodus is being driven by high land prices, increased pressure for alternative uses, and declining federal budgets for conservation programs. Minnesota's primary strategy to mitigate the loss of CRP is to target expiring contracts for enrollment into MN CREP, Continuous CRP practices and permanent easements.

## **III. OVERALL PROJECT STATUS UPDATES:**

**Project Status as of January 31, 2018:**

**Project Status as of July 31, 2018:**

**Project Status as of January 31, 2019:**

**Project Status as of July 31, 2019:**

**Project Status as of January 31, 2020:**

**Project Status as of July 31, 2020:**

**Project Status as of January 31, 2021:**

**Project Status as of July 31, 2021:**

**Project Status as of January 31, 2022:**

## Overall Project Outcomes and Results:

### IV. PROJECT ACTIVITIES AND OUTCOMES:

#### ACTIVITY 1: Conservation Easement Acquisition & Restoration

**Description:** This program will target certain riparian areas, wetlands and wellhead protection areas, providing multiple benefits to water quality and wildlife habitat. 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 which highlight the benefits of selection for permanent protection. The scoring and ranking process used with this program places a preference on sites that reduce pollutant loads and protect vulnerable groundwater resources. A preference is also placed on sites that are in close proximity to other protected habitat, selecting sites that build complexes. Each site is considered on its benefit to the surrounding landscape, ability to build upon existing corridors and complexes, and site-specific features which highlight the benefits of selection for permanent protection and habitat.

Easements will be secured via Conservation Reserve Enhancement Program (CREP) permanent easement acquisition, utilizing both a 15 year CRP contract and permanent RIM easement. Due to the USDA paying the majority of landowner payments, which also include a portion of restoration costs, BWSR assumes a large proportion of administrative costs to acquire these easements.

Restoration activity occurs once an easement is acquired. Through the use of BWSR's Native Vegetation Guidelines, we will establish high diversity native plantings and restore hydrology when applicable. Easements acquired with these funds will exceed Buffer Law requirements. BWSR is continuing to work with the USDA on these considerations.

This program will benefit from work conducted through the ENRTF CREP Outreach and Implementation appropriation, which provides funding for the employment of approximately 26 CREP Technicians to assist with marketing and landowner contacts, application procurement and submittal.

Positions funded with the assistance of the ENRTF CREP Outreach and Implementation appropriation will be used for the entirety of CREP, serving a role in additional contracts beyond the 336 easement scope of this \$13.5M appropriation. In addition to their support of effective marketing of this program, these positions will serve as the workforce to timely processing as federal staff positions dwindle. The LCCMR commitment already seen through the ENRTF CREP Outreach and Implementation appropriation will play an important role in the successful implementation of CREP.

Professional/Technical/Service Contracts will be used to pay SWCDs for their role in the processing of funded applications, including receiving landowner signature on Agreement and Easement documents, assistance during the title stage which may include assistance with clearing exceptions and receiving an acceptable final title policy to the state, and preparation of the RIM Conservation Plan or other advanced duties related to wetland restoration design and planning.

#### Summary Budget Information for Activity 1:

ENRTF Budget: \$ 13,500,000  
Amount Spent: \$ 0  
Balance: \$ 13,500,000

Outcome	Completion Date
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1. Acquire Conservation Easements (Projected number of easements: 336; Projected number of acres: 4,200)	June 30, 2020
2. Restore Acquired Conservation Easements	June 30, 2022

**Activity 1 Status as of January 31, 2018:**

**Activity 1 Status as of July 31, 2018:**

**Activity 1 Status as of January 31, 2019:**

**Activity 1 Status as of July 31, 2019:**

**Activity 1 Status as of January 31, 2020:**

**Activity 1 Status as of July 31, 2020:**

**Activity 1 Status as of January 31, 2021:**

**Activity 1 Status as of July 31, 2021:**

**Activity 1 Status as of January 31, 2022:**

**Final Report Summary:**

## **V. DISSEMINATION:**

**Description:** Throughout the CREP we will follow our CREP Communications Plan to disseminate information to partners and the general public. Communication channels will include email, print and broadcast media, web content, and printed literature.

BWSR's CREP Outreach Webpage: <http://www.bwsr.state.mn.us/crep/index.html>

**Status as of January 31, 2018:**

**Status as of July 31, 2018:**

**Status as of January 31, 2019:**

**Status as of July 31, 2019**

**Status as of January 31, 2020:**

**Status as of July 31, 2020:**

**Status as of January 31, 2021:**

**Status as of July 31, 2021:**

**Status as of January 31, 2022:**

## Final Report Summary:

### VI. PROJECT BUDGET SUMMARY:

#### A. Preliminary ENRTF Budget Overview:

\*This section represents an overview of the preliminary budget at the start of the project. It will be reconciled with actual expenditures at the time of the final report.

