

Rhode Island Conservation Stewardship Collaborative  
**Monitoring Protocol, Version 1.1**



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**The creation of this protocol was facilitated by the  
Rhode Island Land Trust Council.**

**Project Goal:** To develop a standard protocol for monitoring fee and easement properties for use by organizations that are protecting land in Rhode Island. The protocol reflects the wide variability in existing information for protected properties (such as baseline documentation, etc.) and enables basic monitoring for every protected property.

**Project Description:** There is currently no uniform protocol for annual property monitoring on conservation land in Rhode Island, and yet monitoring is critical to ensure long term protection. This project was facilitated by the Rhode Island Land Trust Council with funding support from the Rhode Island Conservation Stewardship Collaborative. The purpose is to:

- Provide a basic understanding of the importance of annual monitoring for protected properties and some of the key issues that should be considered when developing a monitoring program.
- Provide a stepped approach that makes monitoring achievable for land trusts and other organizations that may not have a complete stewardship program or all the desired baseline documents in place for the properties they protect.
- Develop a template for a standard monitoring checklist for use by organizations that are protecting land.

Each property, and each conservation group, is unique. This protocol seeks to provide information as simply and accessibly as possible, while still maintaining standards that provide a sound foundation for defense of protected properties and ongoing stewardship, to ensure that our conservation efforts today truly can be maintained and enforced in perpetuity.

This document is provided as guidance for conservation groups in Rhode Island. It conveys no regulatory authority or endorsement. While we have made an effort to provide recommendations that reflect best management practices, land trusts seeking national accreditation should refer to guidelines provided by the Land Trust Accreditation Commission (<http://www.landtrustaccreditation.org/>).

### **Acknowledgements:**

2017, Version 1.1 (by Carol Lynn Trocki)

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2015, Version 1.0 (by Carol Lynn Trocki)

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### **What is monitoring?**

Monitoring is the regular, systematic, reliable and well-documented inspection of a protected property to detect changes and to ensure the property is being used in accordance with any legal restrictions placed upon it (through a conservation easement, deed to development rights, conservation restriction, or similar legal agreement) or with the conservation intent of the organization that owns the land.

While monitoring guidelines often focus on the legal requirements for monitoring conservation easements, regular monitoring of your fee-owned land is equally critical for sound stewardship. In some cases fee-owned land will not carry any legal restrictions, and you will be monitoring against your own mission statement, conservation intentions, or specified management goals for a given property. Either way, your interest in demonstrating a commitment to protecting the conservation values on a given piece of land is essentially the same.

### **Why monitor?**

- To develop and maintain landowner relationships: These relationships are important and can be especially valuable if issues arise on any given property in the future. Landowners like to know that the people responsible for protecting their property are dedicated to following through with the commitments that have been made. Annual monitoring demonstrates your commitment and reliability to the landowners working with you. When your organization owns a property, maintaining relationships with abutting landowners is also important to build good relationships and prevent future problems.
- To discover changes in ownership and/or use: It is easy to assume that you will know when land changes hands, but sometimes these transactions happen quickly and without notification. Because you will be making contact with landowners as part of the annual monitoring process, this is a great “check-in” to make sure that your landholder records are correct and current.
- To ensure conservation values are protected and the easement is being upheld: Your primary responsibility is to uphold the commitments you have made to protect each piece of land in your care. Annual monitoring documents and confirms that this commitment is being fulfilled. The monitoring process is a critical tool for uncovering minor and major infractions. Sometimes landowners may not be as intimately familiar with the specifics of the conservation easement on their property as you might wish. Regular inspection can help detect minor infringements so that they can be addressed before they become more serious. As land changes hands, new owners may not share the same values as the original conveyor, and this early detection process can become even more important.
- To uncover violations: Your organization has a legal commitment to enforce conservation restrictions. Every effort should be made to prevent violations from occurring, but also to detect and address them if and when they do.
- To avoid going to court: In some cases, escalation to legal defense can be avoided if clear documentation makes it possible to resolve issues outside of court.
- To establish a record in case of future defense needs: In the unfortunate case that you need to defend a conservation easement or your property rights in court, your position will be

strengthened by documentation showing that you have made every reasonable effort to execute the duties and commitments you have made. Maintaining annual monitoring records creates proof of this accountability.

