

Rum River Conservation Easements

Frequently Asked Questions

When entering into a conservation easement many questions come to mind ranging from “what are the terms and requirements of the easement” to “how will this easement and its financial gains affect my operation?” This document is not intended to answer all your questions, but it will address some of the most commonly asked questions and draw attention to issues you must examine before proceeding with a conservation easement. Soil and Water Conservation District (SWCD) staff will be able to provide you with additional information and answer questions.

What is a conservation easement?

At its simplest, a conservation easement is a set of restrictions placed on a property by a landowner who voluntarily agrees to protect specified natural resources. The restrictions—or easement—are enforced (or “held”) by the Minnesota Board of Water & Soil Resources (BWSR).

What restrictions are included in the easement?

An easement is designed to address specific resource protection needs and landowner desires on a specific property. For the Rum River RIM (Reinvest in Minnesota) Program these could include restrictions on: cropping and grazing, harvesting large amounts of trees unless approved by BWSR with a forest stewardship plan, building and sub-development rights, mining activities, and placement and condition of wells and sewage disposal systems.

What land uses are allowed with an easement?

Recreational activities including, but not limited to: hunting, fishing, trapping, trails, and hiking. Forests can still be managed according to an approved forestry management plan. Current buildings and driveways can be excluded from the easement.

What if my land is currently enrolled in the Sustainable Forest Incentive Act Program?

The land can be withdrawn from the SFIA program without penalty for a conservation easement since the easement is permanent protection of the property.

How long does an easement last?

Easements are perpetual and the restrictions are recorded with the property deed. The landowner, his or her heirs, and any future owners of the property will be required to protect the resources according to the terms of the easement. Likewise, the Board of Water and Soil Resources is required to enforce the easement terms in perpetuity.

Will I still own my property?

Yes. The fee-title owner of a property continues to own the property. The property can be sold, donated, or willed to another person in the same way as any other property; however, the easement remains on the deed.

What if I sell or transfer the land?

The terms of the conservation easement require that within 30 days of transferring the property to a different owner that you notify the Board of Water and Soil Resources.

Am I required to allow hunting and public access?

No, not unless you want to.

Who pays the property taxes on the land enrolled in a conservation easement?

The landowner is responsible for paying all taxes and any other levies and assessments that may be assessed on the enrolled land. Assessed values vary from county to county.

Is property tax adjusted on easement acres?

The decision to adjust land values are left to the discretion of the county; however, an easement does not usually result in a tax reduction.

What are the benefits of a conservation easement?

- **Land Protection:** Conservation easements are a cost-effective way to protect the natural resource values of the land
- **A Living Legacy:** Conservation easements give landowners the knowledge that their special place will remain an enduring legacy to their family and their community
- **The Common Good:** Conservation easements contribute to the common good by protecting the land and water resources that provide all of us with a great quality of life that includes clean water and habitat for fish and wildlife
- **Financial Benefit:** You will receive a **one-time** payment of 60% of the County Assessed land value for the portion of your land that is enrolled in the conservation easement

Do I have to report easement payments to the IRS?

Yes, the IRS requires the Board of Water and Soil Resources to report the entire amount of the easement payment on IRS 1099S form (reported in the year the payment was issued). You are encouraged to discuss the IRS 1099S reporting requirements with your tax preparer or an attorney.

Can I use recreational vehicles on easement acres?

Limited recreational vehicle use on land under easement is allowed. Any proposal for unlimited use, such as a traveled trail, must be addressed in the conservation plan when the easement is established and approved by the BWSR. Vegetative alteration or erosion problems caused by such activities as snowmobiling or other off-road vehicle use may result in a violation of the easement. The same restrictions apply to non-motorized activities that may damage or destroy vegetation.

Can I have food plots?

Yes. Food plots are allowed and may cover 10% of an easement but not exceed 5 acres.

Can I keep my deer stands up?

Temporary ground blinds are acceptable if they are not in place long enough to damage vegetative growth. Hunting blinds and deer stands that are elevated, or attached to a tree, and have no impact on the vegetation are allowed. Supporting posts may be dug into the ground, but no concrete, rock, or concrete pads are allowed. Posts must be maintained and in an upright position so it doesn't impact the vegetation.

Is there a minimum size for the easement?

Easements in this program should contain significant and unique wildlife habitat values. While there is no size minimum, factors such as number of acres in the easement; ownership of adjacent lands; proximity to existing habitats and public lands; and the amount of shoreline (if present), are considered to determine the quality of the easement and its priority for competitive funding.

What is the landowner's permanent coverage obligation?

All acres of the conservation easement must be protected by a permanent cover of vegetation or water. If permanent vegetation does not exist it must be established, generally with the help of cost-share funding provided by the state. Once these conservation practices are established it is the landowner's obligation to ensure that they are maintained. This obligation transfers to each new owner.

If you have additional questions or comments please feel free to contact me.

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