

**Subpart P - Monitoring**

**527.0 Purpose**

To provide policy to States on easement and 30-Year Contract monitoring methods, documentation, and schedule and to provide guidance on documenting the Condition of all Stewardship Land properties in the National Easement Staging Tool (NEST).

**527.1 Background**

A. Since 1992, the Natural Resources Conservation Service (NRCS) has protected and restored over 3 million acres of wetlands, grasslands, forests, and farmlands on more than 12,000 properties through the various easement programs it administers. As a result, NRCS has a long-term responsibility to ensure the different easement program objectives are achieved and statutory requirements are met on these lands. Program-specific monitoring policy for these lands is in place to guide NRCS in meeting these responsibilities and to maintain working relationships with landowners. In addition, the Statement of Federal Financial Accounting Standards 29 (SFFAS 29) considers easements held by the United States as Stewardship Lands which must be accounted for as part of the agency's annual financial accountability reporting. The SFFAS 29 requires that the "Condition" of all Stewardship Lands be reported regularly. Therefore, monitoring procedures and policy have been revised to incorporate this additional responsibility on Stewardship Lands and to help address the significant and increasing monitoring workload on all easements and 30-Year Contracts. Additionally, NEST functionality has been added to aid States in tracking monitoring results and applicable Compatible Use Authorizations, as well as provide a report on the Condition of Stewardship Lands. The following are listings of Stewardship Lands and Non-Stewardship Lands by program enrollment types:

**NRCS Stewardship Lands**

<b>PROGRAM</b>	<b>ENROLLMENT TYPE</b>
Wetlands Reserve Program (WRP)	All easements
Emergency Wetlands Reserve Program (EWRP)	All easements
Emergency Watershed Protection Program – Floodplain Easements (EWPP-FPE)	All easements
Healthy Forests Reserve Program (HFRP)	All easements
Grassland Reserve Program (GRP)	All easements held by the United States
Farm and Ranch Lands Protection Program (FRPP)	All easements enrolled in fiscal years 2006-2008 (U.S. is a Grantee)

**NRCS Non-Stewardship Lands**

<b>PROGRAM</b>	<b>ENROLLMENT TYPE</b>
Wetlands Reserve Program (WRP)	30-Year Contracts with Tribes* 10 Year Restoration Cost-Share Agreements
Healthy Forests	30-Year Contracts*

Reserve Program (HFRP)	10 Year Restoration Cost-Share Agreements
Grassland Reserve Program (GRP)	All easements held by Cooperating Entities; All rental Agreements
Farm and Ranch Lands Protection Program (FRPP)	All easements enrolled in fiscal years other than 2006-2008 (U.S. is NOT a grantee)

\* 30-Year Contracts are treated the same as Stewardship Lands for monitoring purposes.

B. Since NRCS began administering easement programs, monitoring has been required. Monitoring policy is in place to ensure that the integrity of the easement is being maintained, that the goals and objectives for which the easement was purchased are being met, to identify actions needed, and to maintain a relationship with the landowner.

C. The monitoring schedule in the individual program manuals has been modified through this policy and will follow the "[Stewardship Lands Monitoring Schedule](#)" and supersedes the monitoring section of each program manual for Stewardship Lands. All program manuals will be updated to reflect these changes in the future.

D. The findings and results from monitoring reviews will be documented utilizing the "[Annual Monitoring Worksheet](#)." This worksheet standardizes and replaces the current individual program monitoring questionnaires. State Conservationists have the authority to expand the questions to include State-specific resource concerns.

E. The ability to consistently document, store, and track monitoring information electronically benefits both NRCS and the landowners. To address this need, functionality has been added to NEST and it will serve as the electronic database for monitoring and Compatible Use Authorization (CUA) information. For the purposes of monitoring and CUA information, this policy includes all Stewardship Lands as well as 30-Year Contracts for all programs.

F. For FRPP and GRP Non-Stewardship Lands easements where the easement is held by an entity pursuant to a cooperative agreement that requires monitoring as part of the agreement and has requirements to report compliance with the terms and conditions of the easement deed, NRCS is required to conduct onsite monitoring 1 in 5 years and complete the associated data entry in NEST. For the 4 in 5 years that NRCS does not conduct onsite monitoring, NRCS will review monitoring documents submitted by the cooperating entity for compliance and upload those documents and complete associated data items in NEST. Any non-compliance issues will be noted at that time in NEST with the appropriate action items.