- To ensure safety and authorized uses on fee-owned land: If there is any human activity occurring on your fee-owned properties (be they publicly accessible or otherwise) you are responsible for providing a reasonable degree of oversight to ensure safety and permissible use. Additionally it is important to monitor for encroachment by neighboring property owners and illicit or unauthorized uses such as garbage dumping, use of ATVs, or unpermitted hunting that may compromise your stewardship goals.

**The most important thing is to start monitoring!** Even if you don't have all of your baseline documentation in place, start now with a plan towards building and improving your program. If you can't do everything at once, start with an assessment of the properties at greatest risk. Visit all of your properties annually in at least a cursory fashion and work towards more thorough investigations. Document what you do – even if it isn't as thorough now as you'd like, at least you know where you stand. Make sure you create a record of your efforts, however cursory, in case you need to rely on it in the future.

**Who monitors?** Board members, staff, volunteers, consultants, partner organizations or a combination of these stewards...

**Some factors to consider when selecting monitors:**

- Consistency of monitor between years: The first visit to a property takes some additional time to both 1) become familiar with the geography of the property and 2) become familiar with the baseline document, conservation easement and other relevant documents that exist for the property. When you can arrange to have the same monitor visit a particular property year after year your monitoring process will move more efficiently and painlessly and the results will be more consistent.
- Impartiality of monitor (owner, abutter?): Since part of monitoring is to uncover any undesirable actions taking place, it is important that the person engaged in this process can maintain impartiality. In some cases an abutter with an emotional investment in the protected property will more readily volunteer as a monitor. This may or may not influence their impartiality, and will likely require a judgement call on behalf of the program coordinator. Impartiality of monitors should be a point of active consideration and discussion.
- Training and reliability: Monitors need to be trained, vetted, and supported in their tasks. While the job is not overly complicated, you will be relying on your monitors to comprehensively and consistently complete the task assigned. Sending an untrained or unreliable monitor into the field can create many potential problems in the future.
- Degree of complication – conservation values assessment, access, use, and restrictions: The properties under your auspices will likely be of varying complexity. If your monitoring team has a varied level of experience, be smart about assigning the right monitors to the right properties. Consider using your most experienced board members or staff for especially large, active or complex properties.

### **Skills a monitor should have:**

- Ability to understand and interpret conservation easements and supporting documents: Monitors do not need to be trained attorneys, but should have a working familiarity with the types of documents they are likely to encounter.
- Navigation and map reading: Especially on large or heavily wooded properties, it is critical that you trust your monitor to collect information from the correct locations.
- Good observation skills and diligent note-taking: Since there are a myriad of possible violations, you will be trusting your monitors to make judgement calls about what needs to be reported back to the program coordinator. Make sure you choose people who will be able to bring back an accurate report of what they observe in the field, even if it does not fit the standard items listed on the monitoring form.
- Represent your organization professionally: Your monitors will potentially be interacting with landowners, abutters and/or the public while ‘on duty’ monitoring a property, and so should be a positive ambassador for your organization.
- Good judgement and ability to follow procedure: Your monitors are there to directly observe the property you have committed to protecting. If a possible infringement is discovered, the role of a monitor is to gather as much information as is reasonable and report that back to the program coordinator so that the appropriate procedure for response can be initiated. The monitor is not there to talk with the property owner about a suspected violation nor to enforce the easement. You need to be confident in their ability to exercise good judgement in staying within the confines of their monitoring task.

### **What is involved in assembling a team of qualified monitors?**

Choosing the individuals to conduct your annual monitoring program will likely depend on your organization’s size, scope, and structure. Will you use board members? Staff members? Volunteers? Contracted support? Develop an agreement with a partner? Any of these options are viable and many organizations use a combination, however it is important that all individuals acting as monitors receive uniform training and materials so that your records are complete and the process is conducted in a consistent manner among properties and years. Make sure that clear instructions are provided and that property-specific materials are reviewed with new monitors in advance of their first site visit. Consider establishing a written monitoring procedure that outlines the process in use by your organization so that you can be certain everyone involved has a shared understanding of your goals (see resources below for examples). A written procedure will also help to establish credibility for your monitoring program should you ever need to defend or enforce an action in court in the future when the individuals involved now may or may not be available to represent themselves.