Budget Category	\$ Amount	Overview Explanation
Personnel:	\$ 1,341,000	
Professional/Technical/Service Contracts:	\$ 713,100	
Equipment/Tools/Supplies:	\$ 43,900	
Permanent Easement Acquisition (Landowner Payments):	\$ 6,573,100	Total expected Federal match for Landowner Payments is \$22,413,750.
Conservation Plan Reimbursements on Acquired Acres	\$2,509,900	Total expected Federal match for restoration is \$3,264,250.
Travel:	\$ 23,600	
Additional Budget Items: Direct Support Services:	\$ 111,400	
Additional Budget Items: Easement Stewardship	\$ 2,184,000	Easement Stewardship: Perpetual stewardship 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 SWCD regular monitoring, BWSR oversight, and enforcement. Working with LCCMR Staff, Stewardship funds are included in this budget and BWSR intends to deposit funds into an already established Stewardship account. However, the ability to deposit funds into a Stewardship account is dependent on pending legislative approval authority. BWSR will be pursuing a language change in the 2018 session to allow for use of funds for the purpose of easement stewardship.
<b>TOTAL ENRTF BUDGET:</b>	<b>\$13,500,000</b>	

**Explanation of Use of Classified Staff:** Consistent with approved work plans for previous ENRTF appropriations, this funding will be used to pay project-associated costs for classified and unclassified staff. These costs directly correlate with the staff needed to fill these services. Without these funds, these positions would not exist.

Direct and Necessary expenses are for Department Support Services (HR Support, Financial Support, Communications Support, and IT Support). These services are directly related to and necessary for the appropriation. Department Leadership services are not assessed, and BWSR does not require Planning Support or Safety Support. Direct Support Services were calculated based upon considerations used with the established DNR model, and using actual BWSR projections. HR Support (~\$30,200), Financial Support (~\$27,100),

Communications Support (~\$5,400), and IT Support (\$48,700) are necessary to accomplish this funded project. The \$111,400 of Direct Support Services amount to 0.8% of this appropriation.

BWSR will periodically complete reconciliation between budgeted cost vs. actual costs during the appropriation. If we forecast there will be unspent funds for Direct Support Services, we may seek an amendment to shift some of these costs into the Permanent Easement Acquisition line or Conservation Plan Reimbursement line. Any unspent funds would be returned.

**Explanation of Capital Expenditures Greater Than \$5,000:** N/A

**Total Number of Full-time Equivalents (FTE) Directly Funded with this ENRTF Appropriation:** 17.2

**Total Number of Full-time Equivalents (FTE) Estimated to Be Funded through Contracts with this ENRTF Appropriation:** N/A

**B. Other Funds:**

Source of Funds	\$ Amount Proposed	\$ Amount Spent	Use of Other Funds
<b>Non-state</b>			
USDA Funds	\$25,678,000	\$0	USDA funds, in the form of CRP payments and conservation plan payments to landowners
<b>Past and Current ENRTF Appropriation</b>			
CREP Outreach & Implementation	\$6,000,000		This project will benefit from work conducted through the ENRTF CREP Outreach and Implementation appropriation, which provides funding for the employment of approximately 26 CREP Technicians to assist with marketing and landowner contacts, application procurement and submittal.
<b>TOTAL OTHER FUNDS:</b>	<b>\$31,678,000</b>	<b>\$0</b>	

**VII. PROJECT STRATEGY:**

**A. Project Partners:**

**Partners receiving ENRTF funding**

- *SWCDs within the 54-County CREP Area, \$705,600, for easement processing*

**Partners NOT receiving ENRTF funding**

- *Natural Resources Conservation Service (NRCS) technical assistance provider for CRP contracts.*
- *Farm Service Agency (FSA) enrollment, administrator and fiscal agent for CRP contracts.*

**B. Project Impact and Long-term Strategy:**

This program is the result of a five state agency effort, support from the Governor, and a large amount of local agency, organization, and farmer support for the MN CREP. A broad coalition of over 70 non-state organizations and groups supports this program.

By themselves, CRP practices provide a substantial amount of water quality and habitat benefits, but may be removed 10 to 15 years later. Through this MN CREP partnership, BWSR leverages the federal CRP program, adding a permanent RIM easement on this same area and ensuring these benefits are preserved in perpetuity.