G. For all FRPP Stewardship Land easements where the agency (as NRCS, the Soil Conservation Service, or the Commodity Credit Corporation), on behalf of the United States, is a holder or has other monitoring or enforcement responsibilities outlined in the easement deed, follow the guidance outlined for other Stewardship Land monitoring.

H. For the purposes of financial reporting, 30-Year Contracts are not considered Stewardship Lands and will not be reported for auditing purposes. However, due to the length of the contract and the significance to NRCS in regards to ensuring that maximum conservation value is being provided, monitoring and the associated NEST information is required.

I. The [Stewardship Lands Monitoring Schedule](#), [Annual Monitoring Worksheet](#), and reporting requirements contained in this policy, along with the automated determination of Condition, will aid States in prioritizing easements that need action. Additionally, these materials will help identify easements that are at risk for non-compliance, assist in workload planning and staffing needs, track the overall quality and status of easements, as well as ensure program objectives are achieved

and financial reporting obligations are met.

### 527.2 Policy

A. This policy provides procedures and policy for monitoring and subsequent documentation for Stewardship Lands and 30-Year Contracts for all programs. For WRP 10-Year agreements, GRP 10, 15, and 20-Year Contracts, and HFRP 10-Year agreements, follow the current manual policies utilizing CPA-13/LTP-13 Contract/Status Review forms. Information collected using the CPA-13/LTP-13 Contract/Status Review forms is not required to be entered into NEST at this time. States will conduct monitoring, through onsite monitoring, offsite monitoring, or landowner contacts according to the revised [Stewardship Lands Monitoring Schedule](#) and using the [Annual Monitoring Worksheet](#). This also includes a review of any current Compatible Use Authorizations.

B. Questions from the [Annual Monitoring Worksheet](#) have been incorporated into NEST so that they can be answered on the hard copy form and efficiently entered into NEST. The paper documentation of the completed [Annual Monitoring Worksheet](#), either field generated or computer generated, must be placed in the official administrative six-part case file maintained in the State office.

### 527.3 Condition Determination

A. Based on the responses to the [Annual Monitoring Worksheet](#) questions, the Condition of these lands will be classified into one of the following three categories:

(1) **Condition - No Action Needed**

Symbol - Green

Description: All easement terms and conditions are being met. Plan of operations or management plans are implemented and being followed. Special resource concerns such as threatened/endangered species or cultural resources are being addressed. All necessary documents such as CUAs are current, and the landowner is compliant with the terms and conditions of those documents. No encroachments or other violations are occurring.

(2) **Condition - Work Action Needed**

Symbol - Yellow

Description: There are unauthorized uses not specified in the deed that can be addressed through an administrative action such as development of a CUA (e.g., trail, grazing, food plots, etc.), a contract or plan modification, or informal landowner notification of the need for action. Examples may include temporary vegetation disturbances, improper equipment placement, or water management issues.

(3) **Condition - Violation - Action Required**

Symbol - Red

Description: There is a violation on the easement that cannot be rectified with a CUA, contract modification, or informal landowner contact. The violation has been confirmed onsite. Immediate action is required. Legal action through the USDA Office of the General Counsel may be necessary. Documentation of the violation as well as the formal process of violation rectification should begin, if not already started.

**Note:** If offsite monitoring detects a potential violation, the Condition will remain Yellow until a violation is confirmed onsite.

B. As responses from the [Annual Monitoring Worksheet](#) are entered into NEST, the Condition of the easement will be automatically generated based on those responses. The overall Condition of the easement will be based on the most serious response to the monitoring questions. For example, if an easement is in need of a CUA, a Yellow Condition determination will be generated with specific action items and reminders for follow-up. If an encroachment issue such as a permanent structure is discovered, a Red Condition determination will be generated. Only a Yellow or Green Condition determination can be generated through offsite monitoring. Red Condition determinations must be documented and confirmed through an onsite visit. The

Conditions generated by NEST will be used as the basis for meeting SSFAS 29 reporting requirements for Stewardship Lands; however, the Condition information should also be used by States to prioritize follow up and help track and enhance overall program delivery.

#### 527.4 Methods of Monitoring

A. The following monitoring methods apply to all Stewardship Lands and 30-Year Contracts:

(1) Ownership Review – An ownership review involves making landowner contact to verify ownership. No onsite visit is required. This method of monitoring is only applicable in the year immediately following onsite monitoring that did not require any administrative follow-up (such as development of a CUA), corrective actions, or have violations. Complete question 1 on the Annual Monitoring Worksheet.

