

### **Conservation Easement Corrective Actions Plan for Easement Compliance Concerns**

If informal negotiations have been unsuccessful and/or the easement compliance concern has not been resolved by the next year's site inspection, the SWCD should move forward with creating and sending the [Conservation Easement Corrective Actions Plan \(CAP\)](#).

The CAP should be prepared by SWCD staff with an accompanying letter signed by either the SWCD District Manager, or the Chairperson of the SWCD Board. The signatory to the letter may be determined by your office, but it is suggested that the letter come from a party with elevated authority from the party who has been the primary communicator with the landowner during informal negotiations.

In addition to easement and current landowner information, the CAP must include the following:

- 1.) Description of Compliance Concern
  - Reference specific items that are not in compliance with the requirements of the easement
- 2.) Corrective Actions Required
  - Specify the actions needed to correct each compliance concern
  - Give a deadline for the easement to be brought into compliance. This deadline is at the discretion of the SWCD but should be at least by the next year's site inspection. Use your best judgement and present a fair deadline that can be met
- 3.) A map showing the location and extent of the compliance concern(s) noted
  - Map should include an aerial photo background and the Conservation Easement boundary (easement boundary shapefile should have been reviewed by BWSR easement staff earlier in the process)
  - All compliance concerns should be clearly depicted and labeled, including acres affected in the case of crop encroachment or other widespread concerns

Additional items to prepare and include with the CAP are:

- 1.) A letter to accompany the CAP including the following: [\(Example Letter Found Here\)](#)
  - A brief summary of any prior actions or communications with the landowner regarding the compliance concern
  - The deadline given on the CAP to resolve the compliance concern, noting that the site will be re-inspected by SWCD staff after the deadline
  - A person to contact at your SWCD for additional guidance or information
- 2.) A copy of the most recent Easement Site Inspection Form
- 3.) A copy of the recorded Conservation Easement
- 4.) A copy of the most recent Conservation Plan (optional)

After the items has been complied, the CAP, letter and all attachments listed above should be sent to the landowner, via Certified Mail.

Please CC a BWSR Easement Development Specialist on this correspondence. An emailed PDF of the correspondence sent to BWSR is acceptable.

The CAP and letter do not need to be acted on by the Board, unless the SWCD or Board deem it necessary.

### **Corrective Actions Plan Follow-Up Site Inspection**

Re-inspection of the easement must take place after the deadline given on the CAP form, or when notice is given by the landowner that the compliance concern has been resolved. If not resolved, the easement will remain on the SWCDs next site inspection list.

After re-inspection, the SWCD should fill out the box on the bottom of the CAP form indicating the compliance status at the date of inspection.

If the compliance concern is resolved, check the "In Compliance" box. Sign and date the form and email a pdf of the signed copy to BWSR. Also provide a copy to the landowner. After this, the compliance concern will be considered closed, and the site will return to its normal 3-year rotation for site inspections.

If the easement is not in compliance after the CAP deadline has passed, please check the "Not in Compliance" box. Sign and date the form and email a pdf of the signed copy to BWSR. Also provide a copy to the landowner. At this point BWSR will review the form and commence the State's Corrective Actions Notice process.