



Violation Guidelines

1. **Violation Observed.** During an annual monitoring visit, Easement Program staff suspects that an activity or alteration has violated the terms of an easement. This includes violations through deterioration, neglect, irresponsible management, or inappropriate changes. If a violation is observed outside an annual monitoring visit, Easement Program staff schedules a site visit with the property owner to observe and document the suspected violation.
2. **Defining the Violation.** In determining whether a violation has occurred and the severity of any violation, the Idaho State Historical Society will primarily consider: (1) the purpose of the preservation and conservation easement, and (2) the conservation and preservation values of the property. Secondary considerations may include the identity of the violator (e.g. property owner or third party) and the intent of the violator (e.g. accidental, deliberate, or repeated). Violations may be categorized as technical, minor, moderate, or major violations. See Section K: Violations of the Easement Program Policies for more details.
3. **Review Easement Restrictions.** When a violation is suspected, Easement Program staff first review all pertinent documentation, including the easement, baseline documentation, and available inspection reports, to determine if an easement violation has occurred, its exact nature, and when it likely took place.
4. **Document the Violation.** Easement Program staff documents the violation in a Violation Report and may notify the Idaho State Historical Society's legal counsel of the suspected violation. The Violation Report is then sent to the Easement Program Committee for review.
5. **Proposed Corrective Action.** The Easement Program Committee determines a corrective action plan.
6. **Violation Letter and Report.** Within thirty (30) days of observing the suspected violation, Easement Program staff sends the property owner a Violation Letter and the Violation Report either by certified carrier or by e-mail with a request for confirmation of receipt. The Violation Letter includes the corrective action which the property owner must take to address the violation.
7. **Addressing the Violation.** For technical and minor violations, property owners have thirty (30) days to address violations from the date of receipt of the Violation Letter and Report. For moderate and major violations, Easement Program staff will work with the property owner to identify a reasonable timeline to address the violation.
8. **Completed Corrective Action Form.** Once work is complete, the property owner sends a [Completed Corrective Action](#) form along with photographic evidence that the project was completed according to the agreed upon terms. If Easement Program staff do not receive a Completed Corrective Action form or general update within the agreed upon timeframe, the Easement Program Manager will contact the property owner for an update on the project.
9. **Confirmation of Completed Corrective Action.** Once Easement Program staff receives the Completed Corrective Action form and determines that the project was completed according to the agreed-upon terms, a follow-up e-mail will be sent to the property owner (or via certified mail with return receipt requested) attesting to the satisfactory completion of the work or otherwise, as appropriate.

* All photographic evidence must be submitted in the proper format, according to the [Photograph Submission Guidance and Template](#). *If photographs are not submitted properly, the Easement Program Manager will ask the property owner to resubmit them.*