(2) Offsite – Offsite monitoring is a review of the most recent aerial photography available (NAIP, high resolution, or other). In the years when offsite monitoring is conducted, a landowner contact to verify ownership and answering the basic review question: "Are the terms and conditions of the easement deed being met, i.e., no encroachment, dumping, cropping, etc.?" is required. Complete questions 1, 3 and 4 on the [Annual Monitoring Worksheet](#).

(3) Summary Review – This method is only applicable after the Stewardship Land or 30-Year Contract has been attained but before any restoration has been completed. A summary review includes a cursory onsite visit, landowner contact to verify ownership, and answering the basic review question: "Are the terms and conditions of the easement deed being met, i.e., no encroachment, dumping, cropping, etc.?" Complete questions 1, 2, 3 and 4 on the [Annual Monitoring Worksheet](#).

(4) Onsite - Onsite monitoring is the most thorough monitoring method involving a landowner contact to verify ownership, use of the most current available aerial photography, and completing an appropriate biological assessment in the field. NRCS will notify the landowners prior to each field inspection of the enrollment area and provide an opportunity to participate. Complete all questions on the [Annual Monitoring Worksheet](#).

B. States may use various methods to contact landowners to confirm ownership. Methods may include phone contact, letters, post cards, etc. Passive methods may be used such as a postcard that only needs to be returned if land ownership has changed or assistance is requested. Documentation of this contact is not required in each individual case file; however, documentation of a mass mailing is required to be maintained in a central location for a minimum of five years.

#### 527.5 Monitoring Schedule Timing

A. For easements and 30-Year Contracts requiring restoration that have not yet been implemented, monitoring using the annual summary review method will occur until the restoration has been successfully completed. The summary review may be conducted in conjunction with a contract status review if a construction contract is active.

B. In general, the 5-year cycle illustrated on the Stewardship Lands Monitoring Schedule begins with an onsite monitoring. The year immediately following an onsite monitoring, an ownership review is the only requirement for that year. Offsite monitoring is unnecessary in the year immediately following onsite monitoring because the most current available imagery is generally from the previous year, which would reflect the same conditions observed during the onsite monitoring. If the onsite monitoring or ownership review does not result in a finding or circumstance that require more frequent monitoring (Yellow or Red Condition), then offsite monitoring may be used for the next 3 years.

C. If restoration is a component of the easement, onsite monitoring is required for three years subsequent to restoration. If the restoration occurs early in the growing season, that year may be counted as year one. These onsite monitoring visits during the developmental period are some of the most critical monitoring events that will ensure that the

restoration practices have become established as planned.

D. Onsite monitoring is required 1 in 5 years at a minimum. More frequent onsite monitoring may be necessary, which may consist of either a shorter interval between onsite visits or multiple years of onsite monitoring, depending on the circumstances. Additionally, if a monitoring review via any method results in a finding requiring follow up, onsite monitoring may be required. More frequent onsite monitoring is required in circumstances including, but not limited to the following:

- (1) A Compatible Use Authorization requiring close monitoring such as grazing or a food plot.
- (2) Post-violation remediation (2 consecutive years of onsite monitoring).
- (3) A highly managed site requiring close supervision.
- (4) A significant event, such as a severe storm, that would require an inspection.
- (5) An ownership change (2 consecutive years of onsite monitoring).
- (6) A change in baseline condition (FRPP).
- (7) Sheet erosion, erosion from concentrated flow, and runoff from a heavy use area.
- (8) Detection of potential violation via an offsite monitoring or other method.

E. Our most successful easements occur when NRCS has an active and engaged relationship with the landowner. There is no substitute for frequent and direct interaction with the landowner to ensure the easement is functioning at its full potential, answer questions as they arise, address issues in a timely manner, and reinforce the provisions of the easement. Communication with the landowner is also a key to minimizing violations, so offices are encouraged to continue to prioritize this aspect of the monitoring protocol. In addition, monitoring easements at regular intervals provides NRCS the opportunity to ensure that every acre enrolled is allowed to achieve maximum conservation value.

#### **527.6 Compatible Use Authorizations**

For Stewardship Lands and 30-Year Contracts that require a Compatible Use Authorization (CUA), all current CUAs must be entered into NEST. CUAs are a critical component of easement management and may have an effect on the Stewardship Lands Condition. Entering CUAs into NEST will aid in tracking existing CUAs and result in a more accurate determination of Condition. Additionally, a current record of authorized uses on the property will save States time from having to resolve potential violations detected through offsite monitoring that are the result of a disturbance that has been authorized through a CUA. For example, if a CUA for an authorized structure has been entered into NEST, it will prevent that structure from being identified as a potential violation during offsite monitoring.