### **Issues your monitoring program should address:**

- Identifying monitors: Who are they? If you have none, how are you going to find them? Board members, staff, volunteers, outside consultants or agreements with a partner organization are all viable options.
- Training monitors: Will you develop an in-house training program? Will you bring in a consultant to conduct a training, or is someone in your organization in a position to do so? Will you partner with a neighboring land trust to train your monitors together on the same day? Will existing monitors train new monitors? You should provide your monitors with any monitoring protocols or other instructions established by your organization, appropriate monitoring check sheets, contact information for the land owner, and contact information

for the monitoring program coordinator or appropriate individual to whom monitors are asked to report.

- Providing property specific information to monitors: Do you have (digital or hard) copies of all relevant property documents to distribute to monitors for review in advance of site visits? Pertinent property-specific documents include, as available: conservation easement or deed restrictions, a baseline documentation report, survey plan, plat map or other maps showing property boundaries and/or boundaries of the conservation area, management plan or any existing management restrictions, information about parking/site access, and the previous year's monitoring reports.
- Determining frequency and timing of monitoring: Monitoring should occur at least annually on each property. It may be easier to access heavily wooded or especially wet properties during the leaf-off season, but snow can be a complicating factor in some years. Think about what other human uses are occurring on the property that might influence timing for effective monitoring: agricultural activities, hunting, landowners who are present only seasonally.
- Maintaining contact with landowners (before, during, and after monitoring): For properties that are protected by an easement, the landowner should be notified in advance of monitoring. Create a protocol for ensuring that no one is surprised by the visit. Who will contact the landowner to notify them about your plan to monitor the property? It is also a good idea to follow-up after the visit as part of your strategy to maintain a positive relationship with your landowners. The landowners most likely to be productive partners in conservation are those that have good understanding of your work and an active investment in your organization.
- Developing a consistent monitoring form or checklist for use on site visits: Two template monitoring checklists are included with this protocol: a "short form" and a "long form" which may be more useful for complex properties. Your organization can add items to the forms as you deem appropriate. It is important to remember that these completed checklists will serve as your record about the state of the property at the time of the monitoring visit. These documents may need to be interpreted in the future by someone who was not present at the time the site visit was conducted. A sheet of signed notebook paper that says "everything looks okay" is not very informative and does not sufficiently represent the effort you have put into your monitoring process. Make sure you send your monitors out with a check list that is sufficiently detailed to capture the full scope of the conditions they find on your property or conservation easement.
- Storing and maintaining monitoring reports: Completed monitoring forms are the recorded proof of your fulfillment of your monitoring obligations. They may be called upon in the future for legal proceedings. Make sure that your organization is prepared to store and maintain them in a safe, consistent and appropriate long term manner.
- Responding to issues and concerns – To whom do monitors report? Who follows up? Monitors are your eyes-and-ears on the ground, and are not there to confront or enforce any potential violations they observe. A clearly established chain of communication should be established in your organization, so that any problems that the monitors encounter get reliably reported to the right person to address the issue in a timely manner. Based on your organization, monitors may report to a program coordinator, a stewardship committee, a stewardship committee chair, a senior staff person, a board member, or the whole board. Any of these solutions may be appropriate, but it is important that everyone knows what the system is in advance, so that potential violations can be further investigated and acted upon



in a consistent and clearly defensible manner. A system should be put in place to track the issues that arise and means for resolving them.

#### **Summary of the steps in the monitoring process:**

1. Identify/recruit and train monitors
2. Have monitors get familiar with each property they are monitoring – location, easement restrictions, stewardship files, previous issues
3. Make landowner contact before monitoring
4. Gather documents (including monitoring form or checklist), camera, flagging tape, GPS etc.
5. Conduct site visit (see below and templates attached)
6. Complete and submit documentation from the monitoring visit, including: monitoring form/checklist (signed), photos, any additional notes on access, property status or concerns
7. Staff/Committee/Board follow-up to address issues identified during the monitoring: elevate to appropriate response level, address concerns
8. Follow up with landowners

#### **Monitoring checklists**

Attached you will find two templates of checklist forms for monitoring site visits. The ‘short form’ provides prompts for critical information that should be included in any monitoring program. The ‘long form’ provides a greater degree of information gathering for more complex properties. Remember, whatever form you choose, monitoring records need to be clear, consistent and defensible. At a minimum, a monitoring site visit should include record of:

- Property identification (file name, plat/lot, street address)
- Date and duration of inspection
- Identity of monitor and any persons accompanying
- Was the landowner contacted in advance? How and when?
- Was the landowner (or a representative) present during the site visit?
- Note the documents reviewed prior to the monitoring visit: baseline document, conservation easement, maps, etc.
- Description of the area observed – entire property walked? Were all boundaries accessible and identifiable?
- Notation of changes (permitted or in question) since last monitoring visit or from what is recorded in the baseline document.
- Conditions of observation and method used (under 2 feet of snow, walked all bounds vs. visual overview vs. drive by, etc.)
- Observations relative to restrictions, reserved rights, and conservation values
- Photos (with location) and notes describing any possible encroachment, unauthorized use, or other issue

***For properties with restrictions held by the United States of America, Natural Resources Conservation Service (NRCS) or receiving funding through NRCS, additional monitoring may be required. Contact the District Conservationist for the county in question for more information. A list of staff contact information can be found on their website: <https://www.nrcs.usda.gov/wps/portal/nrcs/site/ri/home/>***

### **Is additional monitoring needed?**

While a regular, annual monitoring program requires effort to employ, the benefits can far outweigh the costs. In some cases, additional monitoring outside of your regularly scheduled effort may be advantageous to reduce risk. Consider monitoring at greater frequency when:

- Land is changing hands
- Land use is changing or specific permitted projects are moving forward
- Specific restrictions or high levels of activity heighten risk
- Property that has lots of abutters
- Property has especially heavy use and/or public access

### **What if I don't have baseline documentation for my properties?**

Many organizations lack baseline documentation for protected properties. While baseline documentation provides the solid foundation needed for sound stewardship, monitoring, and enforcement efforts, if you don't have it, you don't have it. Start where you are. Begin monitoring now, even if you don't have all of your documentation in place. Craft a plan for addressing your baseline documentation needs that is reasonable and achievable for your organization. (The Rhode Island Stewardship Collaborative's [Baseline Documentation and Inventory Protocol, Version 2](#) has a list of resources and model documents that can help).

### **How do I locate the boundaries of a protected parcel?**

Identifying and marking the boundaries of conservation land is important for effective monitoring. Ideally, each property you own or have a legal interest in protecting will have a survey plan and boundaries that are marked in the field. This allows you to be confident that your monitoring observations are taking place in the correct locations. The need for marked boundaries can be especially important in settings with a high number of abutters or situations where encroachment issues are a particular concern. When marked boundaries do not exist, you can use aerial photography and stationary landmarks to approximate as best you can. However, be aware that, should a potential violation or encroachment issue occur, a survey may be needed to resolve the situation.

### **Additional considerations for fee-owned land:**

Regular monitoring of fee-owned lands, especially those allowing public access, can help alert you to stewardship concerns, potential hazards, or liability risks before they become serious. Regular monitoring also sends the message that your land is cared for and watched over, which can often go a long way to discouraging undesirable activities in the first place.

### **Some additional general considerations:**

- Cultivating good landowner and abutter relationships can support your monitoring program by generating organizational support (donors and volunteers), reducing violations, and increasing awareness about what 'protected' really means.
- Formal and informal monitoring are not the same – make sure you have a standardized, regular program in place that includes consistent, defensible documentation of your efforts.
- Aerial photography and satellite imagery do not take the place of on-the-ground annual visits, but can be a helpful resource for planning and tracking changes in land use over time – use it!



- Lots of new technology is available to streamline this process... check out the Land Trust Alliance learning center, webinars and various online resources for suggestions. There are several low-cost smartphone apps (such as Theodolite and Track Kit) that can be used to record GPS locations on photographs. Fulcrum can be a useful tool for creating online forms to gather spatial data, with the benefit of built in cloud storage and the potential to sync photos and video to monitoring records.

## **Additional Resources**

### **Monitoring Templates**

#### **Rhode Island Land & Water Partnership Resource Library**

<http://www.landandwaterpartnership.org/library.php>

#### **Pertinent Guidance from the Land Trust Alliance, Highlighting Key Points:**

Land Trust Alliance Standards and Practices (2004)

Standard 11: Conservation Easement Stewardship > Practice 11C > Easement Monitoring

- Properties monitored at least annually
- Monitoring documentation collected

Standard 12: Fee Land Stewardship > Practice 12D > Monitoring Land Trust Properties

- Boundaries are marked
- Monitoring occurs regularly

**Land Trust Alliance Resources ([www.lta.org](http://www.lta.org)):** examples on '[The Learning Center](#)' (requires LTA membership for access)

- Conservation Easement Stewardship (2008) by Renee J. Bouplon and Brenda Lind
- Caring for Land Trust Properties (2008) by Hugh Brown and Andrew Pitz