



Conservation Easement Acquisition Overview for Private Wetland Banks

The significant steps in the easement acquisition process are as follows, in this order:

1. Applicant submits Section 1 documents & initial \$1,000 Easement Acquisition Fee to BWSR
See the *Conservation Easement Acquisition Checklist* at the following link for additional details:
<http://www.bwsr.state.mn.us/wetland-bank-mitigation-easements>
2. BWSR performs a preliminary review of ownership information to identify potential issues
3. Applicant provides DRAFT Certificate of Survey in required format for BWSR review & comment
4. BWSR provides applicant with instructions to obtain Title Commitment
5. Applicant provides Title Commitment to BWSR for State Attorney General (AG) review & comment
6. BWSR prepares Conservation Easement document to be signed by landowner
7. Landowner signs Easement and returns to BWSR with \$2,400 Easement Acquisition Fee balance
8. BWSR sends instructions to record the Easement and issue a Title Insurance Policy
9. BWSR notifies applicant that easement acquisition process is complete

All Section 1 Documents (except for the \$1,000 check) must be submitted by email to Brittany Polzin (brittany.polzin@state.mn.us). **Please note the following important items:**

Informational Title Commitment: To reduce financial risk, applicants may wish to obtain an Informational Title Commitment early in the wetland bank application process based on a general legal description of the property. This will help to identify issues prior to completing more extensive survey and title work. When ordering an Informational Title Commitment, applicants must specify that the title be searched back to patent for all types of encumbrances (e.g. liens, utility easements, severed mineral interests, etc.) within the easement and ingress/egress parcels.

Easement Access: The State of Minnesota must have permanent legal access (ingress/egress) to the easement from a public roadway. If the easement boundary is not adjacent to a public road, the access route must be depicted and described on the Certificate of Survey. If the access route crosses another landowner's property, the legal right to access must be stated in a recorded deed or other ingress/egress agreement.

Certificate of Survey: The Certificate of Survey for the easement boundary must be prepared to meet BWSR's very specific formatting requirements, which can be found at the above listed website. BWSR recommends that all applicants/surveyors review these requirements prior to completing the easement boundary survey. This step will help to avoid additional after-the-fact survey costs at the expense of the applicant.

Title Commitment: The BWSR approved Certificate of Survey must be attached to the Title Commitment; therefore, applicants must wait to initiate title work until after obtaining BWSR's approval. Also note that Title Commitment must receive AG approval within 6 months of the "effective date" of the Commitment. Title Commitments that do not receive AG approval within 6 months will need to be updated.