

### Example WRP Easement Violation Worksheet

*Processing of violations must be conducted in accordance with Wetlands Reserve Program (WRP) statute, regulations in 7 CFR Part 1467, and policy, as provided in Title 440, Conservation Program Manual, Part 514, Subpart G, Section 514.67. This worksheet provides a template for tracking and documenting the process of evaluating potential violations and followup actions. The actions in this worksheet are not all-inclusive; therefore, where a discrepancy exists between the WRP statute, regulation, and policy and this worksheet, the statute, regulations, and policy prevail.*

Contract No.:	Violation No.:
Date of initiation:	Number of violations initiated on this date:
Description of possible violation:	
<p>Possible violations have been identified on this easement during recent monitoring. Immediately notify the State program manager responsible for WRP, who will review and assist in preparing any necessary documents and will coordinate with the regional OGC and the local office to ensure that proper violation procedures are followed. Assemble the required documentation in preparing for a site visit to determine if a violation exists, and provide copies of this information to the State program manager. Record and date all actions, correspondence, conversations, and notes on this tracking record. Proceed as instructed by the State program manager and the regional OGC.</p>	
<p>If you have determined that this potential violation is:</p> <p><input type="checkbox"/> Not a violation    <b>or</b></p> <p><input type="checkbox"/> Has already been corrected,</p> <p>then describe the conditions, and sign and date here. Return the form to the State office. No further action is required.</p>	
DC Signature:	Date:

1. Documentation checklist (list of materials needed to proceed)

Description	✓
1.1. Easement contract folder, which includes all permits and correspondence	
1.2. Copy of monitoring worksheet	
1.3. Map, noting location of possible violation, and CD of existing digital pictures	
1.4. Digital camera and GPS unit	
Notes:	

2. Schedule Onsite Inspection

2.1. Prepare a letter for the State Conservationist's signature according to the scheduling letter template.	Date letter was sent to State office:
2.2. A copy of the certified, return-receipt letter will be filed in the State office's official WRP contract folder.	Date letter was sent to landowner:
Notes:	

3. Conduct onsite inspection

3.1. Date of inspection:	Time begun:	Time ended:
3.2. Persons present		
Name		Affiliation

3.3. Locate the possible violation
3.4. Make a complete set of notes about the potential violation.
3.4.1. Use a GPS in the area to determine size and extent and record the coordinates:
3.4.2. Grass, forb, tree, and shrub species in the possible violation area:
3.4.3. Photograph and describe the area of possible violation:
3.4.4. Loss of wildlife species, dead nesting hens, disturbed nests, removed or destroyed posts, amount and effect of grazing, etc:
3.4.5. Any other pertinent site conditions:
3.4.6. Comments of landowner or others present:

4. For determining if a violation exists, the examples provided below detail activities that would be considered violations and those activities that could be permitted. In general, activities authorized by a compatible-use authorization, in the terms of the Warranty Easement Deed, or preexisting exceptions to the title that were determined acceptable, would be permitted activities if conducted in accordance with the authorizing documents. Any activities conducted by the landowner outside of their reserved rights in the Warranty Easement Deed, subject to rights title and interests conveyed to the United States, or outside of any specific acknowledgements or authorizations provided by NRCS would be considered a violation.

Certain Violations	Permitted Activities
Trash: garbage	Wildlife feeders, nesting structures, and bird and bat boxes
Equipment storage	Mowing of access routes and trails with a compatible use certificate; permanent vegetation is maintained
Unapproved cropping	Approved planting or harvesting of crops, as identified in the preacquisition crop harvest letter to the landowner or CUA <u>1/</u>
Unapproved alteration of vegetation or wetland hydrology <u>1/</u>	Approved alteration of vegetation and hydrology, as described in the Wetlands Restoration Plan of Operations or landowner-management guidelines and authorized in a CUA
Prohibited structures: Structures or buildings, temporary or permanent, that compromise maximizing wildlife habitat benefits or wetland values and functions are prohibited.	Acceptable structures include undeveloped recreational uses reserved under the warranty easement deed (including hunting equipment, such as tree stands and hunting blinds that are rustic and customary for the locale, as determined by NRCS); and platforms, walkways, and signage for the purpose of wildlife observation, hunting, education, and scientific research, when consistent with the long-term protection and enhancement of the wetland and other natural values and authorized by a CUA.
Removal of boundary markers <u>2/</u>	
Surface mining, including mining for peat or other organic materials	
Commercial seed production or harvest, commercial wild rice or cranberry production	
Development of road or another transportation system that fragments the easement, alters hydrology, or otherwise diminishes easement values	Maintenance of existing roads, as authorized by a CUA or in accordance with terms in the certificate of use and consent accepting an existing exception to title
<u>1/</u> Includes (but not limited to) such activities as creating roads, unvegetated trails, tree	

planting, haying, grazing, burning, tree removal, recreational mowing, fish pond construction, etc.

2/ Boundary markers that are missing that would be facing rivers and streams should not be considered a certain violation. These may have never been installed or may have been destroyed by a flood event. Reinstalling them would not be worthwhile due to a certain loss during a future flood event.

5. Determine if the violation may be NRCS's responsibility.

<b>5.1. Mitigating Circumstance</b>		<b>Y/N</b>
Condition was present when the easement was established.		
Verbal or written approval was given to landowner.		
Boundary markers were not placed properly, or were not placed at all.		
Other:		
Notes:		

5.2. If any of the mitigating circumstances are present, detail them here and attach supporting information.

6. Provide information gathered in steps 1-5 to State WRP program manager (who will work with regional OGC) to determine how best to proceed.

<p>6.1. If you believe that the violation is minor and may be resolved by an informal contact with the landowner:</p> <p>6.1.1. Send a letter to the landowner using the informal resolution letter template (514.108H) (preferred method) and document in the violation file.</p> <p style="text-align: center;"><b>OR</b></p> <p>6.1.2. Telephone the landowner to explain the violation and how to resolve it.</p> <p style="text-align: center;"><b>AND</b></p> <p>6.1.3. Revisit site following the response deadline, document resolution, or go to the formal violation process if unresolved.</p>	<p><b>Date and Action Taken</b></p>
<p>6.2. If the violation is major and cannot or should not be resolved informally, proceed to the formal violation process.</p>	

Notes: [Record landowner response.]

7. Begin formal violation process

7.1. Prepare a letter for the State Conservationist’s signature, according to the violation letter template (514.108I).	Date sent to State office:
7.2. A copy of the certified return receipt will be filed in the State Office’s official WRP contract folder.	Date letter was sent to landowner:
Notes:	

8. Revisit site prior to and immediately following the response deadline to see if the landowner has complied with the correction notice.

8.1. If the landowner has <b>complied</b> : Prepare a letter for the State Conservationist’s signature according to the compliance letter template (514.108J).	Date sent to State office:
8.1.1. A copy of the certified, return-receipt letter will be filed in the State office’s official WRP contract folder.	Date letter was sent to landowner:
8.2. If the landowner has <b>not complied</b> : Prepare a letter for the State Conservationist’s signature according to the noncompliance letter template(514.108K).	
8.2.1. A copy of the certified return receipt will be filed in the State office’s official WRP contract folder.	Date letter was sent to landowner:

Notes:

**For State office use**

Conclusions:

Closed: **or** Referred to OGC:

Signed:

Date: