



## Conservation Easement Monitoring Practices

The Prairie Enthusiasts (TPE) ensures the integrity of each conservation easement entrusted to it, maintains good landowner relations, and gives guidance for effective natural land management. Accordingly TPE crafts and administers well written easement documents and annually visits and inspects each easement property. Such regular monitoring enables TPE to detect a potential easement violation in its infancy before it becomes detrimental to the property and threaten its conservation values. The monitoring report serves as TPE's record in the event of court action. Annual contacts with the landowner serve to guide best land management practices of the conservation values, encourage cooperation and ethical land use, and help answer questions pertaining to the easement.

TPE follows these practices:

- Draft clear and enforceable conservation easement language.
- Draft baseline documentation that thoroughly describes the conservation values.
- Obtain funds to support annual monitoring and enforcement of each conservation easement.
- Conduct yearly monitoring of each conservation easement.
- Maintain organized and detailed records of all easements and monitoring activities.

### **Easement language:**

Subject only to the exceptions set forth in the following paragraph, each conservation easement that TPE accepts will be initially drafted based on the Wisconsin state conservation easement model. Using this model each conservation easement will be initially drafted to meet the specific needs of each property and landowner. Each prohibition and reserved right will be clearly written and unambiguous. Areas of special consideration, such as building sites, will be described in detail and in measurable standards so that any violation is readily detectable. Specific reserved rights that TPE feels may impede upon the conservation values will require TPE approval.

If the easement is located in a state other than the state of Wisconsin, and if the governing agency in that state has adopted a conservation easement model for that state, then the easement that TPE accepts will be initially drafted based on the conservation easement model of that state.

### **Baseline Documentation Report:**

Every easement document includes a baseline documentation report which displays in detail the present condition and conservation values of the underlying property. Each report shall include at a minimum the following:

- The physical characteristics of the land, building and structures.
- Visual inspection for hazardous waste; certification by TPE and the original grantor.
- Photographs showing the features of the property with descriptive text and each paged initialed by preparor and grantor.

- Maps showing aerial photography, location of photographs, topographic relief, and the property in reference to the surroundings. The map showing the location of photo sites will be referenced to the photographs of the property and will be referenced with GPS locations detailing projection of the data.
- A management plan approved by TPE's stewardship committee.
- Additional information of property features as necessary or obtained such as a copy of the plat of survey; title search report, and/or title insurance.

### **Easement Stewardship Fund:**

TPE will request from each original grantor of a conservation easement a donation to the easement stewardship fund. The purpose of the fund is to provide money to finance monitoring, administration of the easement and enforcement of easement restrictions.

### **Monitoring workbook:**

After an easement document has been recorded and returned to the TPE office from the county recorder, TPE assembles a monitoring workbook. The original document will be kept in a safe deposit box, and a copy will be the base of the monitoring workbook. The monitoring workbook includes: index, easement summary, easement document, legal description, baseline documentation report, monitoring index, a monitoring plan, and all successive monitoring reports.

An easement summary includes: original landowner information, current landowner contact information, the date recorded, address of the easement property and road directions, and identification by page and paragraph numbers of the easement document showing prohibited and reserved rights.

A monitoring index states who monitored the easement, and when the monitoring report was written.

A monitoring plan states how each easement should be monitored and all items that need to be addressed during the inspection visit including conservation values, management plan implementation, items that may require TPE approval, reserved rights, encroachment, trespassing, dumping, or erosion. The monitoring plan may change based upon the annual monitoring reports or additional information such as management plan implementation, violations, reserved rights exercised, or natural changes to the land. The monitoring plan will be updated accordingly.

### **Monitoring Practices:**

TPE monitors all easements annually. Additional monitoring such as an occasional drive by the property, phone call, or conversation with the owner of the underlying land can support but not replace the regular annual monitoring visit. The annual inspection of the property will be on-site, supplemented by aerial inspections as appropriate.

If the conservation easement monitor is a TPE volunteer, the person must be trained by a TPE staff member or TPE land protection committee member. The training will include a review of the TPE conservation easement monitoring practices, specifically going through the on-site monitoring steps, as well as the monitoring workbook, and TPE violation policy. This will provide the details of the landowner and conservation easement to be monitored, proper ways to address questions from the landowner, how to

report a potential violation if one is suspected, and how to finish the conservation easement monitoring report.

**Aerial monitoring** will be by inspection of aerial photographs of the property as available. Photographs may be obtained from sources such as county or state GIS Departments, the local Natural Resource Conservation Service, or any other state agency or non-governmental organization. All aerial monitoring will be conducted in accordance with the monitoring plan, followed by a monitoring report filed in the monitoring workbook.

**On-site monitoring** will be used by TPE to ensure easement compliance and good landowner relations. Each easement will be monitored during the time of year when it is most appropriate to observe conservation values. All regular monitoring will include the following activities:

- **Contact the easement landowner** by mail and then follow up by telephone to fix a time to visit the site. Encourage the landowner to participate in the site visit. In some instances there may be more than one contact for a visit, such as children, spouses, or a caretaker/manager.
- **Review the monitoring workbook.** Review the easement document, noting particularly the conservation values and the reserved rights and prohibitions. Review the baseline documentation of the initial conditions and features of the property. Review the monitoring plan and previous monitoring reports to track areas of special concern, any changes such as violations, exercised reserved rights, or natural succession.
- **Prepare for the monitoring visit.** Be equipped with all supplies needed for a property visit. Include a monitoring report form for field notes, copy of a map showing previous or desired photo locations to visit, and a copy of previous photographs as needed; GPS unit with photo locations downloaded for easy location; compass, camera, clip board with paper for notes, and a cell phone.
- **Conduct the monitoring visit.** Traverse the land with the landowner whenever possible. Follow the monitoring plan, observe any areas of concern, and document all photos with description and location. After the site visit is complete invite and answer any questions the landowner may have, and express thanks and appreciation for the landowner's cooperation. Do not complete the monitoring report field notes while with the landowner, but rather do it after off-site as soon as possible.
- **Complete the monitoring report.** Complete the field notes and landowner questions immediately after the visit and finish the monitoring report as soon as possible. Prepare the site map showing documented photo locations. Attach the photos referenced to the map with proper description. When all information is completed, file the report in the monitoring workbook and fill out the monitoring index.
- **Follow up with the landowner.** Write to the landowner and include a copy of the monitoring report. Photographs should not be included, but are available upon request. In the letter acknowledge and thank the landowner, answer any questions, and state whether the property was found in compliance with the terms of the conservation easement. File a copy of the letter in the appropriate TPE correspondence file and in the monitoring workbook.

**New landowner contact:**

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Ownership of the underlying land will change from time to time. Through annual monitoring and maintaining a good relationship, the majority of new landowners should be identified in a timely manner. Other methods for identifying changes in ownership include returned correspondence, informal checking of the property by TPE through a realtor, deed registries in the local papers or at the recorder's office, and review of newly published plat books.

When a new landowner has been identified, TPE will contact the new landowner and a representative of TPE will schedule a meeting to acquaint the new landowner with the details of the conservation easement. A copy of the easement document and of TPE's conservation easement monitoring practices will be given to the new landowner.