Total annual load reductions for the 4,200 acres include 1,300 lbs. of total Phosphorus, 100,800 lbs. of total nitrogen and 8,600 tons of sediment. Utilizing Unit Area Load (UAL) calculations based on data, model simulation and reference to existing research data, BWSR and Tetra Tech developed a model by land cover type for Total Phosphorus (TP), Total Nitrogen (TN) and Total Suspended Sediments (TSS). Calculations have been made to consider before and after land cover for the CREP for each of the three pollutants.

Once a RIM easement is acquired, BWSR is responsible for monitoring and enforcement into perpetuity. Easements are inspected for the first five consecutive years beginning in 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.

#### **C. Funding History:**

<b>Funding Source and Use of Funds</b>	<b>Funding Timeframe</b>	<b>\$ Amount</b>
<b>ENRTF (ML17)</b>	July 1, 2017-June 30, 2020	\$6,000,000
<b>Clean Water Fund (ML15, ML17)</b>	July 1, 2016-June 30, 2021	\$46,000,000
<b>Outdoor Heritage Fund (ML15, ML16, ML17)</b>	July 1, 2014-June 30, 2026	\$40,791,000
<b>Bonding (ML17)</b>	July 1, 2017-Completion	\$10,000,000

#### **VIII. REPORTING REQUIREMENTS:**

- The project is for 5 years, will begin on 07/01/17, and end on 06/30/22.
- Project status update reports will be submitted January 31 and July 31 of each year, per LCCMR requirements.
- A final report and associated products will be submitted between June 30 and August 15, 2022.

#### **IX. VISUAL COMPONENT or MAP(S):**

See attached map of project area indicating the 54 county CREP project area.

#### **X. FEE TITLE ACQUISITION/CONSERVATION EASEMENT/RESTORATION REQUIREMENTS:**

**A. Parcel List:** The MN CREP signup started on May 15th, 2017 and the list of parcels that will be funded through this appropriation will be determined through a scoring and ranking process. Scoresheets used for the MN CREP signup are available upon request. The proposed results of this ENRTF Request will result in conservation easement acquisition on approximately 336 easements, securing approximately 4,200 acres under permanent protection. Conservation easements will be purchased using established RIM Rates and will be held by the Board of Water and Soil Resources. Parcel size will vary, with buffer strip easements averaging at a size less than 10 acres and wetland restoration easements close to a 60 acre average size.

#### **B. Acquisition/Restoration Information:** **Conservation Easement Acquisition**

1. **Describe the selection process for identifying and including proposed parcels on the parcel list, including explanation of the criteria and decision-making process used to rank and prioritize parcels.** 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 which highlight the benefits of selection for permanent protection. MN CREP uses a comprehensive scoring and ranking process and applications are chosen for funding at the end of specified batching periods. Scoresheets used for the MN CREP sign-up are available upon request.
2. **List all adopted state, regional, or local natural resource plans in which the lands included in the parcel list are identified. Include a link to the plan if one is available.** This appropriation will work toward goals mentioned in the following plans: Long Range Duck Recovery Plan, Long Range Plan for the Ring-Necked Pheasant in MN, U.S. Prairie Pothole Joint Venture Plan, Minnesota Nutrient Reduction Strategy, Minnesota Prairie Conservation Plan, Minnesota Nitrogen Fertilizer Management Plan, and the Sediment Reduction Strategy for the Minnesota River Basin and South Metro Mississippi River. Several Watershed Restoration and Protection Strategy (WRAPS) reports have been completed or are currently underway that recommend a strategy of securing permanent conservation easements on private lands. The list of parcels that will be funded through this appropriation will be determined through the MN CREP scoring and ranking process, and have not yet been identified.
3. **For any conservation easement acquired, a restoration and management must be prepared. Summarize the components and expected outcomes of restoration and management plans for parcels acquired by your organization, how these plans are kept on file by your organization, and overall strategies for long-term plan implementation, including how long-term maintenance and management needs of the parcel will be financed into the future.** Easements acquired through MN CREP will involve both a CRP plan and RIM Conservation Plan. The RIM Conservation Plan identifies practice areas and maximum cost-share available for practice installation, and also includes an Operation & Maintenance Plan. The easements secured under this project will be managed as part of the MN Board of Water and Soil Resources (BWSR) RIM Reserve Program that has over 6,500 easements currently in place. Easements are monitored annually for each of the first 5 years and then every 3rd year after that. BWSR, in cooperation with Soil and Water Conservation Districts (SWCD), 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.
4. **For each parcel to be conveyed to a State of Minnesota entity (e.g., DNR) after purchase, provide a statement confirming that county board approval will be obtained.**  
Private ownership of the property continues after a RIM easement is acquired.
5. **If applicable (see M.S. 116P.17), provide a statement confirming that written approval from the DNR Commissioner will be obtained 10 business days prior to any final acquisition transaction. A copy of the written approval should be provided to LCCMR.**  
N/A
6. **Provide a statement addressing how conservation easements will address specific water quality protection activities, such as keeping water on the landscape, reducing nutrient and contaminant loading, protecting groundwater, and not permitting artificial hydrological modifications.**  
MN CREP will protect 60,000 acres of the highest priority areas across 54 counties. It will target riparian areas and marginal agricultural land, restore hydrology, increase infiltration, provide flood mitigation, and reduce nitrate loading in drinking water supplies. The primary objectives of this entire CREP are to reduce phosphorus by 19,200 pounds per year, Nitrogen by 1,220,000 pounds per year, and sediment runoff by



