

# 2013 Land & Water Summit

## Workshop F Monitoring and Effective Management of Conservation Easements

Speaker: Clarkson A. Collins, South Kingstown Land Trust

### 1. Program Design.

- **The South Kingstown Land Trust is a Private Land Trust established in 1983. It currently has over 2,600 acres of open space under protection in 150 separate acquisitions, fifty (1/3) of which are conservation easements, and the remainder are owned in fee. Many of our fee properties in turn have conservation easements in favor of State, Local, or Federal partners. SKLT has a membership of approximately 700 families or individuals.**
- **I will speak first about our monitoring program as it's designed, and then some of our experiences in enforcement.**
- **Our Management Area Map shows the distribution of our holdings across South Kingstown, with file numbers identifying each property. We have divided the 150 properties into eleven separate monitoring areas to make it easier for our monitors to visit parcels in the same geographic areas. In this way the monitors get an overall familiarity with the neighborhoods they are active in, and they become quite familiar with each property they visit, thus gaining sensitivity to the changes going on in each property over time.**
- **Our monitoring program is designed to visit and report, and record the conditions on each one of our properties a minimum of once a year.**
- **We conduct the Monitoring Blitz using thirty to forty volunteer members on a single day in early spring. This time of year provides optimum visibility on site, as most of our properties are wooded, and landmarks such as stone walls, streams, and water bodies are more visible. Spring also has the advantage avoiding the hunting season.**
- **The Headquarters of the program is at the "Barn" at Weeden Farm in Matunuck, where SKLT staff provide the participants with folders for each property containing a generalized map of their monitoring area, a GIS aerial photo map showing the individual property, written directions to the best point of entry, and a data sheet to fill out. Also provided is a list of the deed restrictions applicable on the property for the monitors must check for compliance. SKLT staffers man telephones in case monitors run into problems during their visits.**

- **Monitors are sent out in crews of three for added security and ease, with one person recording, and one getting bearings with a compass, the other taking photos. In general 3 to 4 photos are considered enough, unless a violation or some other item of interest is found. Crews are supplied with SKLT identification badges.**
- **Owners of eased properties are given written notice by mail at least a week prior to the visit. This has a dual benefit—the monitors are less likely to be chased off the property by the owner, and the owner is reminded that the conservation easement is in force.**
- **Our experience is that the program takes about 3 to 4 hours to complete. At the end of the day, monitors return to the Barn with their data recorded, and are invited to share a warm meal and their experiences.**

## **2. Program Results**

- **Over the past five years of operation we are happy to report that there has been very little evidence of serious violations on the 50 easement properties. The most common are signs of dirt bike use in woodland areas, leaf dumping in more developed neighborhoods, and scattered trash along the road ways.**
- **In three cases children (probably with the assistance of the handy parent) have built small tree-houses. In two cases our staff arranged for the violators to remove them, and in one case the house was so dilapidated that it was left alone.**
- **Surprisingly, our fee properties seem to receive more unwelcome use than our easement properties.**
- **One property in Kingston was subject to persistent and destructive ATV use. This problem was ultimately solved with the persuasive cooperation of the Town police department, when we could demonstrate where the ATV had come from by following tracks in the snow. With other properties we have not been so lucky; On two of our largest properties dirt bikers and ATV-ers continually breach boundary walls and create trails. Staff continues to post no trespassing signs and rebuild the walls without much success.**

- **One of our most difficult issues was a neighbor knowingly building a cantilevered house addition over a property line. We responded to the problem by having a registered land surveyor stake our property line, and then we notified the neighbor that we would take legal action to have it removed. The violator removed the addition.**
- **Some violators have earned our grudging admiration. At our Yawgoo Pond site we have had to take down skillfully crafted wigwam shelter, stone fire places, and the beginnings of a tree-house that encompassed four trees. It's too bad we can't redirect these to land protection.**

### **3. Final Thoughts:**

- **Protecting 150 isolated parcels from the adventurous youth, or scheming, thoughtless adults can be an enormous task. SKLT has dedicated a considerable amount of its resources the defense and upkeep of our properties.**
- **Presently, many of our properties are yet to be properly surveyed. Absent exact, visible bounds any land protection effort will be compromised. We rely heavily on town-generated GIS versions of tax assessor's maps, which the town will readily admit are only for the purposes of taxation, and not considered authoritative. In four cases SKLT has had to spend thousands of dollars to establish via a class I survey whether our property lines are being respected. In two of the cases our concerns were justified, the other two we shouldn't have had to worry.**
- **Another concern for monitoring and enforcement resides in the legal documents that define the easement. Many of the easements are overly restrictive and appear to thwart any attempt at reasonable management, while other easements harbor contradictions or vagueness that are launch pads for litigation. In two cases SKLT has been drawn into the middle of disputes over permissible land uses on easement properties. We hope that these will not have to be litigated to be solved.**