

Pre-Existing Violation Checklist for Submittal to the Easement Programs Division (EPD)

SECTION 1: BASIC INFORMATION

Landowner(s):

Easement Program:

State:

Easement Agreement Number:

Name:

Prior to obligating funds, taking any remediation actions, or deciding to allow a pre-existing violation to remain unremediated, the State Conservationist (STC) must submit the Decision Memorandum and supporting documents to the Easement Program Division (EPD) Director for review and written approval. The supporting material must include copies of all documents that the STC used to determine that the pre-existing violation predated closing the easement or was committed by a prior landowner.

This Pre-Existing Violation Checklist can be used to ensure that you have followed the protocol, included all required documentation, and addressed all required elements on the Decision Memorandum.

SECTION 2: PRE-EXISTING VIOLATION CHECKLIST

1. Have you uploaded the deed to the system of record (e.g., NEST)?	YES	NO
2. Have you completed the Violation Worksheet?	YES	NO
a. Have you included the photologs?	YES	NO
b. Have you included the maps?	YES	NO
3. Have you completed the Violation Remediation Plan?	YES	NO
a. Have you attached the necessary practice standards and specifications?	YES	NO
4. Have you included the NEPA signed by the Responsible Federal Official? (typically Form NRCS-CPA-52, but may require EA or EIS depending on the size and scale)	YES	NO
5. Have you included aerial imagery which shows the date and source?	YES	NO
6. Have you included site photos showing that the condition existed prior to closing?	YES	NO
7. Have you included copies of any documents or communications relied upon to justify your decision that the violation preexisted easement closing?	YES	NO
8. Have you included the ownership records (tax assessor or title work)?	YES	NO
9. Have you completed the Decision Memorandum (see Section 3 below)?	YES	NO
10. Are you submitting any optional supporting material?	YES	NO

SECTION 3: DECISION MEMORANDUM

1. Have you (STC) signed the Decision Memorandum?	YES	NO
2. Does the Decision Memorandum discuss each of the following required elements:		
a. How the pre-existing violation was discovered?	YES	NO
b. Reason it was not discovered prior to easement closing?	YES	NO
c. State plan to avoid similar situations in the future?	YES	NO
d. Rationale and recommendation to remediate, partially remediate, or leave in place?	YES	NO
e. Estimated cost of the remediation?	YES	NO