123,000 tons per year. This program will reduce hydrological impacts to surface waters and increase infiltration for groundwater recharge. There are 4 Conservation Practices in this CREP: CP-21 Filter Strips (buffers), CP-23 Floodplain Wetlands, CP-23a Non-floodplain Wetlands and CP-2 Wellhead Protection, all of which address water quality issues.

7. **Describe the long-term monitoring and enforcement program for conservation easements acquired on parcels by your organization, including explanations of the process used for calculating conservation easement monitoring and enforcements costs, the process used for annual inspection and reporting on monitoring and enforcement activities, and the process used to ensure perpetual funding and implementation of monitoring and enforcement activities.**

Once a RIM easement is acquired, BWSR is responsible for monitoring and enforcement into perpetuity. The BWSR partners with local SWCDs to carry-out oversight, monitoring and inspection of its conservation easements. Easements are inspected for the first five consecutive years beginning in 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 report to BWSR on each site inspection conducted and partners' staff document findings. A non-compliance procedure is implemented when potential violations or problems are identified.

Perpetual monitoring and enforcement costs have been calculated at \$6,500 per easement. These calculations were derived using the elements described in MS 103B.103. BWSR uses local SWCD staff for monitoring and landowner relations which results in considerable cost savings.

### **Restoration**

1. **Provide a statement confirming that all restoration activities completed with these funds will occur on land permanently protected by a conservation easement or public ownership.** Restoration activities will occur on lands encumbered with a RIM easement.
2. **Summarize the components and expected outcomes of restoration and management plans for the parcels to be restored by your organization, how these plans are kept on file by your organization, and overall strategies for long-term plan implementation.** Easements acquired through MN CREP will involve both a CRP plan and RIM Conservation Plan. The RIM Conservation Plan identifies practice areas and maximum cost-share available for practice installation, and also includes an Operation & Maintenance Plan. The easements secured under this project will be managed as part of the MN Board of Water and Soil Resources (BWSR) RIM Reserve Program that has over 6,500 easements currently in place. Easements are monitored annually for each of the first 5 years and then every 3rd year after that. BWSR, in cooperation with Soil and Water Conservation Districts (SWCD), 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.
3. **Describe how restoration efforts will utilize and follow the Board of Soil and Water Resources "Native Vegetation Establishment and Enhancement Guidelines" in order to ensure ecological integrity and pollinator enhancement.** BWSR policy requires following the Native Vegetation Establishment and Enhancement Guidelines for all RIM restorations.
4. **Describe how the long-term maintenance and management needs of the parcel being restored with these funds will be met and financed into the future.** BWSR provides reimbursement to the landowner for original installation and establishment work on RIM Easement sites. In special circumstances, BWSR may

cost-share for repair of any engineering structures and vegetative practices. Other than these special circumstances, any maintenance or management costs are typically borne by the landowner.

5. **Describe how consideration will be given to contracting with Conservation Corps of Minnesota for any restoration activities.** BWSR does not contract restoration activities. It is the responsibility of the landowner to contract work and follow the restoration plan. SWCDs then inspect completed work and BWSR reimburses the landowner. BWSR provides SWCDs with CCM contact information to share with landowners as they consider vendors for restoration activity.
6. **Provide a statement indicating that evaluations will be completed on parcels where activities were implemented both 1) initially after activity completion and 2) three years later as a follow-up. Evaluations should analyze improvements to the parcel and whether goals have been met, identify any problems with the implementation, and identify any findings that can be used to improve implementation of future restoration efforts at the site or elsewhere.** The easements secured under this project will be managed as part of the MN Board of Water and Soil Resources (BWSR) RIM Reserve Program that has over 6,500 easements currently in place. Easements are monitored annually for each of the first 5 years and then every 3rd year after that.